

CITY OF BROOKS

BYLAW NO. 20/22

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12 BEING THE LAND USE BYLAW.

WHEREAS it is desirable to amend Bylaw No. 14/12 being the Land Use Bylaw for the City of Brooks;

AND WHEREAS the purpose of the proposed amendment is to consolidate and clarify the use definitions, to generally expand the types of uses under the permitted versus discretionary category within all Land Use Districts, and to make small text changes to streamline the development permit process;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks in the Province of Alberta hereby enacts as follows:

1. That the Administration portion of the Land Use Bylaw, Part 4: Development Permit Rules and Procedures, Section 29, Development Not Requiring a Development Permit, subsection 29.4 be amended by adding or rewording the following underlined text:

(c) interior or exterior renovations to a building which do not:

- Create another dwelling unit,
- Increase parking requirements,
- Result in the change of use of a building,
- Increase the square footage (increase density);

2. That the Administration portion of the Land Use Bylaw, Part 4: Development Permit Rules and Procedures, Section 32, Permitted Use Applications, subsection 32.2 be amended by adding or rewording the following underlined text:

(a) may grant an unlimited variance to any setback and a variance of 25 percent of any combination of other measurable standards of this bylaw for **new construction** and approve the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

3. That the Administration portion of the Land Use Bylaw, Part 4: Development Permit Rules and Procedures, Section 36, Variance to Bylaw Provisions, subsection 36.2 be amended by adding or rewording the following underlined text:

Upon receipt of a completed application for a development permit for a permitted use that requests an unlimited variance to any setback and 25 percent of any combination of other measurable standards of this bylaw for **new construction**, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the MGA as outlined in Section 36.1(a) and (b).

4. That Schedule 2: Land Use Districts, Residential Single Detached (R-SD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Day homes
- ▶ Home occupations – 1, 2
- ▶ Public utilities
- ▶ Secondary suites
- ▶ Single detached dwellings

2.2 DISCRETIONARY

- ▶ Bed and breakfasts
- ▶ Day cares
- ▶ Duplexes
- ▶ Government and public services
- ▶ Group care facilities (≤ 5 residents)
- ▶ Home occupations – 3
- ▶ Modular homes
- ▶ Moved-in dwellings
- ▶ Religious assemblies
- ▶ Semi-detached dwellings
- ▶ Townhouses (3 units maximum)

5. That Schedule 2: Land Use Districts, Residential Small Lot (R-SL), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Day homes
- ▶ Home occupations – 1, 2

- ▶ Public utilities
- ▶ Secondary suites
- ▶ Single detached dwellings

2.2 DISCRETIONARY

- ▶ Bed and breakfasts
- ▶ Duplexes
- ▶ Government and public services
- ▶ Home occupations – 3
- ▶ Moved-in dwellings
- ▶ Modular homes
- ▶ Semi-detached dwellings

6. That Schedule 2: Land Use Districts, Residential Low Density (R-LD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Day homes
- ▶ Duplexes
- ▶ Home occupations – 1, 2
- ▶ Public utilities
- ▶ Secondary suites
- ▶ Semi-detached dwellings
- ▶ Single detached dwellings
- ▶ Townhouses (3 unit maximum)

2.2 DISCRETIONARY

- ▶ Apartments (8 unit maximum)
- ▶ Bed and breakfasts
- ▶ Day cares
- ▶ Government and public services
- ▶ Group care facilities (≤ 5 residents)
- ▶ Home occupations – 3
- ▶ Moved-in dwellings
- ▶ Modular homes
- ▶ Townhouses (8 unit maximum)

7. That Schedule 2: Land Use Districts, Residential High Density (R-HD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Apartments
- ▶ Day cares
- ▶ Day homes
- ▶ Duplexes
- ▶ Home occupations – 1, 2
- ▶ Public utilities
- ▶ Secondary suites
- ▶ Semi-detached dwellings
- ▶ Single detached dwellings
- ▶ Townhouses

2.2 DISCRETIONARY

- ▶ Bed and breakfasts
- ▶ Commercial uses on the main floor of multi-storey buildings:
 - ▶ Business and professional offices
 - ▶ Cafes
 - ▶ Medical offices
 - ▶ Minor retail establishments
 - ▶ Personal services
- ▶ Government and public services
- ▶ Group care facilities (≤ 5 residents)
- ▶ Home occupations – 3
- ▶ Modular homes
- ▶ Moved-in dwellings
- ▶ Religious assemblies

8. That Schedule 2: Land Use Districts, Residential Manufactured Home (R-MH), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Home occupations – 1, 2
- ▶ Manufactured homes
- ▶ Public utilities

2.2 DISCRETIONARY

- ▶ Government and public services
- ▶ Home occupations – 3
- ▶ Modular homes
- ▶ Moved-in dwellings
- ▶ Single detached dwellings

9. That Schedule 2: Land Use Districts, Residential Manufactured Home Park (R-MP), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Home occupations – 1, 2
- ▶ Manufactured homes
- ▶ Manufactured home parks
- ▶ Parks and playgrounds
- ▶ Public utilities

2.2 DISCRETIONARY

- ▶ Government and public services
- ▶ Home occupations – 3
- ▶ Modular homes

10. That Schedule 2: Land Use Districts, Commercial Central (C-C), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Art and craft studios
- ▶ Bakeries
- ▶ Bars/Lounges
- ▶ Breweries, wineries and distilleries
- ▶ Business and professional offices
- ▶ Cafes
- ▶ Cannabis stores
- ▶ Commercial schools
- ▶ Cultural facilities
- ▶ Dwelling units above non-residential uses
- ▶ Entertainment facilities
- ▶ Financial institutions
- ▶ Government and public services
- ▶ Home occupations – 1, 2

- ▶ Hotels
- ▶ Media production facilities
- ▶ Medical offices
- ▶ Minor retail establishments
- ▶ Personal services
- ▶ Pet grooming establishments
- ▶ Private recreation facilities
- ▶ Public utilities
- ▶ Religious assemblies
- ▶ Restaurants

2.2 DISCRETIONARY

- ▶ Adult entertainment establishments
- ▶ Apartments
- ▶ Auto and equipment rentals and sales
- ▶ Day cares
- ▶ Duplexes
- ▶ Dwelling units in the rear of non-residential uses
- ▶ Funeral services
- ▶ Home occupations – 3
- ▶ Liquor stores
- ▶ Modular homes
- ▶ Moved-in buildings
- ▶ Moved-in dwellings
- ▶ Parking facilities
- ▶ Personal services
- ▶ Repair shops
- ▶ Secondary suites
- ▶ Semi-detached dwellings
- ▶ Service stations
- ▶ Shopping malls
- ▶ Single detached dwellings
- ▶ Townhouses

11. That Schedule 2: Land Use Districts, Commercial General (C-G), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Art and craft studios
- ▶ Auto and equipment rental and sales
- ▶ Bakeries
- ▶ Bar/Lounges
- ▶ Breweries, wineries and distilleries
- ▶ Bus depots

- ▶ Building and trade contractors
- ▶ Business and professional offices
- ▶ Cafes
- ▶ Cannabis stores
- ▶ Commercial schools
- ▶ Cultural facilities
- ▶ Dwelling units above non-residential uses
- ▶ Dwelling units in the rear of non-residential uses
- ▶ Entertainment facilities
- ▶ Financial institutions
- ▶ Funeral services
- ▶ Government and public services
- ▶ Home occupations – 1, 2
- ▶ Hotels
- ▶ Major retail establishments
- ▶ Media production facilities
- ▶ Medical offices
- ▶ Minor retail establishments
- ▶ Personal services
- ▶ Pet grooming establishments
- ▶ Private recreation facilities
- ▶ Public utilities
- ▶ Religious assemblies
- ▶ Restaurants
- ▶ Service stations
- ▶ Shopping malls
- ▶ Veterinary clinics

2.2 DISCRETIONARY

- ▶ Adult entertainment establishments
- ▶ Apartments
- ▶ Day cares
- ▶ Duplexes
- ▶ Home occupations – 3
- ▶ Liquor stores
- ▶ Modular homes
- ▶ Moved-in buildings
- ▶ Moved-in dwellings
- ▶ Oilfield services
- ▶ Parking facilities
- ▶ Recycling facilities
- ▶ Repair shops
- ▶ Secondary suites
- ▶ Semi-detached dwellings
- ▶ Single detached dwellings
- ▶ Townhouses

- ▶ Truck and car washes
- ▶ Warehouses

12. That Schedule 2: Land Use Districts, Commercial Neighbourhood (C-N), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Art and craft studios
- ▶ Bakeries
- ▶ Bed and breakfasts
- ▶ Business and professional offices
- ▶ Cafes
- ▶ Day cares
- ▶ Day homes
- ▶ Duplexes
- ▶ Dwelling units above nonresidential uses
- ▶ Dwelling units in the rear of residential uses
- ▶ Home occupations – 1, 2
- ▶ Minor retail establishments
- ▶ Personal services
- ▶ Public utilities
- ▶ Semi-detached dwellings
- ▶ Single detached dwellings

2.2 DISCRETIONARY

- ▶ Apartments
- ▶ Bars/Lounges
- ▶ Breweries, wineries and distilleries
- ▶ Commercial schools
- ▶ Government and public services
- ▶ Group care facility (<= 5 residents)
- ▶ Home occupations - 3
- ▶ Medical offices
- ▶ Modular homes
- ▶ Moved-in buildings
- ▶ Moved-in dwellings
- ▶ Restaurants
- ▶ Townhouses

13. That Schedule 2: Land Use Districts, Industrial Light (I-L), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Auction establishments
- ▶ Auto and equipment paint shops
- ▶ Auto and equipment rental and sales
- ▶ Breweries, wineries and distilleries
- ▶ Building and trade contractors
- ▶ Business and professional offices
- ▶ Cafes
- ▶ Cannabis stores
- ▶ Commercial schools
- ▶ Day cares
- ▶ Entertainment facilities
- ▶ Funeral services
- ▶ Government and public services
- ▶ Laboratories
- ▶ Light manufacturing
- ▶ Major retail establishments
- ▶ Media production facilities
- ▶ Minor retail establishments
- ▶ Oilfield services
- ▶ Pet grooming establishments
- ▶ Private recreation facilities
- ▶ Public utilities
- ▶ Recycling facilities
- ▶ Religious assemblies
- ▶ Repair shops
- ▶ Restaurants
- ▶ Service stations
- ▶ Truck and car washes
- ▶ Veterinary clinics
- ▶ Warehouses

2.2 DISCRETIONARY

- ▶ Adult entertainment establishments
- ▶ Bar/Lounges
- ▶ Bulk fuel stations
- ▶ Cannabis production facilities
- ▶ Dwelling units above non-residential uses
- ▶ Hotels
- ▶ Liquor stores
- ▶ Moved-in buildings

- ▶ Outdoor storage
- ▶ Personal services
- ▶ Renewable energies

14. That Schedule 2: Land Use Districts, Industrial General (I-G), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Auction establishments
- ▶ Auto and equipment paint shops
- ▶ Auto and equipment rental and sales
- ▶ Building and trade contractors
- ▶ Bulk fuel stations
- ▶ Business and professional offices
- ▶ Cannabis production facilities
- ▶ Commercial schools
- ▶ Funeral services
- ▶ Government and public services
- ▶ Laboratories
- ▶ Light manufacturing
- ▶ Major retail establishments
- ▶ Media production facilities
- ▶ Minor retail establishments
- ▶ Oilfield services
- ▶ Outdoor storage
- ▶ Public utilities
- ▶ Recycling facilities
- ▶ Renewable energies
- ▶ Repair shops
- ▶ Service stations
- ▶ Truck and car washes
- ▶ Veterinary clinics
- ▶ Warehouses

2.2 DISCRETIONARY

- ▶ Breweries, wineries and distilleries
- ▶ Day cares
- ▶ Heavy manufacturing
- ▶ Liquor stores
- ▶ Moved-in buildings
- ▶ Religious assemblies
- ▶ Salvage yards

15. That Schedule 2: Land Use Districts, Industrial Heavy (I-H), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Auction establishments
- ▶ Auto and equipment paint shops
- ▶ Building and trade contractors
- ▶ Bulk fuel stations
- ▶ Cannabis production facilities
- ▶ Government and public services
- ▶ Light manufacturing
- ▶ Public utilities
- ▶ Oilfield services
- ▶ Outdoor storage
- ▶ Recycling facilities
- ▶ Repair shops
- ▶ Renewable energies
- ▶ Salvage yards
- ▶ Warehouses

2.2 DISCRETIONARY

- ▶ Commercial schools
- ▶ Heavy manufacturing
- ▶ Major retail establishments
- ▶ Moved-in buildings

16. That Schedule 2: Land Use Districts, Public and Quasi-Public Service (P-PS), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Cultural facilities
- ▶ Day cares
- ▶ Education facilities
- ▶ Government and public services
- ▶ Hospitals
- ▶ Parks and playgrounds
- ▶ Public recreation facilities
- ▶ Public utilities

2.2 DISCRETIONARY

- ▶ Cemeteries
- ▶ Group care facilities
- ▶ Moved-in buildings
- ▶ Religious assemblies
- ▶ Seniors housing

17. That Schedule 2: Land Use Districts, Public Recreation and Open Space (P-OS), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Cultural facilities
- ▶ Parks and playgrounds
- ▶ Public recreational facilities
- ▶ Public utilities

2.2 DISCRETIONARY

- ▶ Campgrounds
- ▶ Golf courses

18. That Schedule 2: Land Use Districts, Mixed Use (MU) be deleted in its entirety, and any references to the Mixed Use Land Use District be deleted throughout the Land Use Bylaw.

19. That Schedule 2: Land Use Districts, Future Urban Development (FUD), Section 2: Uses, be deleted in its entirety, and be replaced with the following text:

2.1 PERMITTED

- ▶ Accessory buildings and structures
- ▶ Farms
- ▶ Home occupations – 1, 2
- ▶ Public utilities

2.2 DISCRETIONARY

- ▶ Home occupations – 3
- ▶ Modular homes
- ▶ Moved-in buildings
- ▶ Moved-in dwellings
- ▶ Outdoor storage
- ▶ Parks and playgrounds
- ▶ Public recreation facilities

- ▶ Renewable energies
- ▶ Single detached dwellings

20. That the table in Schedule 3: General Standards of Development, Section 17: Parking and Loading, subsection 17.2, General Requirements, subsection (2), be deleted in its entirety, and be replaced with the following table:

MINIMUM OFF-STREET PARKING REQUIREMENTS: Non-residential Uses	
Uses	Parking requirements
Adult entertainment establishments	10 stalls/100 m ² (1076.39 ft ²) GFA
Arts and craft studios	2 stalls/100 m ² (1076.39 ft ²) GFA
Auction establishments	10 stalls/100 m ² (1076.39 ft ²) GFA
Auto and equipment paint shops	2 stalls/100 m ² (1076.39 ft ²) GFA
Auto and equipment rental and sales	2 stalls/100 m ² (1076.39 ft ²) GFA
Bakeries	2 stalls/100 m ² (1076.39 ft ²) GFA
Bars/Lounges	10 stalls/100 m ² (1076.39 ft ²) GFA
Bed and breakfasts	1 stall/guest room
Breweries, wineries and distilleries	As required by the DA
Building and trade contractors	2 stalls/100 m ² (1076.39 ft ²) GFA
Bulk fuel stations	2 stalls/100 m ² (1076.39 ft ²) GFA
Bus depots	2 stalls/100 m ² (1076.39 ft ²) GFA
Business and professional offices	2 stalls/100 m ² (1076.39 ft ²) GFA
Cafes	2 stalls/100 m ² (1076.39 ft ²) GFA
Campgrounds	As required by the DA
Cannabis production facilities	2 stalls/100 m ² (1076.39 ft ²) GFA
Cannabis stores	2 stalls/100 m ² (1076.39 ft ²) GFA
Cemeteries	As required by the DA
Commercial schools	2 stalls/100 m ² (1076.39 ft ²) GFA
Cultural facilities	10 stalls/100 m ² (1076.39 ft ²) GFA
Day cares	2 stalls/100 m ² (1076.39 ft ²) GFA
Day homes	As required by the DA
Education facilities	10 stalls/100 m ² (1076.39 ft ²) GFA
Entertainment facilities	5 stalls/100 m ² (1076.39 ft ²) GFA

Financial institutions	3 stalls/100 m ² (1076.39 ft ²) GFA
Farms	Not applicable
Funeral services	10 stalls/100 m ² (1076.39 ft ²) GFA
Government and public services	As required by the DA
Heavy manufacturing	2 stalls/100 m ² (1076.39 ft ²) GFA
Home occupations	See Section 6
Hospitals	10 stalls/100 m ² (1076.39 ft ²) GFA
Hotels	1 stall/room
Laboratories	2 stalls/100 m ² (1076.39 ft ²) GFA
Light manufacturing	2 stalls/100 m ² (1076.39 ft ²) GFA
Liquor stores	2 stalls/100 m ² (1076.39 ft ²) GFA
Major retail establishments	2 stalls/100 m ² (1076.39 ft ²) GFA
Media production facilities	2 stalls/100 m ² (1076.39 ft ²) GFA
Medical offices	5 stalls/100 m ² (1076.39 ft ²) GFA
Minor retail establishments	2 stalls/100 m ² (1076.39 ft ²) GFA
Oilfield services	As required by the DA
Outdoor storage	As required by the DA
Parking facilities	Not applicable
Parks and playgrounds	As required by the DA
Personal services	2 stalls/100 m ² (1076.39 ft ²) GFA
Pet grooming facilities	2 stalls/100 m ² (1076.39 ft ²) GFA
Private recreation facilities	5 stalls/100 m ² (1076.39 ft ²) GFA
Public recreation facilities	As required by the DA
Public utilities	As required by the DA
Recycling facilities	2 stalls/100 m ² (1076.39 ft ²) GFA
Religious assemblies	As required by the DA
Renewable energies	As required by the DA
Repair shops	2 stalls/100 m ² (1076.39 ft ²) GFA
Restaurants	10 stalls/100 m ² (1076.39 ft ²) GFA
Salvage yards	2 stalls/100 m ² (1076.39 ft ²) GFA
Seniors housing	10 stalls/100 m ² (1076.39 ft ²) GFA
Service stations	2 stalls/100 m ² (1076.39 ft ²) GFA

Shopping malls	2 stalls/100 m ² (1076.39 ft ²) GFA
Truck and car washes	2 stalls/100 m ² (1076.39 ft ²) GFA
Veterinary clinics	2 stalls/100 m ² (1076.39 ft ²) GFA
Warehouses	As required by the DA

21. That Schedule 4: Use Specific Standards of Development, Section 6: Home Occupations, Subsection 6.4, Assessment of Measurable Impact, is amended by rewording the following underlined text:

Impact Factor	Home Occupation Categories		
	1	2	3
Non-resident employees	None	1	2
Commercial vehicles	None	None	1
Commercial trailers	None	None	1
Outdoor storage	None	None	Development Authority's discretion
Off-street Parking stalls	None	<u>Development Authority's discretion</u>	3
Client visits	None	3 – 5 per day	5 + per day
Signage	None	1 window	1 window + 1 free-standing
On-site sales	None	Development Authority's discretion	Development Authority's discretion
Development Permit	Not required	Required	Required

22. That Schedule 4: Use Specific Standards of Development, Section 8: Lodging Houses be deleted in its entirety, subsequent sections renumbered accordingly, and any references to Lodging Houses be deleted throughout the Land Use Bylaw.

23. That Schedule 4: Use Specific Standards of Development, Section 9: Manufactured Homes & Manufactured Home Parks, subsection 9.3, Used Manufactured Homes, be amended by adding the following underlined text:

- (2) any application for a Development Permit to locate a used manufactured home shall include recent colour photographs of all elevations, including additions and shall show Canadian Standards Association and Alberta building Standards Label Numbers. A Safety Codes Officer must inspect all

proposed dwellings built 20 years prior to the date when a Development Permit Application is submitted for a used manufactured home, at the developer's/applicant's expense, and provide a report as part of the Development Permit Application.

24. That Schedule 4: Use Specific Standards of Development, Section 11: Modular Homes, subsection 11.2, General Requirements, be amended by adding or rewording the following text:

(a) the unit is CSA certified for modular homes and shall meet all safety code requirements, and only safety code requirements for ready-to-move and panelized dwellings;

25. That Schedule 4: Use Specific Standards of Development, Section 12: Multi-unit Dwellings, subsection 12.2, General Requirements, be amended by adding or rewording the following text:

(4) for multi-unit buildings any side yard setback requirements in any land use district do not apply to internal units.

26. That Schedule 4: Use Specific Standards of Development, Section 14: Secondary Suites, subsection 14.2, be amended by deleting the following text:

(3) notwithstanding 14.2(4), variances or waivers of setbacks or any other measurable standard in conjunction with applications for secondary suites shall be decided upon by the Municipal Planning Commission.

27. That Schedule 6: Definitions of the Land Use Bylaw be deleted in its entirety and replaced with the Definitions section attached as Schedule A.

28. That amendments to definitions as shown in Schedule A are reflected throughout the Land Use Bylaw through the deletion, rewording and renumbering of terms where necessary.

29. That the amendments to Bylaw No. 14/12, being the Land Use Bylaw, make use of formatting that maintains the consistency of the portions of the Bylaw being amended.

30. That this Bylaw shall take effect upon final passing thereof.

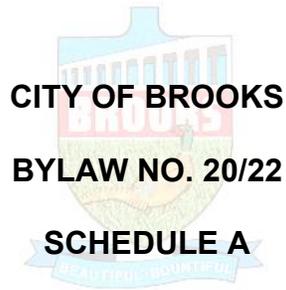
Read a first time this _____ day of _____, 2020.

Read a second time this _____ day of _____, 2020.

Read a third time and finally passed this _____ day of _____, 2020.

Mayor

Chief Administrative Officer



SCHEDULE 6: DEFINITIONS

A

Accessory Building and Structure means any building or structure that is incidental or subordinate to and located on the same lot as a principal building, structure or use. A principal building, structure or use must be approved or legally established before an accessory building or structure can be approved. When a building or structure is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building.

Accessory Use means a use of a building or site that is associated with or part of a primary use and is incidental or subordinate to and located on the same lot as a principal building, structure or use.

Act means the *Municipal Government Act, RSA 2000, Chapter M-26* of the Province of Alberta, as amended from time to time, and is referred to in the bylaw as 'the Act'.

Active Modes means any form of human-powered transportation such as but not limited to walking, bicycling, in-line skating, skateboarding, a non-mechanized wheelchair, snowshoeing and skiing.

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

Adjacent means a lot, land or site that is contiguous, or would be contiguous if not for a highway, road, river or stream, in accordance with the Act. Additionally and for the purposes of this bylaw, adjacent can also mean a lot, land or site that shares a property boundary with another lot, land or site.

Adult Entertainment Establishment means commercial establishments in which a significant portion of the business is to:

- (a) display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age; and/or

- (b) which display for viewing any film or pictures depicting sexual conduct or nudity and which excludes minors by reason of age; and/or
- (c) in which any person appears or performs in a manner depicting sexual conduct or involving nudity and which minors are excluded by reason of age.

AGLC means Alberta Gaming, Liquor and Cannabis Commission

Alter or Alteration means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Alternative (Renewable) Energy Systems means systems for commercial or residential use that derive energy from wind, solar, geothermal or other sources of energy that do not depend on finite, non-renewable resources such as fossil fuels and include but are not limited to such systems as wind energy conversion systems and solar collector arrays.

Amenity Area means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches and other similar items that are intended for private or public use as specified by the Development Authority.

Apartment means a building containing three or more dwelling units with shared services, facilities and outside entrances. This use does not include Townhouse, which is a separate use in this bylaw.

Applicant means the registered owner of the land or his or her representative or agent certified or authorized as such to act on their behalf.

Approved Use means a use of land and/or building(s) for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

Architectural Features means any part or portion of a building or structure including but not limited to projections, recesses, windows, columns, awnings, marquee, façade or fascia, cornices, eaves, gutters, belt courses, sills, lintels, windows, chimneys and any other decorative and/or functional ornamentation that may be considered to contribute to the beauty, elegance and character of the building or structure and that may or may not be necessary for the structural integrity of the building or structure.

Area Redevelopment Plan means a statutory plan, prepared in accordance with Sections 634 and 635 of the Act for the purpose of all or any of the following:

- (a) preserving or improving land and buildings in the area;
- (b) rehabilitating buildings in the area;
- (c) removing buildings from the area;
- (d) constructing or replacing buildings in the area;

- (e) establishing, improving or relocating public roadways, public utilities or other services in the area;
- (f) any other development in the area.

Area Structure Plan means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land as per Section 633 of the Act and that may be adopted by a Council by bylaw.

Art and Craft Studio means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing and sculpture and artist studios. This use does not include Light or Heavy Manufacturing, which are separate uses in this bylaw.

Articulation means the design, orientation and layout of a building or group of buildings, with a focus on the exterior, that should clearly define and positively contribute to the quality of the pedestrian environment and the overall streetscape through the selection and combination of exterior building materials, the transparency of the building faces (windows and openings) and the animation of the building(s) exterior walls through the inclusion of architectural features including but not limited to those presented in the respective definition included in this schedule.

Attached Garage means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating yard setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

Auction Establishment means a development specifically intended for the auctioning of goods and equipment services including related temporary storage of such goods and equipment. This use does not include Auto and Equipment Rental and Sales or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Auto and Equipment Paint Shop means a development where vehicles, machines, large equipment, and similar objects are painted. This use may include outdoor storage and administrative offices as accessory uses. This use does not include Repair Shop or Service Station, which are separate uses in this bylaw.

Auto and Equipment Rental and Sales means a development for the sale or rental of new and used vehicles, recreational vehicles (campers, trailers etc.), manufactured homes, farm equipment, construction equipment and other similar large scale objects that cannot be readily stored in a building. This use must include a permanent building for sales and may include associated outdoor storage and administrative and sales offices as accessory uses. This use does not include Repair Shop, Auto and Equipment Paint Shop or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Awning means a light-weight metal or cloth shelter projecting from and supported entirely by the exterior wall of a building.

B

Balcony means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.6 metres in width.

Bakery means a building used for the baking and selling of baked goods and may include the retail sale of related goods or a café within the principle bakery building as accessory uses. This use does not include Restaurants, which is a separate use in this bylaw.

Bar/Lounge means an establishment, licensed by the Alberta Liquor Control Board, where the main purpose is to serve alcoholic beverages for consumption on the premises, and any preparation or serving of food is ancillary to such use. Typical uses include neighbourhood pubs, bars, taverns and licensed lounges that are accessory to a restaurant. This use does not include Entertainment Facilities, Restaurants or Adult Entertainment Establishments, which are separate uses in this bylaw.

Basement means the portion of a building or structure which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

Bay means a self-contained unit or part of a building that can be sold or leased for individual occupancy.

Bay window means a window or series of windows projecting from the outer wall of a building and forming a recess within.

Bed and Breakfast means an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

Block Scale means elements of an urban block such as but not limited to the shape, orientation, number of points of access for vehicles and active modes of transportation, length of streets as measured from one intersection to the next, and the overall perimeter measurement of a block, as measured from one intersection to any other number of intersections as may be required to be measured from and depending on the shape of the block being measured.

Brewery, Winery, and Distillery means a facility where small-scale production and packaging of alcoholic and non-alcoholic beverages takes place. Such facilities may or may not include a tasting room, retail sales space, wholesale sales or a restaurant as an accessory use.

Building means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.

Building Design means the development of a building's massing, shape, orientation, size, height, interior, exterior, structural, electrical, plumbing and other systems, overall style and any other elements as required to adequately provide the desired intent of the building to its users.

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

Building Massing means the volume, height, location and orientation of a building.

Building Scale means building elements and details as they proportionally relate to each other and to humans.

Buffer means a row of trees, hedges, shrubs, a fence, or a berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Build Within Area means the designated area, typically within the front yard, that is required for the front of a building to be constructed within, and is different from a setback in that a setback dictates only that a building face cannot be built any closer than a certain prescribed distance to a lot line in the given yard, whereas the build within area designates a minimum and maximum distance from the lot line within which the associated building face must be constructed.

Building and Trade Contractor means a development for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities. This use does not include Light or Heavy Manufacturing or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Bulk Fuel Station means a use of land or buildings for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities. This use does not include Service Station, which is a separate use in this bylaw.

Bus Depot means development for the transient housing or parking of motor-driven buses and the loading and unloading of passengers and accessory uses. The transportation and storage of freight incidental to this use is considered part of this use.

Business and Professional Office means development used to offer professional, trading or occupational services including accountants, engineers and architects, real estate, insurance, clerical, secretarial, employment, telephone answering and other similar uses. This use does not include Financial Institutions and Medical Offices, which are separate uses in this bylaw.

Business Frontage means – see Frontage, Business

C

Café means a retail sales establishment engaged in the selling of light meals and nonalcoholic drinks where commercial kitchens and ventilation systems are not permitted. This use may include the retail sale of related goods on a small scale. This use does not include Restaurants, Bars/Lounges, or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Campgrounds means development of land which has been planned and improved for the seasonal short-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles and may include full time on site management accommodation accessory to the principal use. It is not used as year round storage or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

Cannabis means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not.

Cannabis Accessories means accessories that promote the responsible and legal consumption and storage of cannabis.

Cannabis Product means a product that contains Cannabis.

Cannabis Production Facility means a use where Cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all Federal requirements as well as all requirements of this bylaw, as amended from time to time.

Cannabis Representative means a corporation or individual registered with the AGLC who is in the business of representing a Cannabis supplier in the sale of the supplier's Cannabis.

Cannabis Store means a use where recreational Cannabis can be legally sold, and has been licensed by the AGLC. All Cannabis that is offered for sale or sold must be from a federally approved and licensed producer. No consumption shall be on premises. This may include ancillary retail sale or rental of Cannabis Accessories, and where counselling on Cannabis may be provided.

Cannabis Supplier means a person who holds a Federal licence that authorizes the person to produce Cannabis for commercial purposes or to sell Cannabis to the AGLC.

Canopy means a non-retractable solid projection extending from the wall of a building, or freestanding, which is intended to be used as protection against weather, other than normal architectural features such as lintels, sills, mouldings, architraves and pediments and includes the structure known as a theatre marquee.

Carnival means a temporary development that provides a variety of shows, games and amusement rides, for a period less than thirty (30) days, in which patrons take part.

Cemetery means development of a parcel of land primarily as landscaped open space for the entombment of the deceased and may include the following accessory developments: crematoriums, cinerariums, columbariums, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

Certificate of Compliance means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

Change of Use means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

Character means the special physical characteristics of a building, structure or area that sets it apart from its surroundings and contributes to its individuality, either in the present tense through the creation of character based on the historic and recent development activities within and around the given building, structure or area, or in the future tense if the desire for a certain character for a given building, structure or area is identified in a plan approved by Council.

Choke Points means a point of congestion or blockage within transportation r-o-w.

Civic Space means a building, structure or area developed with the intention of providing access to all members of the public, including but not limited to public buildings, libraries, playgrounds, parks, assembly halls, green spaces, trails and active modes pathways, squares, festival facilities, amphitheatres, and community gardens.

Clear Vision Zone means a triangular area formed on the corner of a site by measuring back from the corner of the property line adjacent to the public right-of-way, and joining these two points across the property, as shown in Section 3, sub-section 3.3 of Schedule 3 (General Standards of Development).

Combined or Shared Parking means an arrangement where two or more uses share a common parking area. This definition includes an arrangement where one use requires the common parking area during different hours than the other use that shares the same common parking area.

Commercial School means development used for training and instruction in a specific trade, skill or service. Typical uses may include, but are not limited to, secretarial, business, hairdressing, beauty culture, dancing or music schools. Administrative offices and the retail sale of related goods may be accessory uses. This use does not include Education Facility, which is a separate use in this bylaw.

Conceptual Design Scheme means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw which:

- (a) shows the location of any existing or proposed buildings; and
- (b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and
- (c) provides for access roads, water, sewer, power and other services to the satisfaction of the Subdivision Authority or Council.

Condominium means:

- (a) in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls, and ceilings within the building; and
- (b) in the case other than a building, land that is situated within a lot and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys.

Connectivity means a measure of the efficiency of the physical layout of the block structure as made up by the transportation network, including but not limited to average block dimensions, the number of intersections, the percentage of three and four way intersections, and route choice throughout a given transportation network. High connectivity means that a given network has many direct route choices, while low connectivity means a given network has few direct route choices.

Corner lot means – see Lot, Corner

Council means the duly elected Council of the City of Brooks.

Coverage means – see Lot, Coverage or Site Coverage

Cultural Facility means the provision of cultural services to the public by a public or private, non-profit facility. This use includes, but is not limited to, museums, art galleries, libraries and assemblies of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business, or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation, and amusement facilities as accessory uses. This use does not include Entertainment Facilities, or Public or Private Recreation Facilities, which are separate uses in this bylaw.

D

Day Care means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of children between the ages of 0 and 12. Day cares are facilities that provide services to care for seven (7) or more children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, and that shall meet the licensing requirements of the Province.

Day Home means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of children between the ages of 0 and 12. Day homes operate out of a residence that provides services to care for no more than six (6) children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, and that may be unlicensed but shall be approved by the Province.

Deck means an uncovered horizontal structure, with a surface height greater than 0.6 m (2 ft) above grade at any point, but no higher than the first story floor level, and intended for use as a private outdoor amenity space.

Deflection means the placement of object(s) in the way of a straight line of sight, thereby shifting the visual focus from the linear path to the change in direction that is forced by the object. Objects may consist of but not be limited to hard and soft landscaping, structures, and buildings.

Demolition means the pulling down, tearing down or razing of a building or structure.

Density means the number of dwelling units on a site expressed in dwelling units per hectare or acre, and may be calculated using only developable area, generally expressed as *Net Density*, or using all of the subject site area, generally expressed as *Gross Density*.

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to Section 624(2)(a) of the Act and in accordance with the City's associated enabling bylaw.

Detached Garage means an accessory building designed and use primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and who may also wish to change the use of the property from its existing use.

Development means, as per the Act:

- (a) an excavation or stockpile and the creation of either of them;
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

Development Agreement means a contractual agreement completed between the municipality and an applicant for a Development Permit which specifies the public roadways, utilities and other services to be provided by the Permit holder as a condition of Development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the *Municipal Government Act*, as amended.

Development Application means an application made to the Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.

Development Area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development Authority means the body established by bylaw to act as the Development Authority in accordance with Sections 623(b) or (c) and 624 of the Act and may include the Development Officer or other Designated Officer, the Municipal Planning Commission or the Council of the City of Brooks.

Development Officer means a person appointed as the Development Officer pursuant to the Development Authority Bylaw and this Land Use Bylaw.

Development Permit means a document issued pursuant to this bylaw by the City of Brooks authorizing a Development that has been approved by the Development Authority or Subdivision and Development Appeal Board.

Discretionary Use means one or more uses of land or buildings in a land use district for which a development permit may be issued at the discretion of the Development Authority or the Subdivision and Development Appeal Board, with or without conditions.

District means – see Land Use District

Drive-Through means a restaurant or other business where services are provided to customers who remain in their vehicles. A drive-through may be an accessory use to a Café, Restaurant, Truck and Car Wash or other similar uses.

Driveway means a paved or unpaved strip of land located on private property that is used exclusively as a connector between public right-of-way and private land, for the purposes of accessing and providing parking space on private land, or for the purposes of accessing a garage structure or other enclosure located on private land, that is intended primarily for the parking of motorized or non-motorized vehicles.

Dwelling means any building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, or similar accommodation. For the purposes of this bylaw, dwellings include apartments, duplexes, manufactured homes, modular homes, moved in dwellings, single detached dwellings, semi-detached dwellings, secondary suites and townhouses.

Dwelling Unit means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals.

Dwelling Unit Above Non-Residential Use means a dwelling unit as defined by this bylaw that is located above non-residential uses that are located in the same building, and that meets all other requirements of this bylaw.

Dwelling Unit in Rear of Non-Residential use means a dwelling unit as defined by this bylaw that is located in the rear of a building that contains a non-residential use in the front portion of the same building, and that meets all other requirements of this bylaw.

Duplex means a building containing two dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.

E

Easement is the right to use the property owned by another for a specific purpose.

Eave Line means the outermost extent of the extension or overhang of a roof line beyond the vertical wall of a building.

Eaves means the extension or overhang of a roof line beyond the vertical wall of a building.

Education facility means a place of instruction offering courses of study operated with public or private funds. Included in this use are public, private, and separate schools. This use includes grade schools and post-secondary institutions that offer courses, certificates and degrees. This use does not include Commercial Schools, which is a separate use in this bylaw.

Entertainment Facility means a development providing leisure and entertainment activities within an enclosed environment where alcohol and food may be consumed on the site as an accessory use. Typical uses include movie theaters, drama or dinner theaters, nightclubs, concert halls, video arcades, bingo halls, bowling alleys and similar uses. This use does not include Bar/Lounges, Restaurants or Adult Entertainment Establishments, which are separate uses in this bylaw.

Established Areas means areas of the City where urban forms of development have already occurred on the majority of lots, including but not limited to site improvements such as landscaping and principal and secondary buildings serviced by utilities and infrastructure such as water, wastewater, power, gas, and electrical, roads and garbage collection services.

Existing means in place as of the date of adoption of this bylaw or any amendments to this bylaw.

F

Façade means the entire area and all elements (including but not limited to windows, recesses, projections, fascia, soffit, doors and canopies) of an exterior building wall for the entire width and from grade to the top of the building, not including any structural or non-structural elements extending beyond the highest point of the roof, eaves or parapet, whichever is applicable based on the design of the building.

Farm means an agricultural parcel that may be developed with a dwelling, structures, shelter belts, dugouts, storage areas for farm equipment, produce, fertilizer and other materials necessary to the extensive cultivation of the major portion of land associated with such development.

Fence means a structure which is used to prevent or redirect passage, to provide visual screening, sound attenuation, protection from dust or the elements or to mark a boundary.

Financial Institution means a development providing financial and banking services. Typical uses include banks, credit unions, trust companies or any other company providing loans or mortgages.

Flankage applies to corner lots and means the longer of the two lot lines facing the streets unless both lot lines facing the streets are of equal length, at which point either lot line, but not both, could be considered the flankage.

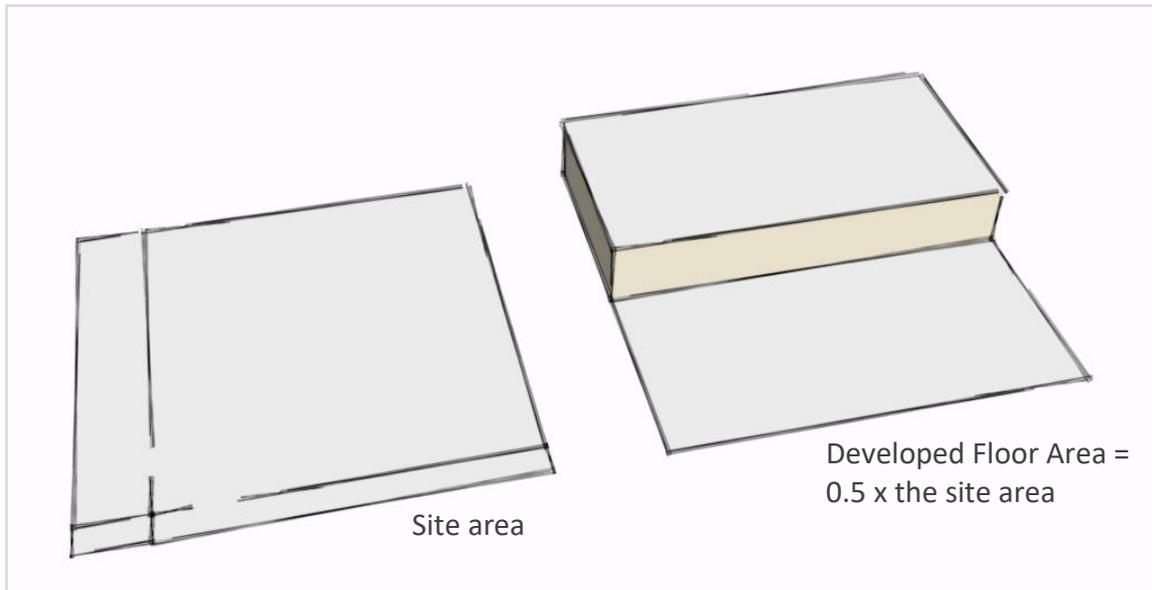
Flankage Setback applies to corner lots and means the minimum setback required along the lot line that is determined to be the flankage.

Floor Area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

Floor Area, Gross means the total floor area of each floor of a building measured from the outside surface of the exterior walls, and includes all floors totally or partially above grade level except parking levels.

Floor Area, Net means the gross floor area defined by the inside dimensions for each floor minus the horizontal floor area on each floor used for corridors, elevators, stairways, mechanical rooms, workrooms, washrooms, lobbies, and other non-rentable areas.

Floor Area Ratio (FAR) means the ratio derived by dividing the gross floor area of all buildings on a lot by the total area of the lot, not including parking below grade.



Foundation means the supporting base structure of a building.

Front Yard means – see Yard, Front

Frontage means the linear distance measured along the front property line parallel to and along a street, but does not include a lane.

Frontage, Business means the length of the property line of any one business use, parallel to and along each legally accessible public street, excluding a lane that it borders.

Funeral Service means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

G

Garage means an accessory building or part of a principal building designed and used for the shelter or storage of vehicles and includes a carport.

Golf Course means an outdoor use/establishment of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses may include a pro shop, driving range and/or proactive facility, food service, and other commercial uses typically associated with a golf course clubhouse facility but subordinate to the actual area where the game of golf is played.

Government and Public Services means a development for the provision of public goods or services. The building, facility or installation is owned or operated by a municipal, provincial, or federal authority. Typical uses include but are not limited to City hall, post office, fire and police stations, and related public essential service buildings.

Grade means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

Gross Floor Area means – see Floor Area, Gross

Group Care Facility means a development that provides residential accommodation and rehabilitative services to persons who are handicapped, disabled, or undergoing rehabilitation and are provided care to meet their needs. Group care facilities are supervised residential dwelling units that are licensed and persons are typically referred to a group care facility by hospitals, courts, government agencies or recognized social service agencies or health professionals but may also voluntarily request care. This use includes supervised uses such as group homes, half-way houses, and convalescent homes. This use does not include Day Homes, Day Cares, Seniors Housing, or Hospitals, which are separate uses in this bylaw.

H

Heavy Manufacturing means a development for manufacturing, processing, assembling, fabricating or compounding activities typically involving raw materials, but may include processed materials, that may be highly flammable and/or combustible and where there may be external effects from the activity such as smoke, noise, odour, vibration, dust and other types of nuisances that shall be contained on-site in accordance with this bylaw. Administrative offices, and outdoor storage may be accessory uses.

Home Occupation means the secondary and subordinate use of a dwelling unit by the owner or occupant for the purpose of operating a business, trade, profession or craft that, based on the measurable impact of factors such as the number of non-resident employees, commercial vehicles, commercial trailers, outside storage, additional off-street parking, client visits, signage, on-site sales associated with the use, and other applicable factors, that may be categorized as either a level 1, 2 or 3 Home Occupation as determined by the application of the requirements of this bylaw.

Hotel means a development used for the provision of rooms or suites for temporary sleeping accommodation for the travelling public, where the rooms have access from a common interior or exterior corridor. Hotels may include accessory uses that are considered to complement the hotel such as but not limited to restaurants, cafes, private recreational facilities, convention facilities, minor retail establishments and personal services.

Hospital means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

I

Intensity of Use means the extent to which land or a building is used as measured by area, floor space, seating capacity or other similar characteristics.

L

Laboratory means a development used for the purpose of scientific or technical research, investigation or experimentation. This use does not include Light or Major Manufacturing or Education Facilities, which are separate uses in this bylaw.

Land Use District means a district established under Schedule 2 of this bylaw.

Landing means an uncovered platform extending horizontal from a building adjacent to an entry door and providing direct access to grade or stairs.

Landowner means:

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) in the case of any other land:
 - (i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

Landscaped Area means that portion of a site which is required to be landscaped and may not be used for parking, storage, or display of items for sale.

Landscaping means to preserve, enhance or incorporate vegetation or other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences, walls or decorative walks.

Lane means a public through fare designed to serve as a secondary access and providing for utility services to adjacent properties.

Light Manufacturing means a development for the manufacturing predominately of previously prepared materials, of finished products or parts that are not flammable or combustible, including processing, fabrication, assembly, treatment and packaging, that do not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated, in accordance with this bylaw. This use may include incidental storage, sales and distribution of products and administrative and sales offices as accessory uses.

Liquor Store means an establishment, licensed by the *Alberta Gaming and Liquor Commission*, in which alcoholic beverages are sold to the public and intended to be consumed off the premises. Retail liquor stores may include the sale of ancillary complementary products, such as soft drinks and juices (mixes), pre-packaged snack foods (potato chips, pretzels), bar utensils (corkscrews, glasses) and nonalcoholic beer and wine.

Livestock means all domestic animals kept for use on a farm or raised for sale or profit and includes horses, cattle, sheep, swine, fur-bearing animals raised in captivity as well as game production animals within the meaning of the *Livestock Industry Diversification Act*, live poultry and bees or other animals as determined by the municipality.

Loading Area means a space designated for parking a commercial vehicle while being loaded or unloaded.

Lot in accordance with the *Municipal Government Act*, means:

- (a) a quarter section;
- (b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;
- (c) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;
- (d) a part of a parcel where the boundaries of the parcel are separately described in the certificate of title other than by reference to a legal subdivision; or
- (e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.
- (f) Where a certificate of title contains one or more lots described in a plan of subdivision that was registered in a land titles office before July 1, 1950, lot means parcel.

Lot Area means the area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title that may be specified further as:

- (a) *Gross Lot Area (GLA)* which includes all of the area of a lot.
- (b) *Net Lot Area (NLA)* which includes only those parts of the lot on which improvements have been placed, including but not limited to parking areas, buildings, landscaping, and any other site feature that has been introduced to the lot beyond the natural state of the lot in its pre-development form.

Lot, Corner means a lot located at the intersection of two or more streets.

Lot Coverage means the combined area of all buildings or structures on a site including but not limited to the principal structure, accessory structures, decks, verandas, porches, and balconies but excluding eaves, cornices, and other similar projections.

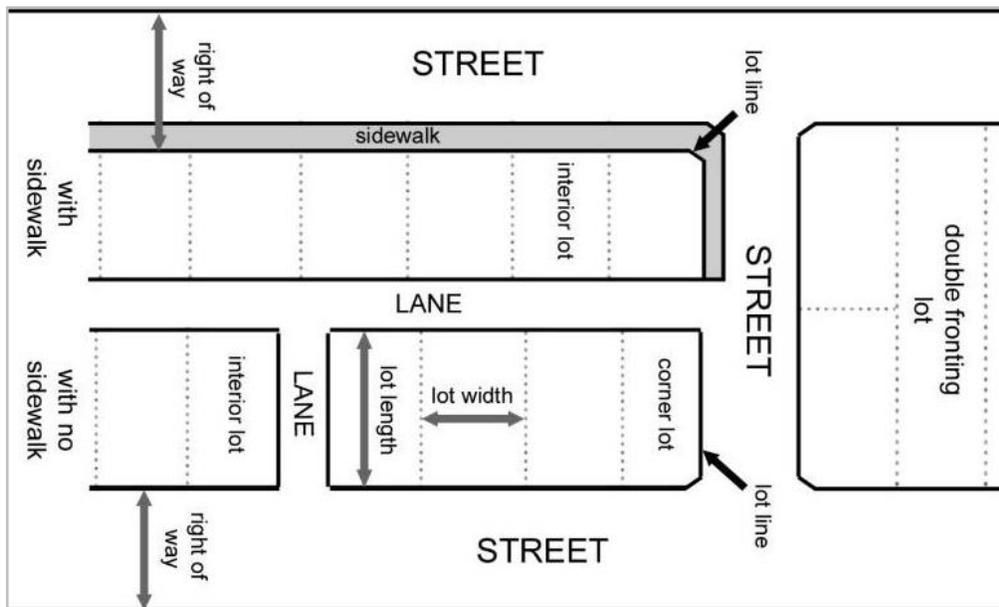
Lot, Double Fronting means a lot which abuts two parallel or approximately parallel streets.

Lot Frontage means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

Lot, Interior means a lot situated between two lots or another lot and a lane and having access to not more than one street.

Lot Length, also referred to as site depth, means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines.

Lot Line means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.



Lot, Pie-shaped means a lot that is typically found fronting a cul-de-sac and that is narrower at the frontage of the lot than it is at the rear of the lot.

Lot Scale means the elements of the lot as they relate to one another and to the building and street scales, as defined by this bylaw. Lot scale elements include but are not limited to the boundaries of a lot, the relationship of one lot to adjacent and other lots in close proximity, and the ability of a lot to meet the needs of the uses that may be developed within it.

Lot, Vacant means a lot with no existing development.

Lot Width means the horizontal distance between the side lot lines measured at the front setback line (e.g. 7.6 m (25 ft.) from the front property line for residential lots).

M

Major Retail Establishment means a development where goods, merchandise, substances, articles, and other materials are offered for retail or wholesale. Major retail establishments typically exceed 2,000 m² (21,529 ft²) in size and/or sell bulky goods and may include the sale of goods predominantly outside. Typical uses include, but are not limited to, supermarkets, department stores, warehouse stores, or stores for the sale of business and office supplies, craft and hobby supplies, sporting goods, furniture, hardware, garden supplies, or building and lumber supplies. This use may include a café, administrative offices, outdoor storage, or light manufacturing with no nuisance outside of an enclosed building as accessory uses. This use does not include Minor Retail Establishment, Cannabis Store, Liquor Store or Auto and Equipment Rental and Sales, which are separate uses in this bylaw.

Manufactured Home means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards and Alberta Building Code. The unit is constructed with an integrated frame for placement on a surface mount foundation and designed in one or two sections for transport, whether on its own wheels or a transport trailer. The unit arrives at the site where it is to be occupied complete and ready for occupancy, except for incidental operations such as placement on an acceptable foundation and removal of any hitch and/or wheels. This use does not include Modular Homes, Moved-in Dwellings or Single Detached Dwellings, which are separate uses in this bylaw.

Manufactured Home Park means a parcel of land under one title or condominium plan, which provides spaces for the long term placement and occupancy of manufactured homes that are either for purchase or lease.

May means within the context of policy, that a discretionary action is permitted.

Measurable Impact means the outcome of a development relating to the amount of vehicle and/or pedestrian trips to and from the development in a given time period, the amount of noise, dust or other audible, visual, or odorous outcomes of activity relating to the development or any other impact as determined by the Development Authority.

Measurable Standard means a minimum or maximum standard stipulated in this bylaw that can be expressed as a unit of measurement in terms of length, width, height, area, volume, capacity, specified numbers of (for instance parking stalls), angle, and any other unit as determined by the Development Authority.

Media Production Facility means a development associated with the manufacturing, distribution, transmission, marketing or consulting of products related but not exclusive to print, radio, television, wire, satellite and cable. Typical uses include, but are not limited to radio stations, television stations, recording studios, newspaper publishers and printing businesses.

Medical Cannabis means a substance used for medical purposes authorized by a licence issued under the Federal Government's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Medical Office means a facility for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices. This use does not include Hospitals or Group Care Services, which are separate uses in this bylaw.

Minor Retail Establishment means a development where goods, merchandise, substances, articles, and other materials that can typically be stored and sold within a building are offered for sale to the general public. Minor retail establishments may include only very limited on-site outdoor storage and limited seasonal outdoor sales to support the store's operations. Typical uses include, but are not limited to, convenience, grocery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. This use may include a café, administrative offices, minor government and public services, such as postal services, or light manufacturing with no nuisance outside of an enclosed building as accessory uses. This use does not include Auto and Equipment Rental and Sales, Major Retail Establishments, Cannabis Stores, or Liquor Stores, which are separate uses in this bylaw, or retail that involves the sale of gasoline, alcoholic beverages, large scale equipment or materials, or extensive outdoor storage.

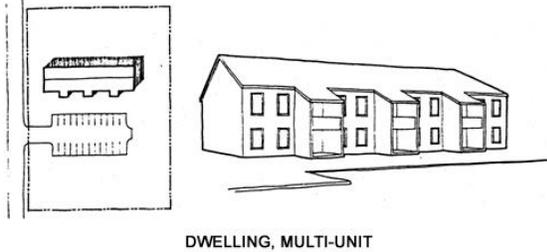
Modular Home means a previously unoccupied dwelling unit built at an off-site manufacturing facility or location other than the lot intended for occupancy. Modular homes are built in conformance with CSA standards and Alberta Building Codes. Modular homes do not have an integrated frame, hitch, wheels, chassis or other device allowing for the transport of the unit. The dwelling is delivered to the site by transport trailer where it is assembled over a conventional, permanent concrete foundation (a basement foundation, slab-on-grade or crawl space). Modular includes the following two subtypes: Panelized and Ready-to-Move (RTM). This use does not include a Manufactured Home, Moved-in Dwelling, or Single Detached Dwelling, which are separate uses in this bylaw.

- (i) Panelized means a dwelling unit constructed at the site intended for occupancy using pre-built exterior/interior wall panels and building components that are delivered to the site as a package ready for assembly over a conventional, permanent concrete foundation (basement foundation, slab-on-grade, or crawl space).
- (ii) Ready-to-Move (RTM) means a dwelling unit built to the current Alberta Building Code that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a conventional, permanent concrete foundation (either a basement, slab-on-grade or crawl space).

Moved-in Building means a conventional, pre-constructed, previously utilized, non-residential building which is physically removed from one site, transported and re-established on another site and does not include single-detached manufactured homes or other residential structures.

Moved-in Dwelling means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site with a different legal description for use as a residence. This use does not include Manufactured Home or Modular Home, which are separate uses in this bylaw.

Multi-unit Dwelling means a building that contains 2 or more dwelling units.



DWELLING, MULTI-UNIT

Municipality means the City of Brooks.

Municipal Development Plan means a Statutory Plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with Section 632 of the *MGA*.

Municipal Planning Commission means the Municipal Planning Commission established pursuant to the City of Brooks Municipal Planning Commission Bylaw. The Municipal Planning Commission may also be known as the Development Authority where stipulated in this bylaw and the Development Authority Bylaw.

Municipal Reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to Section 666 of the Act.

Municipal/School Reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to Section 666 of the *MGA*.

N

Non-Compliance means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

Non-Conforming Building in accordance to the Act means a building:

- (a) that is lawfully constructed or lawfully under construction on the date a land use bylaw affecting the building or land on which the building is situated, becomes effective, and
- (b) that on the date the land use bylaw becomes effective does not or, or when constructed will not, comply with the land use bylaw.

Non-Conforming Use in accordance to the Act 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.

Nuisance means any use, prevailing condition or activity which has a negative measurable impact on living or working conditions.

O

Occupancy Permit means a permit issued by the municipality that authorizes the right to occupy or use a building or structure for its intended use.

Off-Street Parking means the area of a lot designated for the parking of one or more motor vehicles.

Oilfield Services means a use of land or buildings for the sale, rental, parts, supplies and service of equipment used in the operation, construction or maintenance of oilfield businesses and operations. This use may include an administrative office, accessory structures, outdoor work areas, parking and outdoor storage areas as accessory uses. This use does not include Light or Heavy Manufacturing or Building and Trade Contractors, which are separate uses in this bylaw.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor Display means the open outdoor display of goods that shall be limited to examples of product, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site.

Outdoor Storage means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

Outermost Extent means the eaves of a building or if a building does not have eaves, whichever portion of the building extends outward the furthest, and in the case of a structure, the portion of the structure that extends outward the furthest.

P

Parcel means the aggregate of one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

Parking Facility means a structure designed for the parking of motor vehicles either outdoors or in a structure.

Parking Stall means a clearly marked and identifiable stall which is accessible on a continuous basis for the parking of one motor vehicle, either by the general public or employees, and shall not be used for storage or any other purpose which detracts from the intended use or the accessibility of the stall.

Parks and Playground means land specifically designed or reserved for the general public for active or passive recreational use that do not require major buildings. Typical uses include, but are not limited to, natural and manmade landscaping, playing fields, tot lots, amphitheaters, picnic grounds, bike and walking paths, playgrounds, water features and structures that are consistent with the general purposes of public parkland.

Patio means an uncovered horizontal structure, with a surface height, at any point, no greater than 0.60 metres above grade, adjacent to a residential dwelling and intended for use as a private outdoor amenity space.

Permeability means – see Connectivity.

Permitted Use means a use of land or buildings in a land use district designated as a permitted use in this bylaw for which a development permit shall be issued by the Development Authority, with or without conditions, if the development application otherwise conforms with this bylaw.

Personal Cannabis Cultivation means Cannabis plants being cultivated for personal use to a maximum of four (4) plants per principal dwelling in accordance with the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act* and the Government of Canada's *Cannabis Act*.

Personal Services means a development that provides services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects and may include the retail sale of related goods as an accessory use. Typical uses include, but are not limited to, beauty salons, barber shops, tattoo shops, tailors and dressmakers, dry cleaners, and laundromats. This use does not include Medical Offices, which are a separate use in this bylaw.

Pet Grooming Establishment means a development providing onsite and offsite washing and grooming of small domestic animals within an enclosed building.

Plan of Subdivision means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

Porch means a flat floored, generally enclosed, roofed structure adjoining a principal building or built as a structural part of it.

Portable Shelter means any temporary structure with or without side panels, the covering of which is made of pliable materials such as but not limited to plastics, fabrics or any other materials with similar structural properties, that is supported by an external or internal frame made of materials such as but not limited to plastic, metal or wood which the pliable material is stretched over or hung from and which may be fastened to the ground using eyelets and stakes or other non-permanent fastening devices and/or methods.

Principal Building means a building which, in the opinion of the Designated Officer:

- (a) occupies the major or central portion of a site;
- (b) is the chief or main building among one or more buildings for which the site is used; or
- (c) constitutes, by reason of its use, the primary purpose for which the site is used.

Principal Entrance means the main point of access into and out of a building or structure.

Principal Use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Privacy wall means a structure that:

- (a) is accessory to an approved principal use;
- (b) provides visual screening;
- (c) is located on a balcony, deck or patio;
- (d) is no greater than 2 m above the grade of a balcony, deck or patio; and
- (e) does not include a railing.

Private Recreation Facility means a development for recreational activities that is not operated by a public body. This use may include cafes and eating areas, and associated retail areas as accessory uses. Typical uses include, but are not limited to, fitness facilities, gymnasiums, athletic/sport fields, paint-ball, go-cart tracks, outdoor mini-golf, and country clubs. This use does not include Entertainment Facilities, Public Recreation Facilities or Parks and Playgrounds, which are separate uses in this bylaw.

Private Swimming Pool means a structure located above or at grade and designed for recreational swimming. They are an accessory use associated with a private residence and do not include public swimming pools.

Prohibited Use means a development that is not listed as permitted or discretionary, or is not considered similar within a land use district.

Public Recreation Facility means a development for recreation activities, for public use which are publicly owned or operated. This use may include cafes and eating areas, and associated retail areas as accessory uses. Typical uses include, but are not limited to, gymnasiums, recreation centres, athletic/sports fields, tennis courts, and indoor/outdoor ice rinks, boating facilities, Scouts/Guide camps, retreat camps, indoor/outdoor swimming pools, bowling greens, and riding stables. This use does not include Entertainment Facilities, Public Recreation Facilities or Parks and Playgrounds, which are separate uses in this bylaw.

Public Right-of-Way means a right-of-way maintained by the City and is open to the public for the purpose of vehicular and pedestrian traffic in the case of roads, sidewalks and trails, and for the purposes of public enjoyment in the case of civic spaces as defined in this bylaw.

Public Roadway means a right-of-way maintained by the City and is open to the public for the purpose of vehicular traffic.

Public Utilities means a system or works used to provide water or steam, sewage disposal, public transportation operated by or on behalf of the municipality, irrigation, drainage, fuel, electric power, heat, waste management and telecommunications for public consumption, benefit, convenience or use.

R

Ready-to-Move Dwelling means – see Dwelling, Ready-to-Move

Real Property Report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Rear Yard means – see Yard, Rear

Recycling Facility means a development for the purchasing, collecting or receiving of goods that are intended to be re-used or recycled. Typical uses include bottle, can and paper recycling depots. This use does not include Salvage Yards, which is a separate use in this bylaw.

Religious Assembly means a development for religious worship and related religious, charitable, educational or social activities. Typical uses include chapels, churches, convents, monasteries, mosques, parish halls, rectories, synagogues and temples.

Renewable Energies means a development for the advancement, manufacture, wholesale, resale and repair of renewable energies such as but not limited to Wind Energy Conversion Systems (WECS) as defined in this bylaw, solar collector arrays as defined by this bylaw, and other forms of solar collection systems.

Repair Shop means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, and similar vehicles, or for the servicing and repair of equipment, machines or components. Repair shop may include the sale, installation or servicing of related accessories and parts as accessory uses. Typical uses include, but are not limited to, car-detailing, transmission shops, muffler shops, tire shops, automotive glass shops, upholstery shops, and farm or other equipment maintenance shops. This use does not include Service Stations, Auto and Equipment Paint Shop, or Auto and Equipment Rental and Sales, which are separate uses in this land use bylaw.

Residential Sales Center means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential lands or buildings.

Restaurant means a development primarily used for the preparation and sale of food for consumption on the premises. Accessory uses may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take-out services, catering, or the retail sale of related goods. A restaurant may hold a “Class A” liquor license and minors may, or may not, be prohibited. This use does not include Cafés, Bars/Lounges, or Minor or Major Retail Establishments, which are separate uses in this bylaw.

Retail Cannabis Licence means a licence under the *Gaming, Liquor and Cannabis Act* that authorizes the purchase, sale, transport, possession, and storage of Cannabis.

Right-of-Way (r-o-w) means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

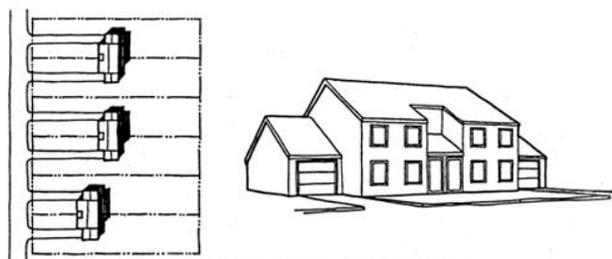
S

Safety Codes means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1*, as amended.

Salvage Yard means use of land or buildings for the receiving, dismantling, resale or transportation of inoperable motor vehicles, machinery, equipment, parts, metals, construction materials or other similar materials. Salvage yards include, but are not limited to, junkyards, auto wreckers and scrap yards. This use does not include Recycling Facilities or Light or Heavy Manufacturing, which are separate uses in this bylaw.

Secondary Suite means a dwelling unit containing cooking facilities, a food preparation area, and sleeping and sanitary facilities, which is physically separate from and subordinate to those of the principal dwelling within the structure or on the same lot and that has a separate entrance. A secondary suite does NOT include a Bed and Breakfast, Duplex, Semi-detached Dwelling, Multi-unit Dwelling, Townhouse, or Apartment, which are separate uses in this bylaw.

Semi-detached Dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.



DWELLING, SEMI-DETACHED

Seniors Housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care and complies with the Alberta Housing Act, as amended. This use is sponsored and administered by any public agency or non-profit organization, which obtains its financial assistance from Federal, Provincial, or Municipal Governments or public subscriptions or donations. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities as accessory uses.

Service Station means an establishment for the retail sale of motor vehicle fuels, lubricants, parts and accessories. Minor retail in the form of a convenience store may be incorporated as an accessory use. This use does not include Truck and Car Wash, Repair Shop, Auto and Equipment Rental and Sales or Auto and Equipment Paint Shop, which are separate uses in this bylaw.

Setback means the distance which must be maintained between a development or a specific portion of the development and a property line as specified in this bylaw or on a development permit. For the purposes of this bylaw, setbacks shall be measured to the foundation of the building or the closest point of the development to the property line or to another development, depending on whether the setback requirement pertains to the property line or to another development. For cut-off corner lots, the setback distance is to be measured from where the two property lines would intersect.

Shall means within the context of a policy, that the action is mandatory.

Shipping Container means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

Shopping Mall means a unified group of buildings with more than one commercial use being primarily retail and personal services and on a site comprehensively planned, developed and managed as a single commercial operating unit with shared on-site parking where the intended uses comply with the subject district.

Should means that the action, requirement or regulation is recommended but is not mandatory, unless the Development Authority determines that the action is to be mandatory as a condition of a Development Permit.

Shrub means a single or multi-stemmed woody plant generally less than 5 m (16 ft) in height.

Side Yard means – see Yard, Side

Sign means – see Schedule 5 (Signage Standards)

Similar Use means where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, whereby the following process shall apply:

- (a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;
- (b) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;
- (c) if the use is deemed similar, the proposed use shall be reviewed by the Development Officer as a discretionary use for the land use district; and
- (d) given the above, if the application is approved by the Municipal Planning Commission, the permit shall be issued in accordance with this bylaw.

Single Detached Dwelling means a building on a lot containing one dwelling unit only, which is not attached to any other building and which is not a Manufactured or Modular Home.

Site Coverage means the combined area of all buildings or structures on a site expressed as a percentage of the total area of the lot. It includes accessory buildings, decks and balconies and other structures that have a height of 0.6 metres or more above the grade but excludes eaves, cornices and other similar projections that have a clearance greater than 2.4 metres above grade.

Site Depth means the mean horizontal distance between the front and rear boundaries of the site as measured from property line to property line.

Site Plan means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location, species and size of all existing and proposed shrubs and trees on site.

Site Servicing Plan means a plan showing the legal description and dimensions of the site, the utilities, site drainage, existing and proposed site grades, the grades of streets and sewer servicing the property, elevations of top of curb or sidewalk and lot corners approved by the City's Engineer.

Site Width means the average horizontal distance between the side boundaries of a site measured at 8 m (26.2 ft.) from the front property line.

Solar Collector Array means a device or combination of devices, structures or parts of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy.

Statutory Plans means an intermunicipal development plan, Municipal Development Plan, Area Structure Plan, or Area Redevelopment Plan adopted pursuant to the *Municipal Government Act*.

Stop Order means an order issued by the Development Authority pursuant to Section 645 of the Act.

Storey means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Storey, First means the storey with its floor closest to grade.

Storey, Half means the storey immediately under a pitched roof, the top wall plates of which, on at least two possible walls, are less than 1.4 metres above its floor.

Street means a public thoroughfare affording the principal means of access to abutting parcels and includes the sidewalks and the land on each side of and contiguous to the prepared surface of the thoroughfare and owned by the municipality.

Street Furniture means those features associated with a street that are intended to enhance the aesthetic and function of the street such as but not limited to benches and other forms of seating, trash and recycling receptacles, kiosks, lighting, bicycle racks and storage facilities, planters, and other hard and soft landscaping.

Street Scale means elements of a street such as but not limited to the sidewalks and other pedestrian spaces, the thoroughfare including driving and, if present, parking lanes, boulevards, and other features including landscaping, foliage, active modes infrastructure including benches and seating, bicycle parking and storage racks, and any other objects present in the area defined as street.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the Subdivision and Development Appeal Board established pursuant to the City of Brooks Subdivision and Development Appeal Board Bylaw.

Subdivision and Development Regulations means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the Act.

Subdivision Approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

T

Temporary means a restricted period of time and in some cases as defined by this bylaw, such a period of time as determined by the Development Authority.

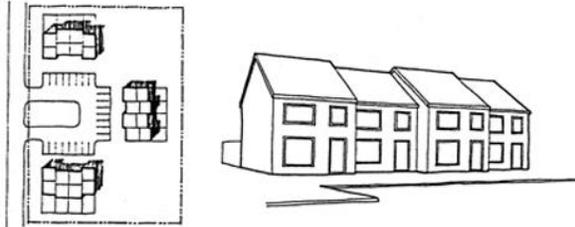
Temporary Accessory Building means an accessory building constructed or located on a property, without any foundation below grade, for a period of time of no more than six (6) consecutive months annually.

Temporary Building means any building, other than a manufactured home constructed or placed on a property without any foundation below grade, or any other building determined by the Development Authority to be temporary as a condition to the issuance of a development permit.

Temporary Structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

Temporary Use means a use intended for limited duration in a land use zone.

Townhouse means a single building comprised of three or more dwelling units separated one from another by common party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, stacked row, linked, patio, garden court or other housing which meet such criteria.



DWELLING, TOWNHOUSE

Transparency means the number and/or size and placement of windows and doors facing private and public outdoor spaces such as but not limited to parking lots, patios, pedestrian and cyclist linkages, and streets.

Truck and Car Wash means a facility for the washing, cleaning, or polishing of vehicles including both passenger automobiles and commercial vehicles on a fee basis. This use does not include Service Stations, Bulk Fuel Stations, Auto and Equipment Paint Shop or Auto and Equipment Rental and Sales, or Repair Shop which are separate uses in this bylaw.

U

Use means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

Utility means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);
- (c) sewage systems (facilities for the collection, treatment, movement or disposal of sanitary sewage);
- (d) storm sewage drainage facilities;
- (e) telecommunications systems;
- (f) systems for the distribution of artificial light or electric power;
- (g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and
- (h) anything else prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

V

Vacant Lot means – see Lot, Vacant

Variance means the relaxation of a measurable standard of this bylaw.

Veterinary Clinic means a facility for the medical treatment of small or large animals and includes provision for their overnight accommodation within the building only and may include associated office space as an accessory use.

W

Waiver means – see Variance

Warehouse means a building used for the storage of materials, goods, equipment, or merchandise. The building may include administrative offices, loading areas, parking areas, and storage rooms, but does not include a building or area where the principal use is the sale of goods. This use may include outdoor storage as an accessory use. This use does not include Salvage Yards, Freight and Cartage Services or Light or Heavy Manufacturing, which are separate uses in this bylaw.

Wind Energy Conversion System (WECS) means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, some of which may have a limited generation capacity to be used primarily for the applicants own use, and some of which may have significant generation capacity and may be associated with commercial power generation. See Renewable Energies.

X

Xeriscaping means landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and includes plants whose natural requirements are appropriate to the local climate.

Y

Yard means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot. *May be referred to as 'setback'.*

Yard, Flankage means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

Yard, Front means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings.

Yard, Rear means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building.

Yard, Side means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

