Village of Delia

LAND USE BYLAW

DRAFT

March 2026

Village of Delia
Gateway to the Handhills

Palliser
Regional Municipal Services

Placeholder Page

For Signed Bylaw

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PART A – THE APPROVALS PROCESS

1 ADMINISTRATION

1.1 TITLE

1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Village of Delia.

1.2 PURPOSE

1.2.1 The purpose of this Bylaw is to direct the orderly, economic and beneficial ***development*** and ***use*** of land within the Village of Delia in accordance with the vision of the Village of Delia Municipal Development Plan. This is achieved through this Bylaw by regulating and controlling ***development***, or where necessary, prohibiting ***development*** without infringing on the rights of individuals for any public interest except to the extent that is for the overall greater public interest.

1.3 APPLICATION

1.3.1 This Bylaw shall apply to the whole of the Village of Delia being all lands and ***buildings*** contained within its corporate limits.

1.3.2 No person shall commence any ***development*** within the Village of Delia except in conformity with this Bylaw.

1.3.3 Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted statutory plan, including the Municipal Development Plan, Intermunicipal Development Plans and Area Structure/Redevelopment Plans.

1.3.4 No ***development*** shall be undertaken within the Village of Delia unless an application for it has been approved and a ***development permit*** has been issued except for those items listed in **Section 4 Development Not Requiring a Development Permit**.

1.4 EFFECTIVE DATE AND TRANSITION

1.4.1 The Village of Delia Land Use Bylaw 632-2018, as amended, is hereby repealed and will cease to have effect on the day this Bylaw comes into force. This Bylaw comes into force upon third reading.

1.4.2 An application for a ***subdivision***, ***development permit*** or amendment to this Bylaw submitted prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Village of Delia's Land Use Bylaw 632-2018, as amended.

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1.5 OTHER LEGISLATIVE REQUIREMENTS

1.5.1 In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation, bylaw or policy, licensing or permitting regime, or approval process. The applicant is also responsible for complying with the conditions of any caveat, covenant, ***easement***, or other instrument affecting a ***building*** or land.

1.5.2 The Village of Delia is not responsible for nor does the Village of Delia have any obligation whatsoever to determine what other legislation may apply to a ***development***, nor to monitor or enforce compliance with such legislation.

1.6 NON-CONFORMING BUILDINGS AND USES

1.6.1 ***Non-conforming buildings*** and ***non-conforming uses*** shall be treated in accordance with the *Act*, and any amendments thereto.

1.6.2 A ***non-conforming building*** may continue to be used, and the ***building*** may be enlarged, added to, rebuilt or structurally altered, if at the discretion of the ***Development Authority***, the alterations do not substantially increase the extent of non-conformance and are within all other requirements of the Bylaw.

1.6.3 Nothing in this Bylaw diminishes or in any way affects the power of the ***Development Authority*** to issue a ***development permit*** which makes a ***non-conforming building*** conforming through the granting of a relaxation of the requirements or rules to which the existing ***building*** does not conform.

1.7 SEVERABILITY

1.7.1 In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

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2 RULES OF INTERPRETATION

2.1.1 Where a word is used in the singular, such a word may also mean plural.

2.1.2 Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.

2.1.3 Where a word is used in the present tense, such a word may also mean the future tense.

2.1.4 The word "person" includes a corporation as well as an individual.

2.1.5 The words "shall" and "must" require mandatory compliance except where a variance or relaxation has been granted pursuant to the *Act* or this Bylaw. "May" means a choice is available, with no particular direction or guidance intended.

2.1.6 Words, phrases, and terms not defined in this Bylaw may be given their definition in the *Act* or the *Safety Codes Act*. Other words shall be given their usual and customary meaning.

2.1.7 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; and "and/or" indicates the items may apply singly or in combination.

2.1.8 For ease of reference:

(a) words that are **Capitalized** and **Bold** denote uses defined in **Part E Definitions**;

(b) words that are ***italicized*** and ***bold*** denote general terms defined in **Part E Definitions**;

(c) words that are *italicized* reference federal or provincial legislation or regulations thereunder; and

(d) all other words must be given then plain and ordinary meaning as the context requires.

2.1.9 All units of measure contained within this Bylaw are metric (SI) standards and are rounded to the nearest decimal place. For the purpose of convenience, the following conversion factors are provided:

Metric	Imperial
1 square metre (m^2)	10.8 square feet (ft^2)
1 hectare (ha)	2.47 acres (ac)
1 kilometre (km)	0.6 mile (mi)
1 metre (m)	3.3 feet (ft)
1 centimetre (cm)	0.4 inch (in)
1 millimetre (mm)	0.04 inches (in)
1 kilogram (kg)	2.2 pounds (lb)

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3 ADMINISTRATIVE AGENCIES

3.1 DEVELOPMENT APPROVAL AUTHORITIES

3.1.1 The ***Development Authority*** shall exercise powers and perform duties on behalf of the ***Municipality*** in accordance with the *Act*.

3.1.2 The ***Development Authority*** is:

(a) the ***Development Officer*** while carrying out their functions or duties under this Bylaw and/or the *Act*;

(b) the ***Municipal Planning Commission*** while exercising development powers or duties under this Bylaw and/or the *Act*; or

(c) where the context of this Bylaw permits in Direct Control Districts, the ***Council***.

Development Officer

3.1.3 The office of the ***Development Officer*** is hereby established to act on behalf of ***Council*** in those matters delegated by the Bylaw and in such matters as ***Council*** may instruct from time to time.

Municipal Planning Commission

3.1.4 The ***Municipal Planning Commission***, established by Bylaw in accordance with the *Act*, shall perform such duties as are specified in this Bylaw.

3.2 DEVELOPMENT AUTHORITY – POWERS AND DUTIES

3.2.1 The ***Development Authority*** must administer all ***development permit*** applications in accordance with this Bylaw and decide upon all ***development permit*** applications.

3.2.2 The ***Development Authority*** must refuse to accept a ***development permit*** application where the prescribed fee for a ***development permit*** has not been paid.

3.2.3 The ***Development Authority*** may refuse to deem complete a ***development permit*** application where:

(a) the information required by this Bylaw is not provided; or

(b) the quality is inadequate or insufficient to properly evaluate the application.

3.2.4 The ***Development Authority*** must make available for inspection, during office hours, all applications and decisions for ***development permits***, subject to any legislation in force.

3.2.5 The ***Development Authority*** must collect fees according to the schedule approved by ***Council***.

3.2.6 The types of ***development permit*** applications a ***Development Authority*** may consider are a development permit for:

(a) a ***permitted use*** that complies with all requirements of this Bylaw;

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(b) a ***permitted use*** that does not comply with all requirements of this Bylaw;

(c) a ***discretionary use*** that complies with requirements of this Bylaw; and

(d) a ***discretionary use*** that does not comply with all requirements of this Bylaw.

3.2.7 The ***Development Authority*** must issue the following notices and acknowledgements on ***development permit*** applications:

(a) notice of complete application;

(b) notice of incomplete application;

(c) notice of decision; and

(d) notice of refusal/deemed refusal of an application.

Development Officer

3.2.8 The ***Development Officer*** shall:

(a) receive, consider and decide on an application for a ***development permit*** for those ***uses*** listed as ***permitted uses*** for the relevant Land Use District which:

i. comply with the minimum standards; or

ii. otherwise comply with the minimum standards, but require relaxation of any measurable standard in accordance with 3.3.2;

(b) receive, consider, and decide upon applications for **Home Occupations**; and

(c) receive, and refer with recommendations to the ***Municipal Planning Commission*** for its consideration and decision, any application for a ***development permit*** which has been assigned to it for consideration and decision.

Municipal Planning Commission

3.2.9 The ***Municipal Planning Commission*** shall decide on an application for:

(a) those ***uses*** listed as ***discretionary uses*** (excepting applications for **Home Occupations**);

(b) similar uses as described in 5.4.8;

(c) ***relocated buildings***; and

(d) those ***uses*** listed as ***permitted uses*** and requires a relaxation of any measurable standard in accordance with 3.3.3.

3.3 VARIANCE POWERS OF THE DEVELOPMENT AUTHORITY

3.3.1 The ***Development Authority*** may approve a ***development permit*** application for a ***permitted use*** or ***discretionary use*** where the proposed ***development*** does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the ***Development Authority***:

(a) the proposed ***development*** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

(b) the proposed ***development*** conforms with a ***use*** prescribed by this Bylaw for that land or ***building***.

Development Officer

3.3.2 The ***Development Officer***, at its discretion, may relax the development up to 20% of that requirement in any District.

Municipal Planning Commission

3.3.3 The ***Municipal Planning Commission***, at its discretion, may relax the development standards greater than 20% of that requirement.

3.4 SUBDIVISION AUTHORITY

3.4.1 The ***Subdivision Authority***, as established by bylaw, shall perform duties on behalf of the ***Municipality*** in accordance with the *Act*, the Land Use Bylaw and all relevant Village of Delia planning documents.

3.5 SUBDIVISION AUTHORITY – POWERS AND DUTIES

3.5.1 The ***Subdivision Authority*** must administer all ***subdivision*** applications in accordance with this Bylaw and decide upon all ***subdivision*** applications.

3.5.2 The ***Subdivision Authority*** must refuse to accept a ***subdivision*** application where the prescribed fee for a ***subdivision*** application has not been paid.

3.5.3 The ***Subdivision Authority*** may refuse to deem complete a ***subdivision*** application where:

(a) the information required is not provided; and/or

(b) the quality is inadequate to properly evaluate the application.

3.5.4 The ***Subdivision Authority*** shall:

(a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;

(b) keep a register of all applications for ***subdivision***, including the decisions therein and the reasons therefore;

(c) receive all applications for ***subdivision*** including the prescribed application fees and decide upon all applications in accordance with the *Regulation* and the Land Use Bylaw with consideration of all comments received through circulation;

(d) issue the following notices and acknowledgements on ***subdivision*** applications:

i. notice of complete application;

ii. notice of incomplete application;

iii. notice of decision; and

iv. notice of refusal/deemed refusal of an application.

v. A notice shall be issued to the applicant on the form created by the ***Subdivision Authority*** and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail;

(e) excepting ***subdivision*** applications not requiring circulation under the *Act*, to circulate applications for ***subdivision*** for comments to an ***adjacent*** municipality when the original parcel boundaries are ***adjacent*** to the municipal boundary or where an intermunicipal development plan requires;

(f) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the *Regulation*;

(g) ensure all conditions are complied with prior to endorsement to the satisfaction of the ***municipality***; and

(h) endorse Land Titles instruments to effect the registration of the ***subdivision*** of land.

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4 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

4.1.1 This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* or any other provincial or federal statute.

4.1.2 This Section does not negate the requirement of obtaining a ***business licence*** where required.

4.1.3 The following ***developments*** shall not require a ***development permit***:

(a) any ***use*** or ***development*** exempted under Section 618(1) of the *Act;*

(b) any ***use*** or ***development*** exempted by the Lieutenant Governor in Council pursuant to Section 618(4) of the *Act;*

(c) **Telecommunication Structures**;

(d) the completion and ***use*** of a ***development*** which was lawfully under construction at the date this Bylaw came into effect provided the ***development*** is completed in accordance with the terms and conditions of any ***development permit(s)*** granted;

(e) the completion of a ***development*** that did not require a ***development permit*** under the previous Land Use Bylaw and which was lawfully under construction provided the ***development*** is completed within twelve (12) months from the date this Bylaw came into effect and complies with the applicable requirements of the previous Land Use Bylaw;

(f) **Signs** located inside a ***building*** and are not visible from the exterior, or are installed on a window of a ***building***;

(g) **Signs** that state the municipal address, ***owner*** or name of the ***building***, to a maximum ***sign area*** of 0.2 m^2;

(h) **Signs** for the purpose of warning or direction;

(i) **Signs** that indicate "open", "closed", "vacancy" or "no vacancy" with a maximum ***sign area*** of 0.5 m^2;

(j) ***temporary*** **Signs** that relate to a real estate sale or a ***temporary*** event, provided the **Sign** is removed immediately following the event or sale;

(k) an official notice, **Sign**, placard or bulletin required to be displayed pursuant to provisions of federal, provincial or municipal legislation;

(l) the erection of campaign **Signs** for federal, provincial, municipal or school board elections on privately-owned ***parcels*** for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:

i. such **Signs** are removed within one (1) day after the election date;

ii. such **Signs** do not obstruct or impair vision or traffic; and

iii. such **Signs** indicate the name and address of the sponsor and the person responsible for removal;

(m) the use of a ***building*** or part thereof for a federal, provincial, or municipal election, referendum or plebiscite; and

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(n) the digging of test holes requiring less than 6.0 m^2 in surface area for exploration purposes.

4.1.4 The following ***developments*** shall not require a ***development permit***, but must otherwise comply with all other provisions of this Bylaw (example: setbacks, ***building height***, etc.):

(a) the carrying out of works, maintenance or repair to any ***building*** provided that such works:

i. do not include structural alterations that would affect any regulations in this Land Use Bylaw, or

ii. do not change the ***use*** or the intensity of ***use*** of the ***structure*** or ***building***;

(b) interior renovations to a ***building*** which do not:

i. create an additional **Dwelling Unit**, or

ii. result in the change of ***use*** or the intensity of ***use*** of a ***building***;

(c) the ***temporary*** placement or construction of a ***building***, works, plants or machinery needed in connection with the construction of a ***development*** for which a ***development permit*** has been issued for the period of those operations;

(d) the ***use*** of land for, or the maintenance or repair of works, services and **Utilities** on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities or private **Utilities** under special agreement with the Village of Delia;

(e) the erection, construction or maintenance of gates, ***fences***, walls, or other means of enclosure in accordance with this Bylaw (see **9.6 Fences**);

(f) a **Home Occupation** that meets the definition of a **Home Occupation – Minor** (see **10.5 Home Occupations**);

(g) the construction of a ***patio***;

(h) the construction or replacement of one (1) **Accessory Building** per ***parcel***, which does not exceed 10.5 m^2 in ***floor area*** and less than 2.5 m in height when listed as a ***permitted use*** in that District (see **10.1 Accessory Buildings**);

(i) the construction, maintenance and repair of private walkways, pathways, driveways, and similar works;

(j) demolition or removal of a ***building*** or ***structure***;

(k) ***renewable energy systems*** (see **9.10 Renewable Energy Systems**);

(l) **Signs** (see **10.8 Signs**);

(m) **Extensive Agriculture**; and

(n) ***electric vehicle charging station*** within a **Parking Lot** or ***parking stall*** of an approved ***development***.

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5 DEVELOPMENT APPLICATION AND APPROVAL PROCESS

5.1 APPLICATION FOR DEVELOPMENT

General Requirements

5.1.1 An application for a ***development permit*** shall be completed and submitted to the ***Development Authority*** in writing, in the form required by the ***Development Authority***, and shall be accompanied by the prescribed ***development permit*** fee and application submission requirements, including:

(a) authorization of the ***owner***;

(b) a site plan (drawn to scale) showing the following:

i. north arrow;

ii. legal description and municipal address of the ***parcel***;

iii. location and dimensions of ***property lines***, the ***parcel area*** and the required ***front***, ***rear***, and ***side yards***, if any;

iv. existing and proposed ***easements*** and rights-of-way, including dimensions and type of ***easement***, if applicable;

v. the location and dimensions of all existing and/or proposed ***buildings*** on the ***parcel*** and the measured distance to ***property line***;

vi. location of any existing or proposed ***structures*** including utility poles, retaining walls, ***fences*** and **Signs** and the measured setbacks to ***property lines***;

vii. identification of existing and proposed ***roads*** or ***lanes*** that will provide access to the ***parcel***;

viii. any provision for ***off-street parking stalls*** and ***loading stalls***; and vehicle entrances to and exits from the ***parcel***; and

ix. existing site ***grades*** at the corners of the ***parcel***, and at the corners of ***existing*** and proposed ***buildings***;

(c) statement of existing and proposed **Utility** services (i.e. on-site or municipal);

(d) statement of the current and proposed ***use*** of the lands;

(e) the estimated dates of commencement and completion; and

(f) the presence of abandoned oil and gas wells in accordance with the *Regulation*.

Additional Information

5.1.2 The ***Development Authority*** may also require additional information in order to assess the conformity of a proposed ***development*** with this Bylaw before consideration of the ***development permit*** application shall commence. Such information may include, but is not limited to:

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(a) current copy of Certificate of Title, and copies of any restrictive covenants, **Utility** rights-of-way, ***easements***, or Village of Delia caveats registered on the Title(s);

(b) floor plans, elevations, and section drawings;

(c) written rationale supporting any requested variances;

(d) samples or representations of exterior ***building*** finishing materials and/or colours;

(e) photographs showing the ***parcel*** in its current state;

(f) in the case of a proposed ***relocated building***, information relating to the age and condition of the ***building*** and its compatibility with the District in which it is to be located, including photographs of the ***building***;

(g) a Real Property Report, prepared by an Alberta Land Surveyor, showing the location and distances of any existing ***buildings***, waterbodies, trees or other physical features on or ***adjacent*** to the ***parcel*** being developed;

(h) stormwater management, grading or landscaping plans, prepared by a ***qualified professional***;

(i) an assessment by a ***qualified professional*** of any potential flooding or subsidence or ***slope stability*** hazard that may, in the sole opinion of the ***Development Authority***, affect the subject ***parcel***;

(j) a traffic impact assessment prepared by a ***qualified professional***;

(k) a plan showing the proposed ***development*** in relation to future phases of ***development*** on the ***parcel***;

(l) where a proposal is considered to have a significant environmental impact, the ***Development Authority*** may request the applicant to have an ***environmental evaluation*** or report prepared and submitted or undertake its own environmental evaluation regarding the proposed ***development***, at the cost of the applicant; and

(m) a copy of an application made and the approval given in relation to a ***development*** under 619 of the *Act*, or any other Provincial or Federal approval.

5.1.3 Notwithstanding 5.1.1 and 5.1.2, at the discretion of the ***Development Authority***, additional information, plans or reports may be required to adequately render a decision on an application.

Applications for Home Occupations

5.1.4 An application for a **Home Occupation** must contain information concerning:

(a) a description of the nature of the business;

(b) the number of resident and non-resident employees proposed to work on the ***parcel***;

(c) the location of any materials or goods to be kept or stored;

(d) a floor plan of the **Dwelling Unit** showing the area to be used for business purposes; and

(e) an estimate of the number of client visits or deliveries to be expected on a daily basis.

Applications for Industrial Development

5.1.5 An application for an industrial ***development*** shall be accompanied by the following information:

(a) the type and nature of the industry;

(b) the estimated number of employees;

(c) the estimated water demand and anticipated source;

(d) the type of effluent and method of treatment;

(e) the source and level of sounds to be created;

(f) the source, type, and strength of odours to be created;

(g) the hours of operation of the facility;

(h) transportation routes to be used (rail and road); and

(i) means of solid waste disposal.

5.2 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

5.2.1 Within the timeframe specified in the *Act*, a notice of complete or incomplete application shall be issued to the applicant on the form created by the ***Development Authority*** and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail.

5.2.2 The time period referred to in 5.2.1 may be extended by an agreement in writing between the applicant and the ***Development Authority***.

5.2.3 If the ***Development Authority*** does not issue a notice referred to in 5.2.1 above within the required time the application is deemed to be complete.

5.2.4 If the ***Development Authority*** determines the application is incomplete, the ***Development Authority*** must issue to the applicant a notice that the application is incomplete and clearly indicate the outstanding documents and information to be submitted by the date set out in the notice agreed to between the applicant and the ***Development Authority***.

5.2.5 If the applicant fails to submit all the required outstanding information and documents on or before the date referred to in 5.2.4, the application is deemed to be refused.

5.3 NOTICE OF APPLICATION AND APPLICATION REFERRAL

5.3.1 The ***Development Officer*** may refer for comment any matter or any application for a ***development permit*** to any agency or authority it deems necessary.

5.3.2 Applications for ***development permits*** on ***parcels*** within an area covered by an Intermunicipal Development Plan shall be referred to the other municipality for review and comment in accordance with the requirements of the Plan.

5.3.3 The ***Development Authority*** may refer to an ***adjacent*** municipality for consideration and comment any matter or any application for a ***development permit*** that relates to lands, that the ***Development Authority*** deems appropriate or necessary.

5.3.4 A notice of application or referral must state the location and details of the application being circulated, how more information can be obtained, the date comments are due by, and to whom the comments must be sent to.

5.3.5 Having received a reply on a matter referred to any person, municipality, agency, or authority, the ***Development Authority*** shall make a decision giving due consideration to the comments received.

5.3.6 After the time period identified in the circulation notice from the date of referral, the application may be dealt with by the ***Development Authority*** whether or not comments have been received.

5.4 DECISION PROCESS – DEVELOPMENT AUTHORITY

Deemed Refusal

5.4.1 At the option of the applicant, an application for a ***development permit*** may be deemed to be refused when a decision thereon is not made by the ***Development Authority*** within the timeframe specified in the *Act* unless an extension of this time period is agreed to in a written agreement between the applicant and the ***Development Authority***.

Permitted Use Permits That Meet All Requirements

5.4.2 Where a ***development permit*** application is for a ***permitted use*** in a ***building*** or on a ***parcel*** and the proposed ***development*** conforms to all of the applicable requirements and rules of this Bylaw, the ***Development Authority*** must approve the application and issue the ***development permit***. The ***Development Authority*** may impose such conditions as required to ensure compliance with this Bylaw.

Permitted Use Permits That Do Not Meet All Requirements

5.4.3 Where a ***development permit*** application is for a ***permitted use*** in a ***building*** or on a ***parcel*** and the proposed ***development*** does not conform to all of the applicable requirements and rules of this Bylaw, the ***Development Authority*** may:

(a) refuse to approve the ***development permit*** application; or

(b) approve the ***development permit*** application; and may:

i. grant a relaxation of the requirement or regulation to which the proposed ***use*** does not conform; or

ii. impose such conditions as required to ensure compliance with this Bylaw.

Discretionary Use Permits

5.4.4 When making a decision on a ***development permit*** for a ***discretionary use*** the ***Development Authority*** must take into account:

(a) any plans and policies affecting the ***parcel***;

(b) the purpose statement in the applicable Land Use District;

(c) the appropriateness of the location and ***parcel*** for the proposed ***use***;

(d) the compatibility and impact of the proposed ***development*** with respect to ***adjacent parcels*** and the neighbourhood;

(e) the merits of the proposed ***development***;

(f) the **Utility** servicing requirements;

(g) access, parking, and transportation requirements;

(h) vehicle and pedestrian circulation within the ***parcel***;

(i) the impact on the public transportation system; and

(j) sound planning principles.

5.4.5 The ***Development Authority*** may approve a ***development permit*** application for a ***discretionary use***, and may impose such conditions considered appropriate or necessary, which may include:

(a) limiting hours of operation;

(b) limiting number of patrons;

(c) establishing ***landscaping*** requirements;

(d) requiring noise attenuation;

(e) requiring special provisions be made for parking;

(f) regarding the location, character, and appearance of a ***building***;

(g) regarding the grading of a ***parcel*** or such other procedures as is necessary to protect the ***parcel*** from other ***developments*** or to protect other ***developments***;

(h) establishing the period of time during which a ***development*** may continue; and

(i) ensuring the ***development*** is compatible with surrounding ***uses***.

5.4.6 The ***Development Authority*** may refuse a ***development permit*** application for a ***discretionary use*** even though it meets the requirements and rules of this Bylaw.

Applications the Development Authority Must Refuse

5.4.7 The ***Development Authority*** must refuse a ***development permit*** application when the proposed ***development***:

(a) is for a ***use*** that is not listed as either a ***permitted use*** or ***discretionary use*** in the Land Use District; or

(b) is for a ***use*** containing a restriction in its definition that is not met by the proposed ***use***.

Similar Use Permits

5.4.8 In the case where a proposed specific ***use*** of land or a ***building*** is not provided for in any District in the Bylaw, the ***Municipal Planning Commission*** may determine that such ***use*** is similar in character and purpose to the definition of a ***permitted use*** or ***discretionary use*** prescribed for a particular District.

Temporary Use Permits

5.4.9 If an application is made for a ***development*** that is identified as ***temporary*** in this Bylaw, the ***Development Authority*** may consider and approve a ***development*** for a specific period of time, not exceeding one (1) year, unless otherwise allowed in this Bylaw.

5.4.10 Where a ***temporary development permit*** is issued in accordance with this Bylaw and the specified time period lapses, it is the responsibility of the applicant to request extension or renewal of the permit.

5.5 DEVELOPMENT PERMITS AND NOTICE OF DECISION

5.5.1 A ***development permit*** issued for a ***permitted use*** in compliance with the regulations and standards of this Bylaw, or a ***development permit*** issued by ***Council*** pursuant to a Direct Control District, comes into effect on the date that the decision is made.

5.5.2 When a ***development permit*** is approved for a ***discretionary use*** or for a ***permitted use*** in which a variance has been granted, the ***Development Authority*** shall:

(a) provide a notice of decision to the applicant of the approval;

(b) immediately post a notice of the decision prominently on the public bulletin boards in the Village of Delia;

(c) immediately mail a notice in writing to all ***owners*** of land ***adjacent*** to the subject ***parcel***;

(d) publish the notice of decision prominently on the Village of Delia's website; and

(e) issue a ***development permit*** after the appeal period has expired.

5.5.3 A ***development permit*** issued pursuant to 5.5.2 does not come into effect until twenty-one (21) days after the date the notice of decision is mailed to adjacent ***owners***. Any ***development*** proceeded with by the applicant prior to the expiry of this appeal period is done solely at the risk of the applicant.

5.5.4 The notices indicated in 5.5.2 must state:

(a) the legal description and the street address of the ***parcel*** of the proposed ***development***;

(b) the ***uses*** proposed for the subject ***development***;

(c) any discretion that was granted in the approval of the ***development***, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the ***Development Authority*** when the ***development permit*** was approved;

(d) the date the ***development permit*** was approved; and

(e) how an appeal may be made to the ***Appeal Body*** and the deadline for such appeal.

5.5.5 Where an appeal is made pursuant to **Section 6 Appeals** of this Bylaw, a ***development permit*** which has been granted shall not come into effect until the appeal has been determined and the ***development permit*** has been confirmed or modified.

5.5.6 When the ***Development Authority*** refuses an application for a ***development permit***, the notice of refusal shall be issued to the applicant. The notice of refusal shall contain reasons for the refusal.

5.6 CONDITIONS OF APPROVAL

5.6.1 Where a ***development permit*** application does not demonstrate that the proposed ***development*** conforms to all the applicable requirements of this Bylaw, the ***Development Authority*** may, as a condition of issuing the ***development permit***, require the applicant to amend specific elements of the plans to conform with the applicable requirements.

5.6.2 The ***Development Authority*** may, as a condition of issuing a ***development permit*** for a ***permitted use*** or ***discretionary use***, require the applicant to make satisfactory arrangements for the supply of

Utilities* including, but not limited to natural gas, cable, water, electric power, sewer service, or any one or more of them including payment of the cost of installation or construction of any such **Utility** or facility by the applicant.

5.6.3 The ***Development Authority*** may, as a condition of issuing a ***development permit*** for a ***permitted use*** or ***discretionary use***, require the applicant enter into an agreement with the Village of Delia to do any or all of the following:

(a) to construct or pay for the construction of a ***road*** required to give access to the ***development***;

(b) to construct or pay for the construction of:

i. a pedestrian walkway system to serve the ***development***, or

ii. pedestrian walkways to connect the pedestrian walkway system serving the ***development*** with a pedestrian walkway system that serves or is proposed to serve an ***adjacent development***, or both;

(c) to install or pay for the installation of a public **Utility** that is necessary to serve the ***development***, whether or not the public **Utility** is, or will be, located on the land that is the subject of the ***development***;

(d) to construct or pay for the construction of:

i. off-street or other parking facilities, and

ii. loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy imposed by bylaw; and

(f) to give security to ensure that the terms of the agreement under this Section are carried out.

5.6.4 The Village of Delia may register a caveat pursuant to the provisions of the *Act* and the *Land Titles Act* in respect of an agreement under Subsection 5.6.3 against the Certificate of Title for the land that is the subject of the ***development***. Said caveat shall be discharged when the agreement has been complied with.

5.6.5 The ***Development Authority*** may attach conditions to a ***development permit*** which may include adherence to engineering standards, the completion of any required reports and studies, phasing requirements.

5.7 REAPPLICATION FOLLOWING DEVELOPMENT PERMIT REFUSAL

5.7.1 Pursuant to the *Act*, in the case where an application for a ***development permit*** has been refused pursuant to this Bylaw or ultimately after appeal to an ***Appeal Body***, the submission of a subsequent application for a ***development permit*** on the same ***parcel*** and for the same or similar ***use*** of the land by the same or any other applicant may not be accepted by the ***Development Authority*** for at least six (6) months after the date of the previous refusal.

5.7.2 5.7.1 does not apply in the case of an application that was deemed to be refused under 683.1(8) of the *Act* or 5.2.5 of this Bylaw.

5.8 PERMIT SUSPENSION

5.8.1 After the issuance of a ***development permit***, a ***Development Authority*** may suspend or revoke a ***development permit*** in writing to the applicant at any time:

(a) where the ***development permit*** was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or

(b) where the ***development permit*** was issued in error.

5.9 COMMENCEMENT AND COMPLETION OF DEVELOPMENT

5.9.1 If the ***development*** authorized by a ***development permit*** is not commenced within twelve (12) months from the date granted or carried out with reasonable diligence the ***development permit*** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the ***Development Authority***. The extension request must provide reasons for the request.

5.9.2 If the ***development*** authorized by a ***development permit*** is not completed within two (2) years of the date of issue or as otherwise specified within a ***development permit***, the ***development permit*** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the ***Development Authority***. The extension request must provide reasons for the request.

5.9.3 For the purposes of this Bylaw, commencement includes excavation, does not include ***fencing***, or demolition on the ***parcel***, or obtaining permits.

5.9.4 The approval or issuance of a ***development permit*** does not authorize commencement of construction except in conjunction with all other required permits and conditions of the ***development permit***.

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6 APPEALS

6.1 SUBDIVISION APPEALS

6.1.1 Appeals in respect of decisions on ***subdivision*** applications are governed by the *Act* and the *Regulation*.

6.2 DEVELOPMENT APPEALS

6.2.1 Appeals in respect of decisions on ***development permit*** applications are governed by the *Act*.

Grounds for Appeal

6.2.2 An appeal may be made to the ***Appeal Body*** where a ***Development Authority***:

(a) refuses or fails to issue a ***development permit***; or

(b) issues a ***development permit*** subject to conditions; or

(c) issues an order under 8.3.1 of this Bylaw.

6.2.3 Notwithstanding 6.2.2, no appeal lies in respect of the issuance of a ***development permit*** for a ***permitted use*** unless:

(a) the provisions of this Bylaw were relaxed, varied or misinterpreted; or

(b) the application for the ***development permit*** was deemed to be refused under 5.2.5.

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6.2.4 The person applying for the ***development permit*** or affected by the order, or any other person affected by an order, decision or ***development permit*** of a ***Development Authority*** may appeal to the ***Appeal Body***.

6.2.5 An appeal shall be made by serving a written notice of appeal, together with reasons for the appeal and the appeal fee as established by resolution of ***Council***, to the Secretary of the ***Appeal Body*** by the date indicated on the notice of decision or order.

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7 BYLAW AMENDMENT PROCESS

7.1 APPLICATION TO AMEND THE LAND USE BYLAW

7.1.1 ***Council*** may at any time initiate an amendment to this Bylaw.

7.1.2 Any ***owner*** of a ***parcel***, their authorized agent, or other persons having legal or equitable interest in the ***parcel*** may apply to have the Land Use District of the ***parcel*** changed through an amendment to this Bylaw, or any other proposed amendment to this Bylaw.

7.1.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:

(a) the prescribed fee;

(b) a statement of the applicant's interest in the land;

(c) a Certificate of Title for the land affected or other documents satisfactory to the Village of Delia that supports the applicant's interest in the said land;

(d) any drawings, plans or maps required by the Village of Delia showing the proposed ***use*** and/or ***development***; and

(e) any other documents as required by the Village of Delia.

7.2 REFERRALS

7.2.1 The ***Council***, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to the following agencies:

(a) Palliser Regional Municipal Services;

(b) Starland County if, the proposed amendment:

i. affects land on the boundary with Starland County; or

ii. may otherwise have an effect on Starland County; or

(c) such other persons or agencies as it considers necessary for comment.

7.3 DECISION

7.3.1 All amendments to this Land Use Bylaw shall be made by ***Council*** by bylaw and in accordance with the procedures set forth in the *Act*.

7.3.2 If an application for an amendment to this Bylaw has been refused by ***Council***, ***Council*** may not accept an application for an amendment for the same ***use*** on the same ***parcel*** for twelve (12) months from the date of the refusal.

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8 ENFORCEMENT

8.1 OFFENCES

8.1.1 Any ***owner***, lessee, or occupant of land or a ***building***, or the ***owner*** of a ***structure*** or a **Sign** thereon, who with respect to such land, ***building***, ***structure***, or **Sign**, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offence.

8.1.2 Any person who commences or continues ***development*** for which a ***development permit*** is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a ***development permit*** under the Bylaw commits an offence.

8.1.3 Any person who prevents or obstructs the ***Development Authority*** or a ***Designated Officer*** from carrying out any official duty under the Bylaw or the *Act* commits an offence.

8.1.4 A ***Designated Officer*** may enforce the provisions of the Bylaw, or the conditions of a ***development permit*** pursuant to the *Act*.

8.2 ENTRY AND INSPECTION

8.2.1 Pursuant to the *Act*, a ***Designated Officer*** may only enter land or a ***building*** for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw if:

(a) the ***owner*** or person in possession of it gives their consent to the entry; or

(b) the entry is authorized by an Order of the Court of King's Bench; and

(c) only for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw.

8.3 ORDERS

8.3.1 Pursuant to Section 645 of the *Act* where an offence under the Bylaw occurs, the ***Development Officer*** may by written notice, order the ***owner*** or the person in possession of the land or ***buildings***, or the person responsible for the contravention to:

(a) stop the ***development*** or ***use*** of the land or ***buildings*** in whole or in part as directed by the notice; or

(b) demolish, remove, or replace the ***development***; or

(c) carry out any other actions required by the notice so that the ***development*** or ***use*** of the land or ***buildings*** is in accordance with the *Act*, the *Regulation*, a ***development permit***, subdivision approval, or this Bylaw, as the case may be, within the time set out in the notice.

8.3.2 A person who receives an order referred to in Subsection 8.3.1 above may appeal to the ***Appeal Body*** in accordance with **Section 6 Appeals** of this Bylaw.

8.3.3 If a person fails or refuses to comply with an order directed to them under 8.3.1 or an order of the ***Subdivision and Development Appeal Board***, the ***municipality*** may, in accordance with Section 542 of the *Act*, enter on the land or ***building*** and take any action necessary to carry out the order.

8.3.4 Where the ***Council*** or a person appointed by it carries out an order the ***Council*** shall cause the costs and expenses incurred in carrying out the order to be added to the tax roll of the ***parcel*** of land and the amount:

(a) is deemed for all purposes to be a tax imposed under the *Act* from the date it was added to the tax roll; and

(b) it forms a special lien against the ***parcel*** of land in favour of the ***municipality*** from the date it was added to the tax roll.

8.3.5 The ***municipality*** may register a caveat under the *Land Titles Act* in respect of an order against the Certificate of Title that is subject to the order in accordance with Section 646(2) of the *Act*.

8.3.6 Nothing in this Bylaw diminishes or in any way affects the rights of the Village of Delia pursuant to the *Act*, or at common law to seek an entry order, order for compliance, injunction, or any other order to obtain compliance with this Bylaw.

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Part B – General Regulations

9 General Land Use Regulations

9.1 APPLICABILITY

9.1.1 These regulations within Section 9 General Land Use Regulations, shall apply to all ***developments*** within the Village of Delia, unless otherwise exempted.

9.1.2 Where any regulation in this Section may be in conflict with any regulation of a given **Land Use District** in Part D or the **Specific Use Regulations** in Part C, the regulation in the District or Specific Use Regulation shall take precedence.

9.2 DESIGN, CHARACTER, AND APPEARANCE

9.2.1 The design, use of materials, construction, character, location and appearance on the ***parcel*** of any ***development***, ***structure, fence***, or **Sign** in any District must be, to the satisfaction of the ***Development Authority***, compatible and complimentary with other ***developments*** in the area, unless the ***development*** is setting a new standard of design.

9.3 DWELLING UNITS ON A PARCEL

9.3.1 No person shall construct or locate more than one **Dwelling Unit** on a ***parcel*** unless it is otherwise permitted in this Land Use Bylaw.

9.4 CORNER, REVERSE CORNER, AND IRREGULAR PARCELS

9.4.1 The ***parcel lines*** and ***yards*** of ***corner parcels*** shall be determined by the following (Figure 1: Corner and Reverse Corner Parcels):

(a) the ***front parcel line*** of a ***corner parcel*** is the shortest ***property line abutting*** a ***road***;

(b) the ***exterior side parcel line*** of a ***corner parcel*** is the longest ***property line abutting*** a ***road***;

(c) the ***interior side parcel line*** of a ***corner parcel*** is the longest ***property line abutting*** another ***parcel***; and

(d) the ***rear parcel line*** of a ***corner parcel*** is the shortest ***property line abutting*** a ***parcel*** or ***lane***.

9.4.2 Notwithstanding 9.4.1 or anything else in this Bylaw, the ***Development Authority*** may determine a ***corner parcel*** to be a ***reverse corner parcel*** (Figure 1: Corner and Reverse Corner Parcels).

9.4.3 The ***Development Authority*** shall determine the ***front***, ***rear*** and ***side yards*** of a ***reverse corner parcel*** by taking into account:

(a) the general pattern and location of existing ***buildings*** on ***adjacent parcels***;

(b) the size and geometry of the ***corner lot***;

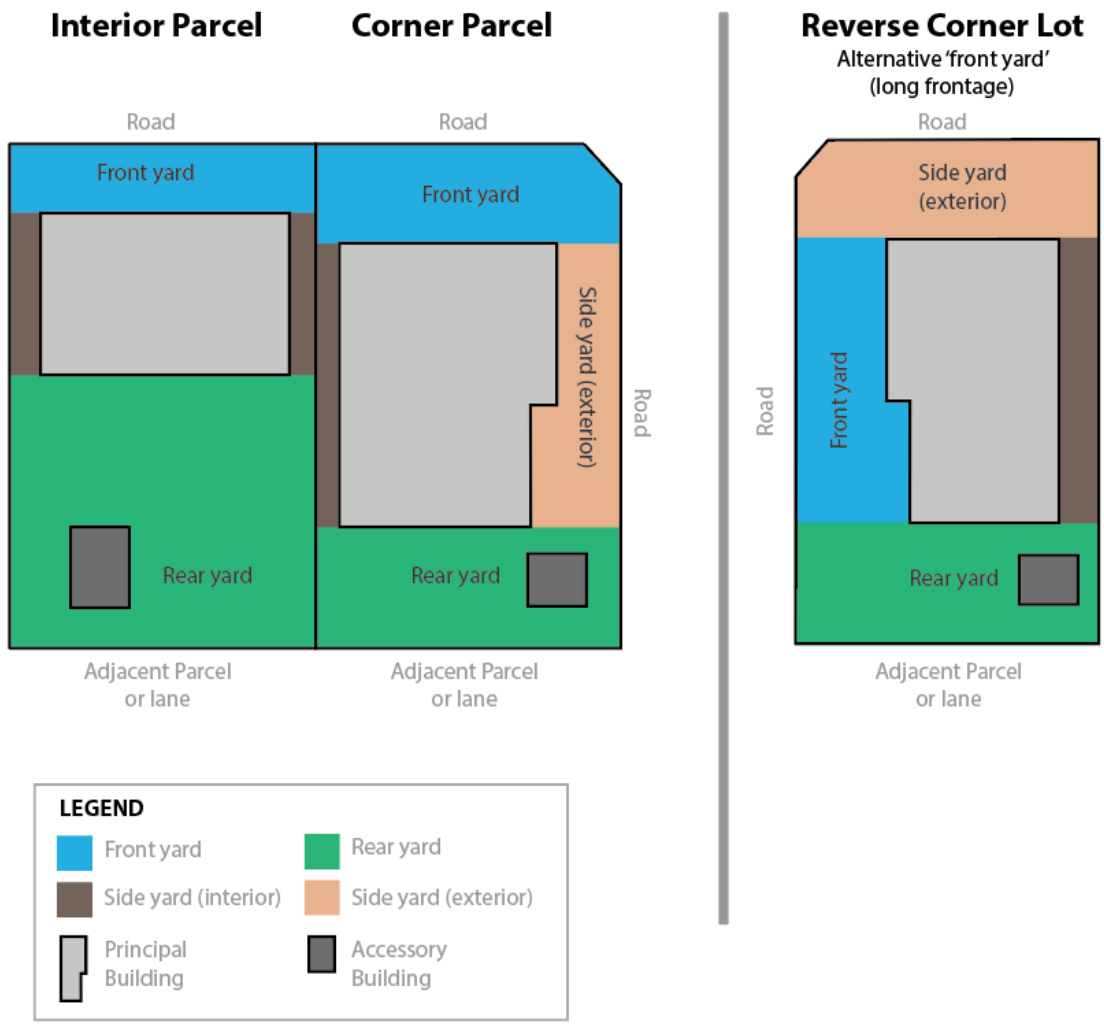
(c) the ability to create sufficient privacy on the ***parcel*** and privacy for ***adjacent parcels***;

(d) ensuring safe traffic movement at the intersection, considering the primary flow of traffic and access to the ***parcel***; and

(e) the general aesthetics, considering the location and height of ***fencing*** and hedges.

9.4.4 For ***parcels*** other than ***corner lots*** which have ***frontage*** on two ***roads***, or for ***parcels*** which are not rectangular in shape, the ***Development Authority*** shall determine the ***yard*** designations.

Figure 1: Corner and Reverse Corner Parcels



9.5 CORNER VISIBILITY SETBACK

9.5.1 Notwithstanding any other provision of this Bylaw, no person shall place or maintain any object, ***structure***, ***fence***, hedge, shrub, or tree greater than 0.9 m in height above ***grade*** in or on that part of a ***corner parcel*** or ***reverse corner parcel*** which lies within the ***corner visibility setback***.

9.5.2 No **Sign** shall be located within the ***corner visibility setback*** such that any part of the **Sign** is between the heights of 0.9 m and 4.0 m above ***grade***.

9.6 FENCES

9.6.1 In Residential Districts or a ***parcel*** with a ***principal residential use***, the maximum height above ***grade*** of a ***fence*** located within a ***yard*** shall be in accordance with Table 2: Maximum Fence Height in a Residential Yard.

Table 2: Maximum Fence Height in a Residential Yard

Yard	Maximum Fence Height from Grade
Rear	1.8 m
Interior Side	1.8 m
Front	0.9 m
Exterior Side	0.9 m

9.6.2 In Commercial and Industrial Districts, the maximum height above ***grade*** of a ***fence*** located within any ***yard*** is 2.4 m.

9.6.3 On ***corner parcels*** within the ***corner visibility setback***, ***fences*** shall be a maximum of 0.9 m in height to ensure public safety and/or good visibility for traffic and pedestrian purposes.

9.6.4 Materials used to construct ***fences*** shall be wood, brick, stone, concrete, or metal or other acceptable material to the satisfaction of the ***Development Authority*** and shall be aesthetically acceptable and in general conformity with ***adjacent development***.

9.6.5 No ***fences*** with barbed wire shall be allowed, except in the UR – Urban Reserve District. In the Industrial District, barbed wire may be allowed, but not below the elevation of 1.8 m above ***grade***.

9.6.6 No electrification of ***fences*** or razor wire shall be allowed.

9.7 YARD SETBACKS AND PERMITTED PROJECTIONS

9.7.1 In all Districts, the minimum ***yard setbacks*** do not apply to:

(a) construction wholly beneath the surface of the ground;

(b) driveways, ***parking stalls***, and sidewalks;

(c) ***fences***, ***patios***, and retaining walls; and

(d) ***landscaping***.

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9.7.2 Wheelchair ramps may be permitted to encroach into any required ***yard setback***, at the discretion of the ***Development Authority***, provided that the ramp:

(a) does not impede fire access to or around the ***building***;

(b) is complementary to and well-integrated into the existing ***building*** design; and

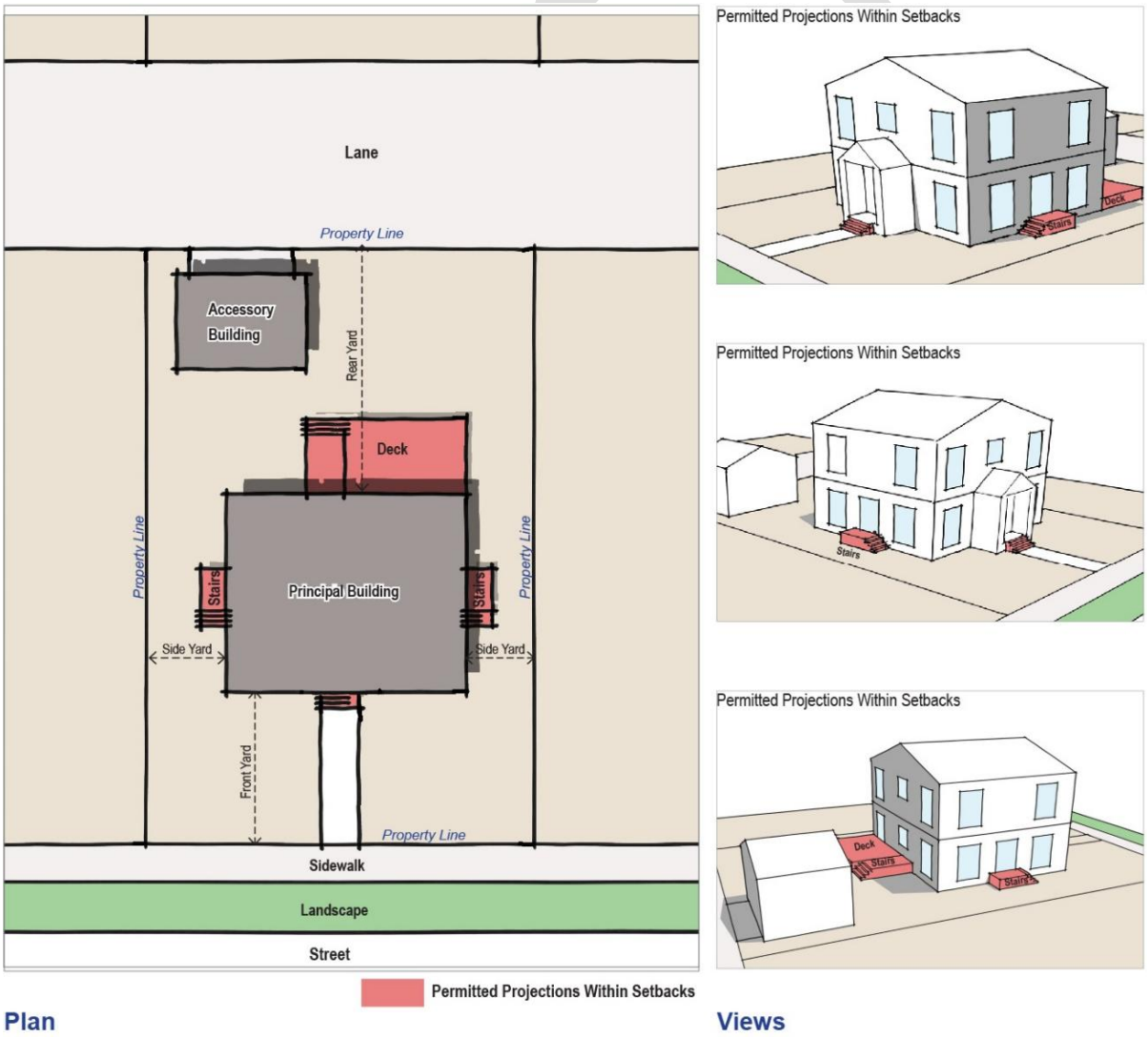
(c) does not extend beyond the ***property line***.

9.7.3 Where ***building(s)*** on the ***parcel*** are planned as a ***comprehensively planned development*** and are divided by ***condominium***, the District ***yard setbacks*** do not apply within the ***development*** but shall apply from the ***property line*** of ***abutting parcels*** or a ***road***.

Residential Projections

9.7.4 Residential ***building*** projections specified in 9.7.5 to 9.7.10 into or over a required ***yard setback*** shall not require a variance (Figure 2: Permitted Projections Into Yard Setbacks).

Figure 2: Permitted Projections Into Yard Setbacks



9.7.5 The following projections may be permitted to a maximum of 0.6 m into the required ***front yard setback***:

(a) ***eaves***,

(b) ***bay windows***,

(c) ***shade projections***, and

(d) chimneys.

9.7.6 The following projections may be permitted to a maximum of 1.8 m into the required ***front yard setback***:

(a) ***balconies***,

(b) stairways and ***landings***, and

(c) uncovered ***decks***.

9.7.7 The following projections may be permitted to a maximum of 0.6 m into the required ***side yard setback***:

(a) ***eaves***,

(b) ***shade projections***,

(c) stairways and ***landings*** greater than 0.6 m above ***grade***, and

(d) chimneys.

9.7.8 The following projections may be permitted to a maximum of 3.0 m of the required ***side yard setback***:

(a) stairways and ***landings*** no more than 0.6 m above ***grade***.

9.7.9 The following projections may be permitted to a maximum of 2.0 m into the required ***rear yard setback***:

(a) ***eaves***,

(b) ***balconies***,

(c) ***bay windows***,

(d) ***shade projections***, and

(e) chimneys.

9.7.10 The following projections may be permitted to a maximum of 3.0 m into the required ***rear yard setback***:

(a) stairways and ***landings***, and

(b) uncovered ***decks***.

9.8 LOADING

9.8.1 A minimum of one (1) ***loading stall*** shall be required per non-residential ***building***, unless it can be otherwise demonstrated to the ***Development Authority*** that loading can reasonably take place on

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the ***parcel*** without a dedicated ***loading stall***, or that it can be shared amongst multiple ***developments*** and/or tenants to minimize the number of ***loading stalls*** required.

9.8.2 ***Loading stalls*** shall be designed in accordance with the following:

(a) a minimum of 3.5 m wide and 10.0 m in length, and no less than 4.3 m overhead clearance; and

(b) access to the space shall be such that no backing and turning movements of vehicles cause interference with traffic on the ***adjacent roads*** or ***lanes***.

9.9 RELOCATED BUILDINGS

9.9.1 Notwithstanding **Section 4 Development Not Requiring a Development Permit**, a ***development permit*** shall be required for a ***relocated building*** to any ***parcel*** in the Village of Delia as part of the ***development*** of a ***permitted*** or ***discretionary use***.

9.9.2 A ***development permit*** for a ***relocated building*** may include conditions of approval that:

(a) the ***building*** and the proposed location of the ***building*** meets the requirements of the Land Use District in which the ***building*** is to be located;

(b) the ***building*** is compatible with the character of the neighbourhood in which the ***building*** is to be relocated to; and

(c) the ***building*** be renovated to a satisfactory condition within a specified time.

9.10 RENEWABLE ENERGY SYSTEMS

9.10.1 ***Renewable energy systems*** attached to a ***principal building*** or **Accessory Building** shall:

(a) not extend above the peak of a roof; and

(b) not project above a roof by 1.5 m at any point.

9.10.2 ***Renewable energy systems*** that are freestanding must meet the height and ***setback*** regulations for an **Accessory Building** within the applicable Land Use District.

9.10.3 ***Renewable energy systems*** shall not generate noise, in the opinion of the ***Development Authority***, which affects the amenity or enjoyment of an ***adjacent residential use***.

9.11 SITE GRADING AND DRAINAGE

9.11.1 ***Parcel grades*** and ***building*** elevations shall be established to ensure effective drainage and prevent drainage from one ***parcel*** to another, except where drainage conforms to an approved ***subdivision*** drainage plan.

9.11.2 The ***owner*** of a ***parcel*** shall be responsible to ensure that ***grading*** is maintained over time to provide effective drainage. Where maintenance of a common drainage swale or path at a ***property line*** is required, the responsibility of maintenance lies with the ***owners*** of both ***parcels***. Where a drainage swale or path is established within an ***easement*** or right-of-way on a ***parcel***, swale grades shall be maintained, and the swale shall be kept free of any obstructions.

9.11.3 Where retaining walls are necessary or proposed in any ***development***, such walls shall be developed with professional quality and shall not negatively affect ***abutting parcels*** due to site elevations or drainage.

9.12 VEHICLE ENTRANCES AND EXITS

9.12.1 Vehicle entrances and exits shall be located at least 6.0 m from the corner along a ***property line*** at the intersection of two (2) or more ***roads***.

9.12.2 The ***Development Authority*** may require that entrances and exits for vehicles be separate, one-directional, and/or adequately signed.

9.13 UTILITY SERVICES AND INFRASTRUCTURE

9.13.1 The ***Development Authority*** must confirm there is adequate sewage collection, treatment and disposal, water supply treatment and distribution, stormwater collection and storage, and ***road*** capacity necessary to serve a ***development***.

9.13.2 A ***development*** shall not be permitted if the ***development*** is not served by:

(a) the municipal sewer and water system; or

(b) at the discretion of the ***Development Authority***, a provincially approved private system.

9.13.3 Where a proposed ***use*** may release contaminants or other deleterious substances into the municipal sewer system, the ***Development Authority*** may require an applicant to submit plans and reports prepared by a ***qualified professional*** to evaluate the potential impact on the sewer system and propose mitigations.

9.13.4 The ***Development Authority*** may require a fats, oil and grease (FOG) interceptor, an oil and grit separator or other such interceptor, and/or a test manhole to be installed where a ***use*** may release contaminants or other deleterious substances into the municipal sewer system.

9.13.5 Stormwater run-off shall be contained on-site or disposed of in a manner acceptable to the Village of Delia and/or as required in a stormwater management report prepared by a ***qualified professional***.

9.14 COMPREHENSIVELY PLANNED DEVELOPMENTS

9.14.1 A site plan must be provided for all ***comprehensively planned development*** applications. The site plan must clearly identify private roads, pedestrian walkways, common areas and ***buildings***, garbage and waste storage areas or ***buildings***, ***visitor parking stalls***, and the boundaries of **Dwelling Unit** plots.

9.14.2 All private roads in a ***comprehensively planned development*** shall have a minimum width of 6.0 m and be constructed to the satisfaction of the ***Development Authority*** for emergency access and egress.

9.14.3 Internal pedestrian walkways shall have a minimum width of 1.5 m and be surfaced to the satisfaction of the ***Development Authority***.

9.14.4 ***Visitor parking stalls*** shall be provided in the ratio of one (1) ***parking stall*** for every four (4) **Dwelling Units**. ***Visitor parking stalls*** shall be dispersed throughout the ***comprehensively planned development*** and clearly identified.

9.14.5 A minimum of 10% of the ***parcel area*** of a ***comprehensively planned development*** shall be set aside for an outdoor common ***amenity area*** or recreational use.

9.14.6 One (1) identification **Sign** may be located at each entrance from the ***road*** to the ***comprehensively planned development***. The maximum ***sign area*** is 2.9 m^2 and maximum ***sign height*** is 1.8 m.

9.14.7 A screened ***outdoor storage*** area may be provided for vehicles and equipment such as trucks, ***recreational vehicles***, travel trailers, snowmobiles, and boats, at a location and in a manner satisfactory to the ***Development Authority***.

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Part C – Specific Use Regulations

10 Specific Use Regulations

This Section of the Land Use Bylaw contains regulations for specific land uses, as listed below.

Quick Links – click on the links below to jump to each section:

10.1	**Accessory Buildings**
10.2	**Accessory Dwelling Units**
10.3	**Auto Body Shop**
10.4	**Bed and Breakfast**
10.5	**Home Occupations**
10.6	**Manufactured Dwellings**
10.7	**Short-Term Rental**
10.8	**Signs**

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10.1 ACCESSORY BUILDINGS

General Rules for All Accessory Building Types

10.1.1 **Accessory Buildings** must be secondary and subordinate to the ***principal building*** or ***principal use*** on the same ***parcel***.

10.1.2 The determination of whether a ***use***, ***building***, or ***structure*** is considered accessory shall be at the discretion of the ***Development Authority***.

10.1.3 An enclosed ***structure*** which is attached to the ***principal building*** by a roof, a floor, or a foundation is not an **Accessory Building** and is to be considered part of the ***principal building***.

10.1.4 An **Accessory Building** shall not be used as a **Dwelling Unit** unless approved in accordance with the **Accessory Dwelling Unit** provisions of this Bylaw.

10.1.5 The maximum height of an **Accessory Building** shall be 4.6 m.

10.1.6 No **Accessory Building** shall be located in the ***front yard*** of a ***parcel***.

10.1.7 The minimum ***setbacks*** of an **Accessory Building** shall be 1.0 m from a ***side parcel line*** or a ***rear parcel line***, except on a ***corner parcel*** or a ***reverse corner parcel***, the minimum *setback* from an ***exterior side parcel line*** shall be no less than the minimum ***exterior side yard setback*** for the ***principal building***.

10.1.8 No person shall construct or permit the placement of an **Accessory Building**, or group of **Accessory Buildings**, such that, individually or collectively, the total ***floor area*** of the **Accessory Building(s)** would:

(a) along with the ***principal building***, exceed the maximum ***parcel coverage***;

(b) exceed the ***floor area*** of the ***principal building*** on the ***parcel***; or

(c) exceed 15% of the ***parcel area***.

Additional Rules for Accessory Buildings – Fabric Covered

10.1.9 **Accessory Buildings – Fabric Covered** shall be:

(a) ***setback*** a minimum of 3.0 m from any ***structure*** or equipment that contains open flames (i.e. fire pits or other open flame accessories);

(b) kept in good condition and the fabric not frayed or damaged; and

(c) fully enclosed with closable doors on the ends.

10.1.10 **Accessory Buildings – Fabric Covered** must not:

(a) exceed one (1) **Accessory Building – Fabric Covered** per ***parcel***;

(b) be connected to any **Utilities**;

(c) exceed 20.5 m^2 in ***floor area***; and

(d) be used in a manner that would cause or create a nuisance by way of noise, vibration, or dust to impact the privacy and enjoyment of ***adjacent residential uses*** or the amenities of the neighbourhood.

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10.1.11 A ***development permit*** for an **Accessory Building – Fabric Covered** may be ***temporary*** with a specified maximum time limit for up to two (2) years.

Additional Rules for Accessory Buildings – Shipping Container

10.1.12 An **Accessory Building – Shipping Container** is prohibited in all Residential Districts, except:

(a) where is it listed as a ***permitted use*** or a ***discretionary use***; or

(b) for construction storage during the period of construction for which a valid ***building permit*** has been issued.

10.1.13 The ***Development Authority*** may require the exterior surface of an **Accessory Building – Shipping Container** be finished, or ***screened*** from public view, to the satisfaction of the ***Development Authority***.

10.1.14 An **Accessory Building – Shipping Container** shall not be used as a ***structure*** for installing or displaying a **Sign**.

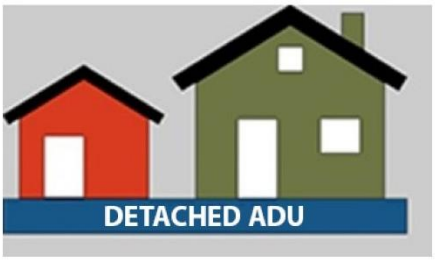
10.2 ACCESSORY DWELLING UNITS

10.2.1 An **Accessory Dwelling Unit** may be developed only in those Land Use Districts where it is listed as a ***permitted use*** or ***discretionary use***.

10.2.2 A maximum of one (1) **Accessory Dwelling Unit** is allowed per ***parcel***.

10.2.3 An **Accessory Dwelling Unit** must not be separated from the ***principal residential use*** on a ***parcel*** by the registration of a ***condominium*** or ***subdivision***.

Accessory Dwelling Units – Detached



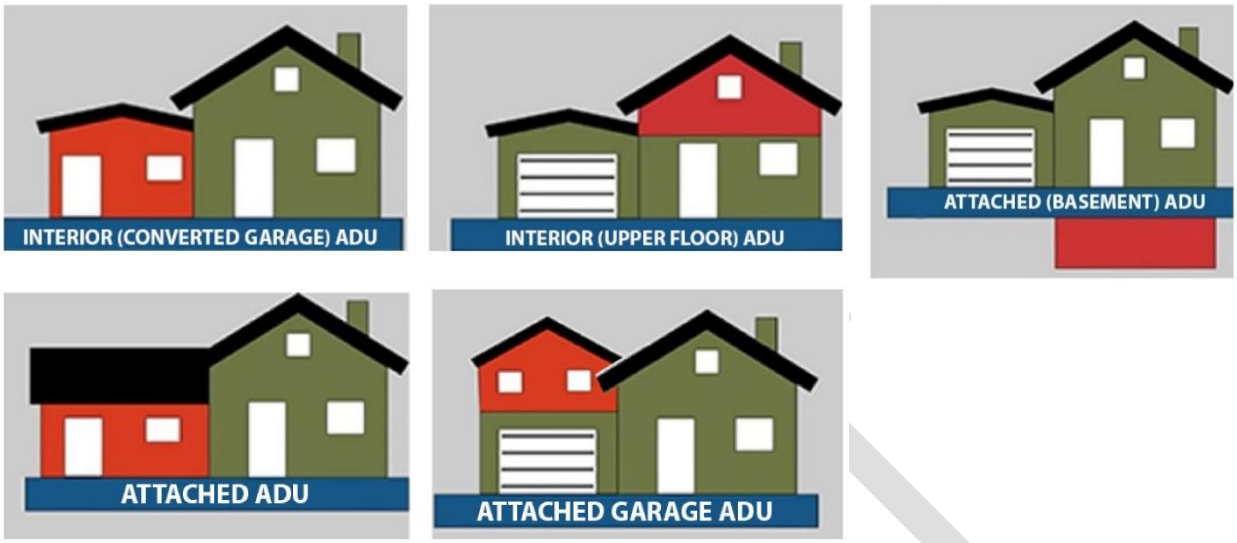
10.2.4 An **Accessory Dwelling Unit – Detached** shall not be located in the ***front yard*** of a ***parcel***.

10.2.5 The minimum ***setbacks*** of an **Accessory Dwelling Unit – Detached** shall be 1.0 m from **a *side parcel line*** and 1.5 m from a ***rear parcel line***, except on a ***corner parcel*** or a ***reverse corner parcel***, the minimum ***setback*** from an ***exterior side parcel line*** shall be no less than the **minimum *exterior side yard setback*** for the ***principal building***.

10.2.6 The maximum ***floor area*** of an **Accessory Dwelling Unit – Detached** shall not exceed 80.0 m^2, excluding any internal area for stairways and ***landings*** or common areas that are accessible and intended to be used by residents of both **Dwelling Units**.

10.2.7 Where an **Accessory Dwelling Unit – Detached** is located on the second ***storey***, the maximum ***building height*** shall be 6.0 m and shall not exceed the height of the ***principal building***.

Accessory Dwelling Units – Attached



10.2.8 The maximum ***floor area*** of an **Accessory Dwelling Unit – Attached** shall not exceed 40% of the ***gross floor area*** of the ***principal*** **Dwelling Unit** or 80.0 m^2, whichever is the lesser. Internal areas for stairways and ***landings*** or common areas that are accessible and intended to be used by residents of both **Dwelling Units** shall not be included in the ***floor area*** of the **Accessory Dwelling Unit**.

10.2.9 Notwithstanding 10.2.8, where an **Accessory Dwelling Unit – Attached** occupies:

(a) the ***basement*** within a one-***storey*** **Detached Dwelling**; or

(b) the second ***storey*** of a two-***storey*** **Detached Dwelling**;

the **Accessory Dwelling Unit – Attached** may occupy a maximum of 50% of the ***gross floor area*** of the ***building***.

10.3 AUTO BODY SHOP

10.3.1 All ***buildings*** and ***outdoor storage*** areas related to the **Auto Body Shop** must be oriented on the ***parcel*** to minimize any potential adverse effects on ***adjacent uses***.

10.3.2 An **Auto Body Shop** may include ***outdoor storage*** and activities associated with the ***use*** located outside of a ***building*** provided those areas of the ***parcel*** are ***fenced*** to a height of 2.4 m, and the ***fence*** is a solid ***fence*** of either metal or wood, designed and constructed to the satisfaction of the ***Development Authority***.

10.4 BED AND BREAKFAST

10.4.1 A **Bed and Breakfast** shall:

(a) not provide cooking facilities in guest rooms;

(b) not change the residential character or external appearance of the ***building***; and

(c) have a maximum of four (4) guest rooms.

10.4.2 A maximum of one (1) **Sign** for a **Bed and Breakfast** may be displayed.

10.4.3 The ***Development Authority*** may issue a ***temporary development permit*** for a **Bed and Breakfast**.

10.5 HOME OCCUPATIONS

General Regulations

10.5.1 A **Home Occupation** shall not change the character or external appearance of the **Dwelling Unit**.

10.5.2 Home Occupations shall be incidental and subordinate to the ***principal residential use*** of the **Dwelling Unit**.

10.5.3 The ***Development Authority*** may issue a ***temporary development permit*** for a **Home Occupation**. An applicant may seek renewal for a **Home Occupation** permit.

10.5.4 Where the applicant for the **Home Occupation** is not the registered ***owner*** of the **Dwelling Unit** proposed to be used for a **Home Occupation**, the applicant shall provide to the ***Development Authority*** written authorization from the registered ***owner(s)***.

10.5.5 A **Home Occupation** shall not include any activity or operation which will cause or create a nuisance by way of noise, dust, and/or smoke or other nuisance that is not characteristic of a ***residential use***.

Home Occupation – Minor

10.5.6 In addition to the general regulations for **Home Occupations**, a **Home Occupation – Minor** shall meet all of the following criteria:

(a) located within the ***principal*** **Dwelling Unit** only;

(b) on-site sales or customer visits totaling less than three (3) visits per day, and no more than two (2) customers on-site at a time;

(c) no outdoor display of goods;

(d) no on-site employees other than the residents of the **Dwelling Unit** (all employees must reside on the premise or work remotely);

(e) no ***outdoor storage***; and

(f) occupies less than 15% of the ***gross floor area*** of the **Dwelling Unit**.

10.5.7 A maximum of one (1) **Sign** for a **Home Occupation – Minor** may be displayed.

Home Occupation – Major

10.5.8 A **Home Occupation – Major** shall be determined as any **Home Occupation** which meets <u>one or more</u> of the following criteria:

(a) located within an **Accessory Building**;

(b) on-site sales or customer visits totaling four (4) or more visits per day, or more than two (2) customers on-site at a time;

(c) includes ***outdoor storage***; and

(d) the ***gross floor area*** for the **Home Occupation** is 15% or greater, but does not exceed 25% of the ***gross floor area*** of the **Dwelling Unit**.

10.5.9 A maximum of one (1) **Sign** for a **Home Occupation – Major** may be displayed.

10.6 MANUFACTURED DWELLING

10.6.1 **Manufactured Dwellings** constructed greater than eight (8) years at the time of ***development permit*** application may not be approved at the discretion of the ***Development Authority*** in consideration of its condition and appearance.

10.6.2 In determining the suitability of a **Manufactured Dwelling** for placement on a ***parcel***, consideration shall be given to its condition and appearance in context with the ***adjacent parcels***.

10.6.3 The undercarriage of a **Manufactured Dwelling** shall be screened from view by the foundation or by skirting within 30 days of placement of the **Manufactured Dwelling**.

10.6.4 All accessory ***structures*** such as stairways and ***landings***, ***patios***, ***decks***, and skirting shall be of complementary quality and design to the **Manufactured Dwelling**.

10.6.5 All **Manufactured Dwellings** shall be provided with stairways and ***landings*** to all entrances within 30 days of their placement.

10.7 SHORT-TERM RENTAL

10.7.1 A **Short-Term Rental** shall:

(a) not change the residential character or external appearance of the ***building***; and

(b) have a maximum of four (4) guest rooms.

10.7.2 The ***Development Authority*** may issue a ***temporary development permit*** for a **Short-Term Rental**.

10.8 SIGNS

10.8.1 No **Sign** shall be erected on or affixed to municipal property without the prior consent of the Village of Delia.

10.8.2 No **Sign** shall resemble or conflict with a traffic sign, signal, or device.

10.8.3 All **Signs** shall be designed and manufactured to a professional standard of quality, to the satisfaction of the ***Development Authority***.

10.8.4 A **Sign** shall not be located to obstruct the movement or free and clear vision of a pedestrian or motorist.

10.8.5 All **Signs** shall be kept in a safe, clean, tidy, and legible condition and may, at the discretion of the ***Development Authority***, be required to be renovated or removed if not kept in a safe, clean, tidy, or legible condition.

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Part D – Districts

11 Districts Administration

11.1 ESTABLISHMENT OF DISTRICTS

11.1.1 For the purpose of this Bylaw, the Village of Delia is divided into the following Land Use Districts:

Short Title	District Name
Residential Districts	
RG	Residential General District
RA	Residential Acreage District
Commercial Districts	
C-1	Central Commercial District
C-2	Commercial General District
Industrial Districts	
I	Industrial District
Special Purpose Districts	
CS	Community Service District
UR	Urban Reserve District

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11.2 DISTRICT BOUNDARIES

11.2.1 The locations and boundaries of the Land Use Districts are shown on the Land Use District Map in **Part F Land Use Districts Map**, which forms part of this Bylaw.

11.2.2 The locations of boundaries shown on the Land Use Districts Map shall be governed by the following rules:

(a) where a boundary is shown as following the municipal boundary, it shall be deemed to follow the municipal boundary; and

(b) where a boundary is shown as approximately following a ***property line***, it shall be deemed to follow the ***property line***.

11.2.3 Where the exact location of the boundary of a Land Use District cannot be determined, using the rules in 11.2.2 above, the ***Council***, on its own motion or on a written request, shall fix the location:

(a) in a manner consistent with the provisions of this Bylaw; and

(b) with the appropriate degree of detail required.

11.2.4 The location of a District boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

11.3 DIRECT CONTROL DISTRICTS

11.3.1 Direct Control Districts provide for development that, due to its unique characteristics, unusual site conditions, or innovative design, requires specific regulations unavailable in other Land Use Districts. ***Uses*** within a Direct Control District shall be determined by ***Council***.

11.3.2 Direct Control Districts shall not be used in substitution of any other Land Use District in this Bylaw that could be used to achieve the same result either with or without variances to this Bylaw.

11.3.3 Where ***Council*** deems there are sufficient and appropriate regulations within a Direct Control Bylaw, authority to approve ***development*** within the Direct Control District may be delegated to the ***Development Authority***.

11.3.4 Appeals within a Direct Control District shall be in accordance with the *Act*.

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12 RG – Residential General District

12.1 PURPOSE

12.1.1 To provide for low to medium ***density*** residential ***development*** and other compatible residential neighbourhood ***uses***.

12.2 PERMITTED USES

12.2.1 The following ***uses*** are ***permitted uses*** in the RG – Residential General District:

Accessory Building*
Accessory Dwelling Unit – Attached*
Accessory Dwelling Unit – Detached*
Dwelling, Detached
Dwelling, Manufactured*
Home Occupation – Minor*
Park
Sign*
Utilities

*See **Section 10 Specific Use Regulations**

12.3 DISCRETIONARY USES

12.3.1 The following ***uses*** are ***discretionary uses*** in the RG – Residential General District:

Accessory Building – Fabric Covered*
Accessory Building – Shipping Container*
Apartment
Attached Housing
Bed and Breakfast*
Care Facility
Child Care Centre
Cultural Establishment
Dwelling, Duplex
Home Occupation – Major*
Manufactured Dwelling Park
Public Building
Short-Term Rental*
Worship Facility

*See **Section 10 Specific Use Regulations**

12.4 REGULATIONS

12.4.1 The minimum ***parcel area*** is 450.0 m^2, except:

(a) 230.0 m^2 for each **Dwelling Unit** in a **Dwelling, Duplex**.

12.4.2 The minimum ***parcel width*** is 12.0 m, except:

(a) 7.5 m for each **Dwelling Unit** in a **Dwelling, Duplex**;

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(b) 6.0 m for each **Dwelling Unit** in **Attached Housing**; and

(c) 24.0 m for an **Apartment**.

12.4.3 The minimum ***front yard setback*** is 5.5 m.

12.4.4 The minimum ***side yard setback*** is 1.2 m, except:

(a) for a common ***property line*** of a **Duplex Dwelling** or **Attached Housing** where it is zero; or

(b) for an ***exterior side yard*** where it is 3.0 m.

12.4.5 The minimum ***rear yard setback*** is 5.5 m.

12.4.6 The maximum ***parcel coverage*** including all ***buildings*** is 45%.

12.4.7 The maximum ***building height*** is 10.7 m.

12.5 ADDITIONAL REQUIREMENTS FOR MANUFACTURED DWELLINGS

12.5.1 The minimum width of a **Dwelling**, **Manufactured** shall be 6.7 m.

12.5.2 The massing, design, and appearance of a **Dwelling**, **Manufactured** shall be consistent with ***adjacent development*** to the satisfaction of the ***Development Authority***, and may be required to include enhanced design elements that add visual interest such as:

(a) a porch or veranda on the front façade;

(b) horizontal wall articulation on the front façade;

(c) the use of thick columns or brackets on roof overhangs;

(d) dormers, gables, cross gables, or varied pitches for articulated roof lines;

(e) large or ***bay windows*** on the front façade, with strong window trim;

(f) architectural features or other detailing over entrances;

(g) changes in exterior siding materials, textures, and colours to break up long wall expanses; and

(h) the use of trim and moldings that contrast the exterior siding.

12.6 ADDITIONAL REQUIREMENTS FOR MANUFACTURED DWELLING PARKS

12.6.1 The requirements of 12.5.1 and 12.5.2 do not apply to **Manufactured Dwelling Parks**.

12.6.2 The minimum ***parcel area*** for a **Manufactured Dwelling Park** ***parcel*** is 4,000.0 m^2.

12.6.3 The minimum separation distances between ***buildings*** on a **Manufactured Dwelling Park** ***parcel*** are:

(a) 4.5 m between adjacent **Manufactured Dwellings**;

(b) 2.0 m between a **Manufactured Dwelling** and an **Accessory Building**;

(c) 3.0 m from the private **Manufactured Dwelling Park** road; and

(d) 4.5 m from any other ***building***.

12.6.4 The maximum ***density*** for a **Manufactured Dwelling Park** is 18 **Dwellings Units** per hectare.

13 RA – Residential Acreage District

13.1 PURPOSE

13.1.1 To accommodate acreage-style low ***density*** residential ***development*** in a semi-rural setting.

13.2 PERMITTED USES

13.2.1 The following ***uses*** are ***permitted uses*** in the RA – Residential Acreage District:

Accessory Building* (in a ***side yard*** or ***rear yard***)
Accessory Dwelling Unit – Attached*
Accessory Dwelling Unit – Detached*
Dwelling, Detached
Dwelling, Manufactured*
Home Occupation – Minor*
Park
Sign*
Utilities

*See **Section 10 Specific Use Regulations**

13.3 DISCRETIONARY USES

13.3.1 The following ***uses*** are ***discretionary uses*** in the RA – Residential Acreage District:

Accessory Building* (in a ***front yard***)
Accessory Building – Fabric Covered*
Accessory Building – Shipping Container*
Bed and Breakfast*
Home Occupation – Major*
Public Building
Short-Term Rental*

*See **Section 10 Specific Use Regulations**

13.4 REGULATIONS

13.4.1 The minimum ***parcel area*** is 2,000.0 m^2.

13.4.2 The maximum ***parcel area*** is 5,000.0 m^2.

13.4.3 The minimum ***parcel width*** is 20.0 m.

13.4.4 The minimum ***front yard setback*** is 7.5 m.

13.4.5 The minimum ***side yard setback*** is 3.0 m.

13.4.6 The minimum ***rear yard setback*** is 7.5 m.

13.4.7 The maximum ***parcel coverage*** including all ***buildings*** is 45%.

13.4.8 The maximum ***building height*** is 10.7 m.

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13.5 ADDITIONAL REQUIREMENTS

13.5.1 The massing, design, and appearance of a **Dwelling**, **Manufactured** shall be consistent with ***adjacent development*** to the satisfaction of the ***Development Authority***, and may be required to include enhanced design elements that add visual interest such as:

(a) a porch or veranda on the front façade;

(b) horizontal wall articulation on the front façade;

(c) the use of thick columns or brackets on roof overhangs;

(d) dormers, gables, cross gables, or varied pitches for articulated roof lines;

(e) large or ***bay windows*** on the front façade, with strong window trim;

(f) architectural features or other detailing over entrances;

(g) changes in exterior siding materials, textures, and colours to break up long wall expanses; and

(h) the use of trim and moldings that contrast the exterior siding.

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14 C-1 – Central Commercial District

14.1 PURPOSE

14.1.1 To provide for a centralized pedestrian oriented commercial and retail district, including civic and cultural ***uses***.

14.2 PERMITTED USES

14.2.1 The following ***uses*** are ***permitted uses*** in the C-1 – Central Commercial District:

Artist Studio
Clinic
Convenience Store
Cultural Establishment
Eating and Drinking Establishment
Financial Institution
Funeral Home
Office
Park
Personal Service Establishment
Public Building
Retail Store
Sign*
Utilities

*See **Section 10 Specific Use Regulations**

14.3 DISCRETIONARY USES

14.3.1 The following ***uses*** are ***discretionary uses*** in the C-1 – Central Commercial District:

Accessory Building*
Accessory Building – Shipping Container*
Amusement Centre
Apartment
Athletic and Recreational Facility – Indoor
Auto Body Shop*
Automotive Repair and Service
Cannabis Retail Sales*
Care Facility
Contractor Services – Minor
Child Care Centre
Drinking Establishment
Dwelling, Detached
Dwelling Units (above the first ***storey***)
Dwelling Unit (one, ***accessory*** to a commercial ***use***)
Educational Institution
Emergency Shelter
Hotel/Motel
Laundry Facility
Liquor Store
Parking Lot
Pet Care Services
Veterinary Clinic
Worship Facility

*See **Section 10 Specific Use Regulations**

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14.4 REGULATIONS

14.4.1 The minimum ***parcel area*** is 350.0 m^2.

14.4.2 The minimum ***parcel width*** is 9.0 m.

14.4.3 The minimum ***front yard setback*** is 0 m.

14.4.4 The minimum ***side yard setback*** is 1.2 m, except 0 m where a ***fire wall*** is provided.

14.4.5 The minimum ***rear yard setback*** is 6.0 m.

14.4.6 The maximum ***building height*** is 14.0 m.

14.5 ADDITIONAL REQUIREMENTS

14.5.1 ***Parking stalls*** shall not be located in the ***front yard***.

14.5.2 **Apartment *developments*** must, to the satisfaction of the ***Development Authority***:

(a) locate vehicle entrances and exits***, parking stalls***, and ***loading stalls*** in such a manner to minimize impact on ***adjacent uses***;

(b) integrate the ***building*** and site design with the surrounding neighbourhood context; and

(c) provide 15% of the ***parcel area*** as a ***landscaped area*** that functions as an ***amenity area***.

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15 C-2 – General Commercial District

15.1 PURPOSE

15.1.1 To provide for a range of commercial ***uses*** that provide retail and other services to residents and visitors to the Village of Delia.

15.2 PERMITTED USES

15.2.1 The following ***uses*** are ***permitted uses*** in the C2 – General Commercial District:

Accessory Building*
Agricultural Supply Depot
Artist Studio
Athletic and Recreational Facility – Indoor
Auto Body Shop*
Automotive Repair and Service
Automotive Sales and Rentals
Building Supply Centre
Car Wash
Clinic
Contractor Services – Minor
Eating and Drinking Establishment
Financial Institution
Gas Bar and Service Station*
Hotel/Motel
Pet Care Services*
Laundry Facility
Liquor Store
Office
Park
Parking Lot
Print Shop
Public Building
Retail Store
Sign*
Utilities
Wholesale Outlet

*See **Section 10 Specific Use Regulations**

15.3 DISCRETIONARY USES

15.3.1 The following ***uses*** are ***discretionary uses*** in the C2 – General Commercial District:

Accessory Building – Fabric Covered*
Accessory Building – Shipping Container*
Amusement Centre
Apartment
Auction Facility
Bulk Fuel Station
Equipment Rental Shop
Educational Institution
Funeral Home
Greenhouse
Heavy Equipment Sales and Service
Recycling Depot

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Cannabis Retail Sales*
Child Care Centre
Contractor Services – Major
Cultural Establishment
Drinking Establishment
Dwelling Unit (one, ***accessory*** to a commercial ***use***)
Self-Storage Facility
Storage Yard
Truck and Freight Terminal
Veterinary Clinic
Warehousing and Distribution
Wrecker and Salvage

*See **Section 10 Specific Use Regulations**

15.4 REGULATIONS

15.4.1 The minimum ***parcel area*** is 550.0 m^2.

15.4.2 The minimum ***parcel width*** is 15.0 m.

15.4.3 The minimum ***front yard setback*** is 6.0 m.

15.4.4 The minimum ***side yard setback*** is 2.0 m, except:

(a) 0 m where a ***fire wall*** is provided;

(b) one 3.0 m ***side yard*** to provide access to the rear of a ***building*** where there is no secondary access from a **road** or ***lane***;

(c) 3.0 m abutting a ***parcel*** with a ***principal residential use***; and

(d) 3.0 m for an ***exterior side yard***.

15.4.5 The minimum ***rear yard setback*** is 6.0 m.

15.4.6 The maximum ***parcel coverage*** is 40%.

15.4.7 The maximum ***building height*** is 14.0 m.

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16 I – Industrial District

16.1 PURPOSE

16.1.1 To provide for a range of manufacturing, warehousing, and other industrial ***uses***.

16.2 PERMITTED USES

16.2.1 The following ***uses*** are ***permitted uses*** in the I – Industrial District:

Accessory Building*
Accessory Building – Fabric Covered*
Accessory Building – Shipping Container*
Agricultural Supply Depot
Auto Body Shop*
Automotive Repair and Service
Building Supply Centre
Bulk Fuel Station
Car Wash
Contractor Services – Major
Contractor Services – Minor
Equipment Rental Shop
Food Processing, Storage, and Sales
Greenhouse
Heavy Equipment Sales and Service
Manufacturing – Light
Public Building
Recycling Depot
Sign*
Storage Yard
Utilities
Veterinary Clinic
Warehousing and Distribution

*See **Section 10 Specific Use Regulations**

16.3 DISCRETIONARY USES

16.3.1 The following ***uses*** are ***discretionary uses*** in the I – Industrial District:

Artist Studio
Auction Facility
Dwelling Unit (one, ***accessory*** to an industrial ***use***)
Gas Bar and Service Station*
Grain Elevator and Seed Cleaning
Manufacturing – Heavy
Office
Park
Print Shop
Retail Store
Self-Storage Facility
Truck and Freight Terminal
Waste Transfer Station
Wrecker and Salvage

*See **Section 10 Specific Use Regulations**

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16.4 REGULATIONS

16.4.1 The minimum ***parcel area*** is 550.0 m^2.

16.4.2 The minimum ***parcel width*** is 15.0 m^2.

16.4.3 The minimum ***front yard setback*** is 6.0 m.

16.4.4 The minimum ***side yard setback*** is 5.0 m.

16.4.5 The minimum ***rear yard setback*** is 5.0 m.

16.4.6 The maximum ***parcel coverage*** is 60%.

16.4.7 The maximum ***building height*** is 14.0 m.

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17 CS – Community Service District

17.1 PURPOSE

17.1.1 To provide for recreational, educational, and community ***uses***.

17.2 PERMITTED USES

17.2.1 The following ***uses*** are ***permitted uses*** in the CS – Community Service District:

Accessory Building*
Athletic and Recreational Facility – Indoor
Athletic and Recreational Facility – Outdoor
Child Care Centre
Cultural Establishment
Educational Institution
Hospital
Park
Public Building
Sign*
Utilities

*See **Section 10 Specific Use Regulations**

17.3 DISCRETIONARY USES

17.3.1 The following ***uses*** are ***discretionary uses*** in the CS – Community Service District:

Accessory Building – Fabric Covered*
Accessory Building – Shipping Container*
Campground
Care Facility
Cemetery
Clinic
Exhibition Grounds
Parking Lot
Recycling Depot

*See **Section 10 Specific Use Regulations**

17.4 REGULATIONS

17.4.1 The minimum ***setback*** for all ***yards*** is 3.0 m.

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18 UR – Urban Reserve District

18.1 PURPOSE

18.1.1 To reserve lands which are intended for future urban ***development***.

18.2 PERMITTED USES

18.2.1 The following ***uses*** are ***permitted uses*** in the UR – Urban Reserve District:

Accessory Building*
Accessory Building – Fabric Covered*
Accessory Building – Shipping Container*
Extensive Agriculture
Greenhouse
Home Occupation – Minor*
Park
Sign*
Utilities

*See **Section 10 Specific Use Regulations**

18.3 DISCRETIONARY USES

18.3.1 The following ***uses*** are ***discretionary uses*** in the UR – Urban Reserve District:

Athletic and Recreational Facility – Outdoor
Bed and Breakfast*
Campground
Dwelling, Detached
Dwelling, Manufactured
Exhibition Grounds
Gravel and Sand Excavation and Storage
Home Occupation – Major*
Public Building
Short-Term Rental*
Small Wind Energy System
Storage Yard

*See **Section 10 Specific Use Regulations**

18.4 REGULATIONS

18.4.1 The minimum ***front yard setback*** is 7.0 m.

18.4.2 The minimum ***side yard setback*** is 7.5 m.

18.4.3 The minimum ***rear yard setback*** is 7.5 m.

18.4.4 There shall be no ***subdivision*** of lands designated UR – Urban Reserve, excepting when:

(a) an Area Structure Plan, if required to be prepared by ***Council***, has been adopted by bylaw; or

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(b) a Conceptual Scheme, if required to be prepared by ***Council***, has been adopted by bylaw or resolution; and

(c) a concurrent application for an amendment to this Bylaw has been submitted to and/or approved by ***Council***.

18.4.5 The ***yard setbacks***, ***parcel coverage***, ***building height***, ***landscaping***, or other design requirements of all ***buildings*** and ***structures*** shall be to the satisfaction of the ***Development Authority***, who in making its decision on a ***development permit*** application must consider:

(a) the purpose of the UR – Urban Reserve District;

(b) the ***existing*** and future uses of ***adjacent parcels***.

18.4.6 Prior to approving a ***development permit*** application in the UR – Urban Reserve District, the ***Development Authority*** must be satisfied that the proposed ***use*** will not prejudice the future orderly ***development*** of the area.

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Part E – Definitions

19 Definitions

19.1.1 The following definitions pertain to terms and ***uses*** within the Land Use Bylaw.

Quick Links – click on the letter to jump to the definitions:

A	B	C	D	E	F	G	H	K
L	M	N	O	P	Q	R	S	T
U	V	W	Y					

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A	[**Click to Return to Definitions Index**]
abut or ***abutting***	means immediately contiguous to, or physically touching, and when used with respect to a ***lot*** or a ***parcel***, means that the ***lot*** or ***parcel*** physically touches another ***lot***, ***parcel***, or ***development***, and shares a ***property line*** with it.
Accessory Building	means a ***use*** where a ***building*** or ***structure*** accommodates a ***use*** which is related to, but is incidental or subordinate to, the ***use*** of the ***principal building*** located on the same ***parcel***. This includes ***buildings*** or ***structures*** such as sheds, carports, detached garages, and greenhouses.
Accessory Building – Fabric Covered	means a ***use*** where a ***structure*** accommodates a ***use*** which is related to, but is incidental or subordinate to, the ***use*** of the ***principal building*** located on the same ***parcel***. An **Accessory Building – Fabric Covered** is designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film.
Accessory Building – Shipping Container	means a ***use*** where a ***shipping container*** accommodates an ***accessory use*** which is related to, but is incidental or subordinate to, the ***principal use*** of the ***parcel***.
Accessory Dwelling Unit	means a self-contained **Dwelling Unit** that is subordinate to and under one Certificate of Title with the ***principal residential use***.
Accessory Dwelling Unit – Attached	means a ***use*** where an **Accessory Dwelling Unit** is located within or attached to the ***building*** containing the ***principal residential use***.
Accessory Dwelling Unit – Detached	means a ***use*** where an **Accessory Dwelling Unit** is located on the same ***parcel*** as, but within a separate ***building***, from the ***principal residential use***.
accessory use	means a ***use*** which is related to, but is subordinate or incidental to the ***principal use*** located on the same ***parcel***.
Act	means the *Municipal Government Act, Revised Statues of Alberta 2000, Ch. M-26*, as amended, and any parallel or successor legislation.
adjacent	means land that is contiguous to a ***parcel*** of land and includes land that would be contiguous if not for a ***highway***, ***road***, river, or stream.
Agricultural Supply Depot	means a ***use*** where goods, materials or services that support agricultural activities are provided, whether retail, wholesale or in bulk. This includes such goods and services as sale and storage of seeds, feeds, fertilizers, chemical products, fuels, and lubricants but does not include the buying or selling of farm produce or animals.
amenity area	means an indoor or outdoor space provided for the active or passive recreation and enjoyment of the occupants of a ***development***, which may be for private or communal use and owned individually or in common.
Amusement Centre	means a ***use*** where entertainment is provided to customers for a fee, which may include, but is not limited to facilities such as bowling alleys, theaters, axe throwing, golf simulator or mini golf, go-cart courses, and billiard parlours.

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Appeal Body	means the board hearing a ***subdivision*** or ***development permit*** appeal in accordance with the *Act*.
Apartment	means a ***use*** where a ***building*** designed for ***residential use*** contains three (3) or more **Dwelling Units** with a shared or common entrance.
Artist Studio	means a ***use***: (a) where art is produced by individuals; (b) that may include the instruction of art to individuals or groups; and (c) that may include the sale of art pieces produced by that use.
Athletic and Recreational Facility – Indoor	means a ***use*** for the purpose of providing indoor active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes but is not limited to gyms, athletic studios, skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, and racquet courts.
Athletic and Recreational Facility – Outdoor	means a ***use*** for the purpose of providing outdoor active recreation or athletic activities. This includes but is not limited to golf courses, driving ranges, sports fields, tennis courts, ice surfaces or rinks, athletic fields, splash parks, bowling greens, and riding stables.
Attached Housing	means a ***use*** where a ***building*** designed for ***residential use*** consists of three (3) or more **Dwelling Units**, each of which has an individual entrance to the outdoors. This includes rowhouses, townhouses, triplexes and fourplexes.
Auction Facility	means ***use*** intended for the auctioneering of livestock, goods, equipment and may include temporary storage of such goods and holding of the livestock. This does not include on-site slaughtering such as an abattoir or one-time on-site estate auction sales.
Auto Body Shop	means a ***use*** where the bodies, but not other parts, of motor vehicles are repaired and painted.
Automotive Repair and Service	means a ***use*** for the servicing and repair of motor vehicles within a ***building***, excluding an **Auto Body Shop**.
Automotive Sales and Rentals	means a ***use*** where motor vehicles are sold, rented or leased and stored on portions of the ***parcel*** approved exclusively for storage or display, and may have buildings for administrative functions associated with the ***use***.
average grade	means the average elevation at the mid-point along the ***front parcel line*** and the finished ground elevation at the rear of the ***building***. (Refer to ***building height***)
B	[**Click to Return to Definitions Index**]
bareland condominium	means the ***subdivision*** of land into individual bare land units and registered as a ***condominium*** plan at Land Titles, and where shared areas such as ***roads*** and **Utilities** are contained within common property.

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basement means that portion of a ***building*** between two floor levels which is partly underground but which has a portion of its height from finished floor to finished ceiling above the adjacent finished ***grade***.

bay window means a type of window that protrudes outwards from a wall.

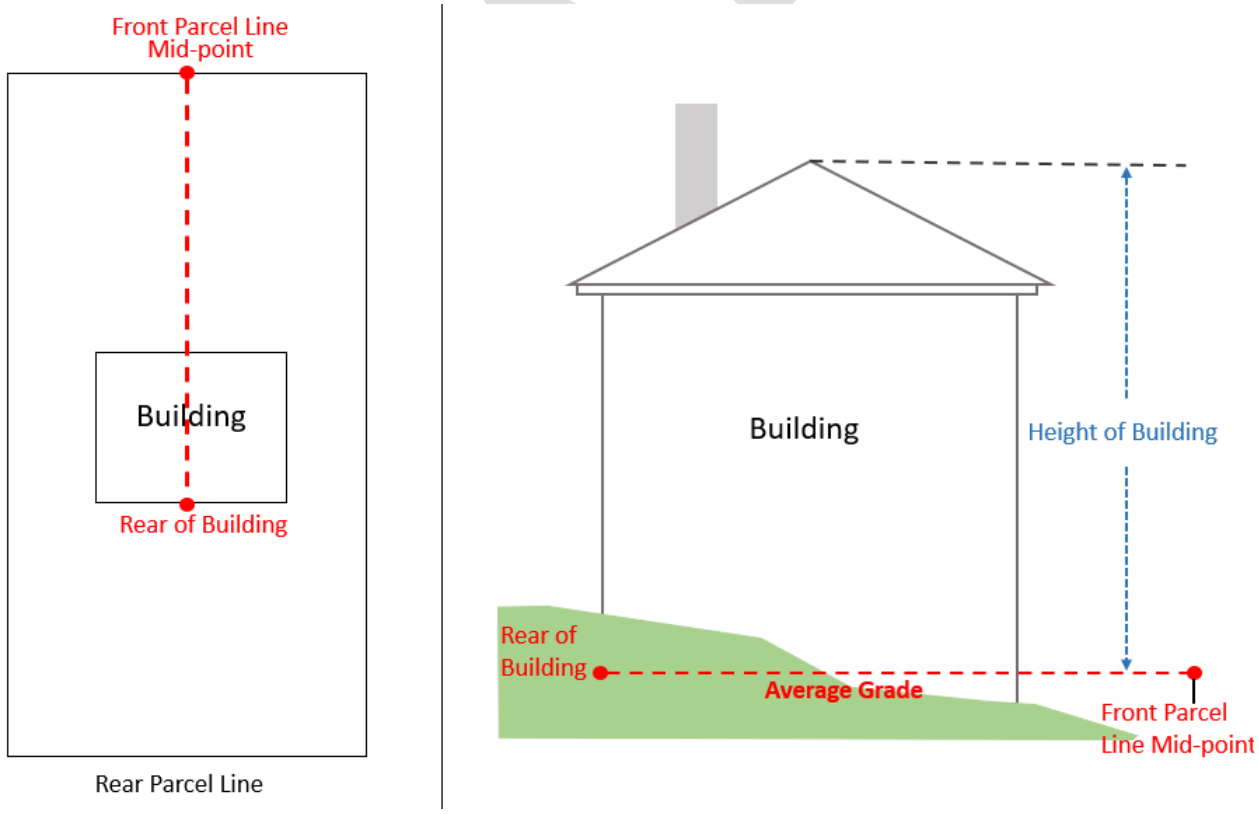
Bed and Breakfast means a ***use*** where sleeping accommodation, with or without meals, is provided to guests within a ***principal*** **Dwelling Unit**, and where the **Dwelling Unit** is occupied by the ***owner*** or operator.

boulevard means that portion of a ***road*** which is public land and is often landscaped or planted to distinguish private lands from the ***road***.

buffer means a row of trees, shrubs, earth berm, or ***fencing*** to provide visual ***screening*** and separation between ***parcels*** and districts.

building means anything constructed or placed on, in, over or under land that does not include a ***highway*** or ***road***.

building height means the vertical distance measured from the ***average grade*** and the highest point of a ***building***, excluding a roof, stairway entrance, elevator shaft, ventilating fan, skylight, steeple, chimney, smoke stack, ***fire wall*** or parapet, flagpole, or similar devices not structurally essential to the ***building***.



building permit means a permit or document issued in writing by a designated Safety Code Officer within the building discipline pursuant to the *Safety Codes Act* authorizing the commencement of a ***use***, occupancy, relocation, construction, or demolition of any ***building***.

Building Supply Centre	means a ***use*** where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include ***outdoor storage***.
Bulk Fuel Station	means a ***use*** for the purpose of storing fuel in bulk quantities for the distribution to customers, typically for vehicles with a gross vehicle weight (G.V.W.) greater than 4536 kg. This does not include a **Gas Bar and Service Station**.
business licence	means a document issued by the Village of Delia which grants the business ***owner*** the right to operate the business.
C	[**Click to Return to Definitions Index**]
Campground	means a ***use*** for the purpose of providing temporary accommodation for the public in ***recreational vehicles*** or tents. A ***campground*** is not construed to mean a ***use*** for the purpose of accommodating long-term or permanent occupancy in ***recreational vehicles*** or **Manufactured Dwellings**. A ***campground*** may include facilities such as an administration building and laundry facilities.
Cannabis Production Facility	means a ***use*** where Cannabis is for grown, produced, tested, destroyed, stored or distributed in a federally approved and licensed facility. This does not include **Cannabis Retail Sales**.
Cannabis Retail Sales	means a ***use*** where Cannabis is sold for consumption off the premises and may include the retail sale or rental of merchandise. **Cannabis Retail Sales** offers cannabis for sale from a federally approved and licensed facility and has been licensed to operate by the Alberta Government.
canopy	means a non-retractable solid projection extending from the wall of a ***building*** intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, mounding, architraves and pediments, but includes a marquee.
cantilever	means a projection from the wall of a ***building*** to increase the useable ***gross floor area***. A ***cantilever*** does not have external bracing.
Car Wash	means a ***use*** intended for the washing, cleaning, or polishing of motor vehicles.
Care Facility	means a ***use*** where a public or private facility provides for the care, supervision or rehabilitation of individuals, or for palliative and end-of-life-care, containing overnight accommodation and operated in accordance with any relevant legislation or regulations of the Province of Alberta. Units within a **Care Facility** may, at the discretion of the ***Development Authority***, be considered both long-term care units or **Dwelling Units** as these may be for permanent residences for the occupants.
Cemetery	means a ***use*** for the internment of the deceased or in which human bodies, pets and/or animals or cremated remains have been buried. It may include facilities such as a columbarium, mausoleum, memorial park and burial grounds.
Child Care Centre	means a ***use*** where children are supervised and cared for, and may include group day care, family daycare, nursing school, child minding, out of school care, or specialized daycare. This does not include a ***day home***.

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Clinic	means a ***use*** where public or private medical, surgical, physiotherapeutic or other professional healing treatment is provided, and includes but is not limited to offices for medical, dentistry, physiotherapy, massage or chiropractic services and Community Health Centres.
comprehensively planned	means a ***development*** where multiple **Dwelling Units** are located on a single ***parcel*** or a ***parcel*** divided by ***bareland condominium*** and is serviced by private ***roads*** and **Utilities**.
condominium	means a condominium plan registered with the Land Titles Office that complies with the requirements of the *Condominium Property Act*.
Confined Feeding Operation	means a ***use*** where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the *Agricultural Operations Practices Act* through the Natural Resources Conservation Board.
Contractor Services – Major	means a ***use*** for the provision of contractor services in the building trades and services, or ***road*** and **Utility** construction where materials and equipment may not be stored within a building and includes ***outdoor storage***.
Contractor Services – Minor	means a ***use*** for the provision of contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services, and where all materials are kept within an enclosed building, and there are no associated primary manufacturing activities. This does not include the ***outdoor storage*** of goods or equipment.
Convenience Store	means a ***use*** where a limited range of household goods and groceries are stocked and sold in small neighbourhood retail stores. This does not include **Cannabis Retail Sales**.
corner parcel	means a ***parcel*** situated at the intersection of two or more ***roads***, or at the intersection of two parts of the same ***road*** which parts have an intersection of not more than 135 degrees.
corner visibility setback	means a triangular area formed on a ***corner lot*** by the two curb lines and a straight line which intersects them 7.5 m from the corner where they meet. In the case where there is no curb on one or more ***roads***, 6.0 m from the corner where they meet.

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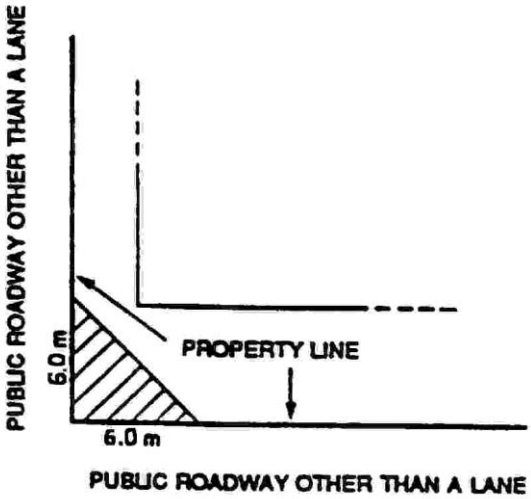

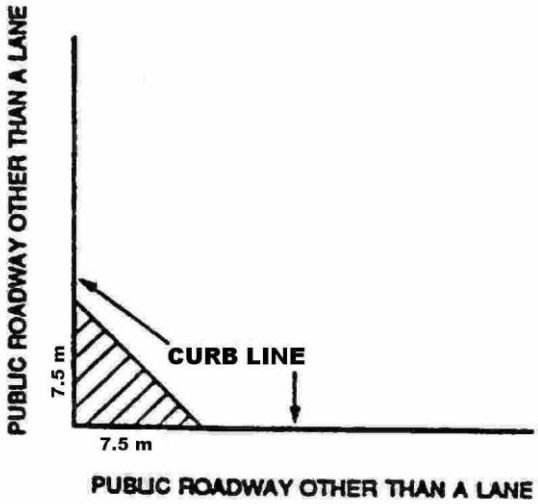

Council means the duly elected Council of the Village of Delia.

Cultural Establishment means a ***use*** which is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such things as a library, museum, art gallery, community centre and similar activities.

D [**Click to Return to Definitions Index**]

day home means a type of **Home Occupation – Major** where temporary care, development and supervision is provided within a **Dwelling Unit** for periods not exceeding 24 consecutive hours to a maximum of six (6) children under the age of 13 years, including children under the age of 13 years who permanently reside in the home.

deck means a flat, floored concrete or wooden platform, elevated more than 0.6 m above ***grade*** and usually adjoining a ***building***.

density means a measure of ***development*** intensity expressed as a ratio of the number of **Dwelling Units** to ***parcel area***.

Designated Officer means a position established by bylaw whereby ***Council*** has delegated powers, duties, and/or functions.

development means:

(a) an excavation or stockpile and the creation of either of them; or

(b) a ***building*** or an addition to, or replacement or repair of a ***building*** and the construction or placing in, on or under land of any of them; or

(c) a change of ***use*** of land or a ***building***, or an act done in relation to land or a ***building*** that results or is likely to result in a change in the land or the ***building***; or

(d) a change in the intensity of ***use*** of land or ***building*** that results in or is likely to result in a change in the intensity of ***use*** of the land or ***building***.

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Development Authority	means a person or persons appointed as a ***Development Authority*** as contemplated by and in accordance with the *Act*.
Development Officer	means a person or persons appointed as a ***Development Officer*** as contemplated by and in accordance with the *Act*.
development permit	means a document authorizing a ***development***, issued by the ***Development Authority*** pursuant to this Bylaw, and includes the plans and conditions of approval.
discretionary use	means the ***use*** of land or of a ***building*** which is listed as such a ***use*** in a Land Use District or a Direct Control District.
Drinking Establishment	means a ***use***: (a) where the primary function is the servicing of alcoholic beverages for consumption on the premises and is licensed by the Alberta Gaming, Liquor and Cannabis Commission. Typical businesses include taverns, pubs, bars and nightclubs; and (b) may include supplementary preparation and sale of food for consumption on the premises.
drive through	means a business that is designed to include sales or service to an occupant within a motorized vehicle which may include **Eating and Drinking Establishments**, **Financial Institutions**, **Car Washes**, **Gas Bars and Service Stations**.
Dwelling, Detached	means a ***use*** where a ***building*** designed for ***residential use*** contains one ***principal*** **Dwelling Unit**.
Dwelling, Duplex	means a ***use*** where a ***building*** designed for ***residential use*** contains two **Dwelling Units**, each having a separate entrance from the outside and may be located one above the other or side-by-side.
Dwelling, Manufactured	means a ***use*** where a transportable, single or multiple section ***building*** conforming to CSA standards at the time of construction that contains a **Dwelling Unit** and when placed on a permanent foundation is ready for ***residential use*** and occupancy. A **Manufactured Dwelling** includes such styles known as modular homes, manufactured homes and Ready to Move (RTM) Homes.
Dwelling Unit	means a ***use*** where a ***building*** or a self-contained portion of a ***building*** contains sleeping, cooking, and toilet facilities for the ***residential use*** of one or more people.
E	[**Click to Return to Definitions Index**]
easement	means a right to the limited use of land held by another, generally for access to another ***parcel*** or as a right-of-way for a **Utility** and is registered on the ***parcel*** with the Land Titles Office in accordance with the *Land Titles Act*.
Eating and Drinking Establishment	means a ***use*** where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Gaming, Liquor and Cannabis Commission. This includes restaurants, cafes, and cafeterias, and may include a ***drive through***.

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eave means the edges of the roof that overhang past the walls of a ***building*** that primarily function to protect a ***building*** from rain and to provide ventilation.

Educational Institution means a ***use*** where persons are assembled for educational purposes within ***buildings*** and ***structures***, including classrooms, libraries, offices, recreational facilities and other related facilities, and where dormitory accommodations and common kitchen and dining facilities may also be provided.

Emergency Shelter means a ***use*** that is operated by the government or another organization where the primary purpose is providing a temporary, emergency accommodation for persons requiring immediate shelter and assistance. This ***use*** may include accessory office functions and the provision of related programs and services. Examples include a women's shelter or a youth emergency shelter. This does not include **Supervised Consumption Services**. The possession, use, distribution, or dispensing of alcohol or illicit drugs is not permitted.

environmental evaluation means a study or report prepared by a ***qualified professional*** that considers relevant environmental impacts and mitigations related to a proposed development, and may include considerations such as:

(a) fish or wildlife and associated habitat;
(b) vegetation, soils, and terrain;
(c) groundwater or surface water;
(d) air quality; and
(e) cumulative effects.

Equipment Rental Shop means a ***use*** for the rental of tools, appliances, office machines, light construction equipment or similar items but not the rental of motor vehicles.

Exhibition Grounds means a ***use*** where land or ***buildings*** accommodate ***temporary*** events including seasonal shows, conventions, conferences, seminars, product displays or sale of goods, recreation activities, and entertainment functions. This ***use*** may include accessory functions including food and beverage preparation and service for on-premise consumption.

existing means existing as of the effective date of this Bylaw.

Extensive Agriculture means a ***use*** where systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes **Accessory Buildings** and other ***structures*** incidental to the operation. This does not include a **Confined Feeding Operation**, ***residential uses,*** or a **Cannabis Production Facility**.

F

[**Click to Return to Definitions Index**]

fence means a vertical physical barrier constructed out of typical ***building*** material to prevent visual or unauthorized access, or both.

Financial Institution means a ***use*** where banks, credit unions, trust companies and treasury branches operate within a ***building*** and may include automated banking machines and/or a ***drive through***. This does not include businesses such as a pawn shop.

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fire wall	means a type of fire separation of non-combustible construction which internally divides a ***building*** or separates adjoining ***buildings*** to resist the spread of fire and which has a fire resistance rating.
floor area	means the area of a ***building*** or specified portion of a ***building***, measured to the outside surface of the exterior walls, or where ***buildings*** are separated by ***fire walls***, to the centre line of the common ***fire walls***, and excludes all mechanical equipment areas and all open areas inside a ***building*** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas.
Food Processing, Storage, and Sales	means a ***use*** where raw farm products, combined with other consumable ingredients, produce marketable products for consumption that can be easily prepared and served by the consumer, and where raw farm products may be warehoused prior to being sold either directly to consumers or for wholesale, and the selling of raw farm products either directly to consumers or for wholesale.
frontage	means a ***property line*** of a ***parcel*** which ***abuts*** a ***highway*** or ***road***.
Funeral Home	means a ***use*** where funerals are arranged and held, where the deceased are prepared for burial or cremation, and where not more than one cremation chamber is provided.
G	[**Click to Return to Definitions Index**]
Gas Bar and Service Station	means a ***use*** where fuel, lubricating oils and minor accessories for motor vehicles are sold and may include a portion of the premises for the servicing and minor repairing of motor vehicles.
grade	means the geodetic elevation of the existing ground in an undisturbed natural state or an approved design ***grade*** as described in a grading plan.
Gravel and Sand Excavation and Storage	means a ***use*** where aggregate materials are excavated and/or stockpiled.
Grain Elevator and Seed Cleaning	means a ***use*** where grain is stored and stockpiled in towers, and includes the cleaning of seeds to remove any debris or unwanted seeds.
Greenhouse	means a ***use*** which is devoted to the commercial cultivation of vegetables, flowers or other plants within a ***building***, and where such vegetables or plants may be sold wholesale or directly to the consumer.
gross floor area	means the sum of the areas of all above ***grade*** floors of a ***building*** measured to the outside surface of the exterior walls, or where ***buildings*** are separated by ***fire walls***, to the centre line of the common ***fire walls***, and includes all mechanical equipment areas and all open areas inside a ***building*** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas. For greater clarity, a walk-out ***basement*** is not included in the calculation of ***gross floor area***, but **Dwelling units** in the ***basement*** of an **Apartment** shall be included in the calculation of ***gross floor area***.
H	[**Click to Return to Definitions Index**]
Heavy Equipment Sales and Service	means a ***use*** where farm and heavy industrial equipment is sold, rented and serviced.

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highway	means a ***highway*** or proposed ***highway*** that is designated as a ***highway*** pursuant to the *Highways Development and Protection Act*.
Home Occupation	means an occupation, trade, profession, or craft operated by an occupant of a **Dwelling Unit** as an ***accessory use*** to the ***principal residential use*** of the ***building*** pursuant to this Bylaw.
Home Occupation – Major	means a ***use*** where a type of **Home Occupation** is operated which may be detectable outside of the **Dwelling Unit** but does not negatively impact the general residential nature of the neighbourhood.
Home Occupation – Minor	means a ***use*** where a type of **Home Occupation** is operated which allows for limited customer visits and deliveries but does not impact adjacent ***residential uses*** beyond that of a typical **Dwelling Unit.**
Hospital	means a ***use*** where in-patient and out-patient health care is provided to the public.
Hotel/Motel	means a ***use*** where temporary or short-term sleeping accommodations are provided in rooms or suites, which may contain kitchen facilities. This definition includes hotels, motels, hostels and similar overnight accommodations. This may include additional facilities or services such as **Eating and Drinking Establishments**, meeting or banquet rooms, **Personal Service Establishments**, a manager's suite and convention facilities.
K	[**Click to Return to Definitions Index**]
Kennel	means a ***use*** where dogs or cats or other domestic pets may be maintained, boarded, bred or trained and may include the incidental sale of products related to the services provided, but does not include a **Veterinary Clinic**.
L	[**Click to Return to Definitions Index**]
landing	means a platform that primarily functions as an entrance into a ***building***. ***Landings*** are a separate ***building*** element to ***balconies***, ***decks*** and ***patios*** as they are not intended to provide or function as an ***amenity area***.
landscaped area	means that portion of a ***parcel*** which is required to be ***landscaped*** pursuant to district regulations or conditions of approval of a ***development permit***.
landscaping	means the modification and enhancement of a ***parcel*** or a portion of a ***parcel*** through the use of any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch, or other ground cover, and hard landscaping materials such as brick, stone, concrete tile, or wood, but excludes all areas used for a ***parking area*** or driveway.
lane	means a public thoroughfare usually less than 10.0 m wide typically providing secondary access to one or more ***parcels***. For the purpose of this Bylaw, a ***lane*** is not a ***road***.
Laundry Facility	means a ***use*** where clothes and other fabric goods are cleaned or pressed. This includes businesses such as a laundromat and dry cleaners.
Liquor Store	means a ***use*** where alcoholic beverages are sold for off-site consumption from a retail store licensed by the Alberta Gaming, Liquor and Cannabis Commission.

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loading stall	means a space for parking a vehicle while it is being loaded or unloaded.
lot	means a ***lot*** as defined in the *Act*.
M	[**Click to Return to Definitions Index**]
Manufactured Dwelling Park	means a ***use*** where a ***parcel*** of land under one Certificate of Title is ***comprehensively planned*** for the placement of **Dwellings, Manufactured** for permanent ***residential use***. A **Manufactured Dwelling Park** may also include **Accessory Buildings** and ***accessory uses*** such as maintenance buildings, ***amenity areas***, and common facilities.
Manufacturing – Heavy	means a ***use*** where goods or products are fabricated, processed, assembled, or packaged for distribution, where all or part of the processes associated with the ***use*** are located outside of a ***building***, and which may generate a nuisance beyond the boundary of the ***parcel***. **Heavy Manufacturing** does not include a **Cannabis Production Facility**.
Manufacturing – Light	means a ***use*** where goods or products are fabricated, processed, assembled, or packaged for distribution, where all of the processes associated with the ***use*** are located inside of a ***building***, and which does not generate any nuisance beyond the boundary of the ***parcel***. **Light Manufacturing** does not include **a Cannabis Production Facility**.
Municipal Planning Commission **(MPC)**	means the ***Municipal Planning Commission*** established by Bylaw pursuant to the *Act*.
Municipality	means the Village of Delia.
N	[**Click to Return to Definitions Index**]
non-conforming building	means a ***building*** that is 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 becomes effective and that on the date the Land Use Bylaw becomes effective does not, or when fully constructed will not, comply with the Land Use Bylaw.
non-conforming use	means a lawful, specific ***use*** being made of land or a ***building***, or intended to be made of a ***building*** lawfully under construction at the date a Land Use Bylaw affecting the land or ***building*** becomes effective and that on the date the Land Use Bylaw becomes effective does not, or in the case of a ***building*** under construction will not, comply with the Land Use Bylaw.
O	[**Click to Return to Definitions Index**]
Office	means a ***use*** for the provision of professional, management, administrative, and consulting services. This does not include a **Clinic**.
outdoor storage	means the storing, stockpiling, or accumulation of goods, equipment or materials in an area that is open or exposed to the natural elements, and includes vehicles, ***recreational vehicles*** and boats, waste materials, debris or garbage.
owner	means: (a) in the case of land owned by the Crown in right of Alberta or the Crown

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in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land, the person shown as the ***owner*** of a ***parcel*** of land shown on the Certificate of Title;

P	[**Click to Return to Definitions Index**]
parcel	means the aggregate of the one or more ***lots*** described in a Certificate of Title or described in a Certificate of Title by reference to a plan file or registered in a Land Titles Office.
parcel area	means the total area of land within the ***parcel***.
parcel coverage	means the percentage of the ***parcel area*** covered by the area of all ***buildings*** including **Accessory Buildings**, and excludes ***balconies***, ***bay windows***, ***canopies, shade projections***, cornices, ***eaves*** and gutters, roof overhangs, fire escapes, sills, stairways and ***landings***, ***patios*** and ***decks*** or similar projections.
parcel line, exterior side	means a ***property line***, other than the ***front parcel line***, which ***abuts*** a ***road***.
parcel line, front	means the shortest ***property line*** that ***abuts*** a ***road***, unless otherwise determined by the ***Development Authority*** in accordance with this Bylaw.
parcel line, interior side	means a ***property line*** other than a ***front parcel line*** or ***rear parcel line***, which ***abuts*** another ***parcel*** or a ***lane***.
parcel line, rear	means the ***property line*** which is opposite to and is not connected to the ***front parcel line***, excepting in the case for a ***reverse corner lot*** where the ***rear parcel line*** is opposite to the ***exterior side parcel line***.
parcel width	means the average horizontal distance between two ***side parcel lines***.
Park	means a ***use*** where land is designated or reserved for active or passive recreation, or to be left in a natural state, and/or areas of cultural or scenic value. This may include facilities such as playgrounds, picnic grounds, pathways and trails, landscaped ***buffers***, gardens, and fields.
parking area	means an open area of land, above or underground, other than a ***road***, used for the parking of vehicles and shall include ***parking stalls***, vehicle entrances and exits, and maneuvering aisles.
Parking Lot	means a ***use*** where the primary purpose of the land is for the parking of motor vehicles at ***grade***, or in a parking ***structure*** which may be above or below ***grade***.
parking, off-street	means a ***parking area*** located on the same ***parcel*** as the ***building***, ***structure***, or ***use***.
parking stall	means a space within a ***building*** or ***parking area***, for the parking of one vehicle, excluding driveways, aisles, and ramps.
parking stall, visitor	means a ***parking stall*** intended only for the use of visitors to **Dwelling Units**.
patio	means a platform, the height of which may be up to but does not exceed 0.6 m from ***grade***, that may or may not be attached to a ***building***.

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permitted use	means the ***use*** of land or a ***building*** which is listed as such ***use*** in a Land Use District or a Direct Control District.
Personal Service Establishment	means a ***use*** where personal services are provided to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes but is not limited to such businesses as barber shops, hair and/or beauty salons, and tailors.
Pet Care Services	means a ***use*** where domestic pets are cleaned, groomed and cared for, where no boarding or kenneling of any animals occurs, and may include the incidental sale of products related to the services provided. This does not include a **Kennel** or **Veterinary Clinic**.
principal	means the main purpose for which a ***building*** or ***parcel*** is used.
Print Shop	means a ***use*** where retail photocopying and/or commercial printing service, or industrial printing and publishing services, are provided.
property line	means the legal boundary of a ***parcel*** or ***lot***.
Public Building	means a ***use*** where facilities or ***buildings*** that are owned or operated by, or for, the ***municipality***, the Provincial Government, the Federal Government or a corporation under federal or provincial statute, for the purpose of furnishing services or commodities to, or for the use of, the inhabitants of the ***municipality***.
Q	[**Click to Return to Definitions Index**]
qualified professional	means individuals with experience and training in a particular discipline with a recognized degree, certification, licence, or registration.
R	[**Click to Return to Definitions Index**]
recreational vehicle	means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and recreational purpose and includes, but is not limited to, such vehicles as a motor home, camper, holiday (travel) trailer and a tent trailer, but does not include a **Dwelling, Manufactured**.
Recycling Depot	means a ***use*** where recyclable materials are collected, sorted, and transferred off-site for processing or manufacturing.
Regulation	means the *Matters Related to Subdivision and Development Regulation AR84/2022*, as amended, and any parallel or successor legislation.
relocated building	means a ***building*** that was constructed and previously used or occupied and is relocated or is proposed to be relocated to another ***parcel***.
renewable energy system	means a system that produces electrical power or heat to be used for on-site consumption or heating requirements by means such as, but not limited to, active and passive solar collectors, geothermal energy or heat exchange systems. A ***renewable energy system*** may provide residual power to the grid but is not intended to produce power primarily for resale.

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residential use	means the ***use*** of a ***parcel*** for the purpose of a residence by a person or persons and does not include ***use*** of the property for commercial purposes. A ***residential use*** is one where the occupants have exclusive ***use*** for an indefinite amount of time except in accordance with a tenancy agreement under the *Residential Tenancies Act* or the *Mobile Homes Site Tenancies Act*.
Retail Store	means a ***use*** where the primary function is for the sale of finished products or goods to customers, and also includes rental services. This does not include a **Building Supply Centre**, **Cannabis Retail Sales**, a **Convenience Store**, a **Liquor Store**, or **Wholesale Outlet**.
reverse corner parcel	means a residential ***corner parcel*** where the front façade of the **Dwelling Unit** is oriented towards the longest ***property line*** which ***abuts*** a ***road*** which is considered the ***front parcel line***. The ***exterior side parcel line*** of a ***reversed corner lot*** is the shorter ***property line*** which ***abuts*** a ***road***.
road	means any public road, including the ***boulevards***, sidewalks and improvements, but excluding a ***lane***, ***highway***, or private road.
S	[**Click to Return to Definitions Index**]
screening	means a ***fence***, earth berm, or hedge used to visually separate between ***parcels***, Districts, or ***uses***.
Self-Storage Facility	means a ***use***: (a) where goods are stored in a ***building***; (b) where the building is made up of separate compartments and each compartment has separate access; (c) that may be available to the general public for the storage of personal items; (d) that may include the administrative functions associated with the ***use***; and (e) that may incorporate custodial quarters for the custodian of the facility.
setback	means the minimum distance as required by the district between a ***building***, ***structure***, or ***use***, or from each of the respective ***property lines***, or from a natural boundary or other reference line.
shade projection	means a ***structure*** that is attached to and projects from a ***building*** with the intent of providing shade or cover, and may include a ***canopy***, awning, shade louvre, or pergola.
shipping container	means a large metal container with suitable strength for the shipping, storage, and handling of goods. ***Shipping containers*** are also commonly known as sea cans or intermodal containers.
Short-Term Rental	means a ***use*** where a **Dwelling Unit** is operated as a temporary place to stay and includes vacation rentals of a **Dwelling Unit**. The characteristics of a **Short-Term Rental** may include but is not limited to: (a) the intent of the occupant to stay for short-term purposes rather than as a residence;

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(b) the management and advertising of the property as a short-term accommodation property; and/or

(c) the use of a system for reservations, deposits, confirmations, credit cards, or other forms of electronic payment.

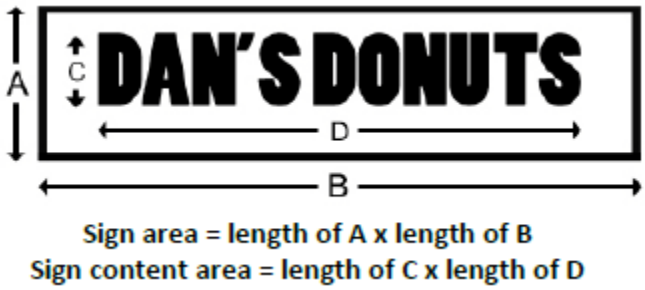
Sign means any device or fixture intended to convey information or to advertise or attract attention to any person, business, matter, message, object, or event.

sign area means the entire area of a **Sign** on which ***sign content*** is intended to be placed. In the case where a **Sign** has ***sign content*** on more than one side of the **Sign**, ***sign area*** means the average total area of all sides of the **Sign**. See Figure 3: Sign Area and Sign Content Area.

sign content means the wording/lettering, message, graphics or content displayed on a **Sign**.

sign content area means a rectangular area formed by the extreme limits of the ***sign content***, including graphics related to the specific nature of the ***sign content***. See Figure 3: Sign Area and Sign Content Area.

Figure 3: Sign Area and Sign Content Area



sign height means the vertical distance measured from the highest point of the **Sign** or **Sign** ***structure*** to ***grade***.

slope stability means the stability of a slope, which is a function of the steepness, soil material, moisture content, ground water condition, slope geometry and vegetation cover.

Small Wind Energy System means a ***use*** where a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity in accordance with the Alberta Utilities Commission regulations and which is intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power specifically for resale.

Storage Yard means a ***use***:

(a) where goods, motor vehicles or equipment are stored when they are not being used and may include long term storage where a fee is paid;

(b) where the vehicles and equipment stored may also be serviced, cleaned or repaired;

(c) that may involve the storage of construction materials;

(d) that does not involve the storage of any ***derelict vehicles*** or derelict

equipment;

(e) that does not involve the production or sale of goods as part of the ***use***; and

(f) that may have a ***building*** for the administrative functions associated with the ***use***.

storey	means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.
storey, first	means the ***storey*** with its floor closest to ***grade*** and having its ceiling more than 1.8 m above ***grade***.
structure	means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, but does not include a ***fence*** or a **Sign**.
subdivision	means the division of a ***parcel*** by an instrument and the word "subdivide" has corresponding meaning.
Subdivision and Development Appeal Board	means the ***Subdivision and Development Appeal Board*** established by the ***municipality's*** *Subdivision and Development Appeal Board Bylaw* and appointed by ***Council***.
Subdivision Authority	means a person or body appointed as a ***Subdivision Authority*** in accordance with the *Act*.
Supervised Consumption Services	means a ***use*** where people can use pre-obtained substances in a monitored area to lower the risk of harm and may include the provision of on-site health and social services.
T	[**Click to Return to Definitions Index**]
Telecommunication Structure	means a device that requires a permit from the Federal Government and is used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from, or to be received by, other antennas. **Telecommunication Structures** include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. A **Telecommunication Structure** may be freestanding or mounted on an existing ***building*** or ***structure***.
temporary	means a limited period of time as decided by the ***Development Authority***.
temporary sign	means any **Sign** designed or intended to be displayed for a short period of time, including balloon signs, construction signs, political poster signs, banner signs or any other **Sign** that is not permanently attached to a supporting ***structure*** or ***building***. **A-Board Signs** and **Portable Signs** are ***temporary signs***.
Truck and Freight Terminal	means a ***use*** where goods/freight are received, transferred, stored short-term, and dispatched for transport by truck.
U	[**Click to Return to Definitions Index**]
use	means a ***permitted use*** or ***discretionary use***.

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Utilities	means a ***use*** where a system or works are provided for treatment, storage, or distribution of one or more of the following: (a) waterworks; (b) sewage disposal; (c) public transportation; (d) irrigation; (e) drainage; (f) fuel; (g) electric power; (h) heat; (i) waste management (excluding a **Waste Transfer Station**); and (j) communications (excluding a **Telecommunication Structure**).
V	[**Click to Return to Definitions Index**]
vehicle, derelict	means any vehicle no longer in road worthy condition, in a state of disrepair, wrecked or being dismantled but does not include vehicles stored in ***buildings***, commercial or farm vehicles or vehicles used for commercial or industrial purposes on land designated for commercial or industrial use in this Bylaw.
Veterinary Clinic	means a ***use*** for the medical treatment of animals and includes provision for their overnight accommodation within the ***building*** only and may include associated office space. This does not include **Pet Care Services** or **Kennels**.
W	[**Click to Return to Definitions Index**]
Warehousing and Distribution	means a ***use*** where goods are stored inside a ***building*** and transferred to and from other locations. **Warehousing and Distribution** does not include any manufacturing, display or sales of the goods, but may include associated administrative functions.
Waste Transfer Station	means a ***use*** where solid waste materials are received from collection vehicles and consolidated into larger vehicles for transport to the landfill.
Wholesale Outlet	means a ***use*** where goods are sold for retail in larger quantities to other retailers or direct to consumers.
Worship Facility	means a ***use*** for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques and synagogues.
Wrecker and Salvage	means a ***use***: (a) where ***derelict vehicles*** are stored, dismantled or crushed; (b) where used motor vehicle parts may be sold; (c) where motor vehicles in their complete and operable state are not displayed or sold; (d) that may have equipment used for crushing, dismantling or moving motor vehicle parts; and (e) that may have a ***building*** for administrative functions associated with

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the ***use***.

Y	[Click to Return to Definitions Index]
yard	means any open space on a ***parcel***, unoccupied and unobstructed and is the distance between the ***property line*** to the foundation of the ***principal building*** or the exterior finishing materials of an **Accessory Building**.
yard, exterior side	means the area of a ***parcel*** extending from the front foundation of the ***principal building*** to the rear foundation of the ***principal building*** and between the side foundation of the ***principal building*** to the ***exterior side parcel line***.
yard, front	means the area of a ***parcel*** extending across the full width of the parcel between the ***front parcel line*** and the front foundation of the ***principal building***.
yard, interior side	means the area of a ***parcel*** extending from the front foundation of the ***principal building*** to the rear foundation of the ***principal building*** and between the side foundation of the ***principal building*** to the ***interior side parcel line***.
yard, rear	means the area of a ***parcel*** extending across the full width of the ***parcel*** between the ***rear parcel line*** and the rear foundation of the ***principal building***.

19.1.2 All other words and phrases mean the same as they do in the *Act*.

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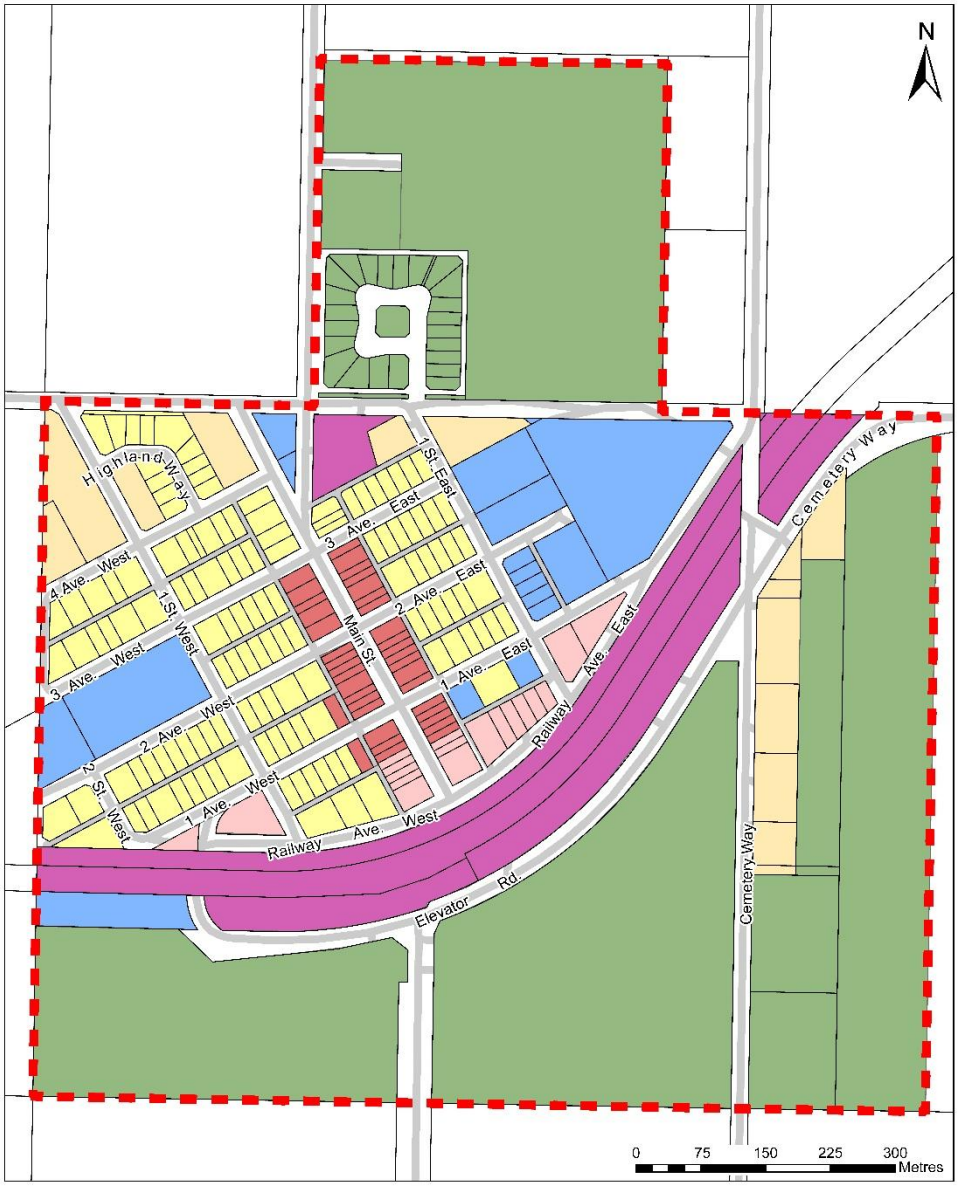
Part F – Land Use Districts Map

20 Land Use Districts Map



Land Use Districts Map

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- Residential General (RG)
- Residential Acreage (RA)
- Central Commercial (C-1)
- Commercial General (C-2)
- Industrial (I)
- Community Service (CS)
- Urban Reserve (UR)
- Legal Parcels
- Village Boundary

Village of Delia
Gateway to the Hoodoos

Palliser
Regional Municipal Services