

## Village of Duchess Land Use Bylaw Part 1: General

### A. Purpose

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Village of Duchess in accordance with the provisions of the Municipal Government Act.

1. To divide the Village of Duchess into districts;
2. To establish the permitted and discretionary uses of land and buildings in each district;
3. To establish agencies, offices and administrative procedures for making decisions on applications for Development Permits and the issuing of these permits.

### B. Definitions

In this Bylaw, the following definitions shall apply:

1. **Accessory Building:** means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot.
2. **Accessory Use:** means a use incidental and subordinate to the main use or building and is located on the same parcel with such main uses or buildings.
3. **Act:** means the Municipal Government Act, RSA 2000, Chapter M-26 of the Province of Alberta, as amended
4. **Apartment Building:** means any building containing three or more dwelling units with a shared common hallway and common entryway.
5. **Building:** means anything constructed or placed in, on, over or under the land but does not include a highway or public roadway or a bridge forming part of a highway or roadway.
6. **Building Height:** means the vertical distance between grade and the highest point of the building, excluding a roof stairway entrance, elevator shaft, a ventilation 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.
7. **Business and Professional Office:** means development used to offer professional, trading or occupational services including medical, dental, counselling services, accountants, engineers and architects, real estate, insurance, clerical, secretarial, employment, telephone answering, financial institutions and other similar uses.

8. **Car Port:** means a roofed enclosure for the purpose of storing motor vehicles, whether attached to or detached from the principal building, which does not have more than 60% of the total perimeter enclosed.
9. **Community Hall:** means buildings and facilities which are available for the use and enjoyment of the general public for the purposes of assembly, cultural and recreational activity.
10. **Corner Lot:** means a lot having frontage on two or more streets at their intersections.
11. **Council:** means the Municipal Council of the Village of Duchess.
12. **Deck:** means a covered or uncovered structure supported on the ground that is not fully enclosed.
13. **Density Control Factor or DCF:** means the ratio of the building area to the site area expressed as a percentage of the total adjusted site area.
14. **Development:** means;
  - 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, in, on, over or under land of any of them,
  - 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 intensity of use of the land or building,
  - 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.
15. **Development Appeal Board:** means a Development Appeal Board appointed at the annual Organizational Meeting of the Village of Duchess.
16. **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.
17. **Development Authority:** means the Municipal Planning Commission, the Development Officer to Village Council while carrying out municipal functions or duties under this Bylaw or the Act.
18. **Development Officer:** means a person appointed as the Development Officer pursuant to this Land Use Bylaw. The Development Officer may also be known as the Development Authority.
19. **Development Permit:** means a document that is issued by the Development Authority under this Bylaw and authorizes a development.
20. **Discretionary Use:** means a use of land or building in a land use district for which a development permit may be issued at the discretion of the Development Authority, with or without conditions.
21. **District:** means an area of land designated on the Land Use District Map of this Bylaw as a land use district.
22. **Duplex:** means a building containing two dwelling units, located side by side, back to front or one above the other.

23. **Dwelling:** means any building or structure used exclusively for human habitation which is supported on a permanent foundation or base extending below ground level, but does not include mobile homes of and kind whether standing on wheels or supported by blocks, jacks or any other temporary foundation.
24. **Dwelling Unit:** means a self-contained premises with cooking, eating living, sleeping and sanitary facilities for domestic use of one or more individuals.
25. **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.
26. **Flankage Yard:** means a yard extending along the full length of a corner lot measured from the property pins to the nearest wall of the main building.
27. **Flankage Setback:** means the minimum setback required along the full length of a corner lot on the side which is exposed to the street.
28. **Floor Area Ratio:** means the ratio derived by dividing the gross floor area of all buildings on a lot by the total area of the lot. This definition does not include parking below grade, cellars, attached garages, sheds, carports, or open porches in all residential buildings.
29. **Front Yard:** means that area which extends the width of a site and extends in depth from the front property line to the front of the principal building on the lot.
30. **Garage:** means an accessory building or part of a principal building designed and used for the shelter or storage of vehicles.
31. **Gross Floor Area:** means the total area, as calculated using external dimensions or measurements, of all floors of all buildings, including accessory buildings, located on a lot.
32. **Home Occupation:** means the secondary use of a dwelling unit by the owner or occupant for the purpose of operating a business, trade, profession or craft.
33. **Hotel, Motel:** means a development used for the provision of rooms or suites for temporary sleeping accommodation for the travelling public. Hotels may include accessory drinking or eating facilities, convention facilities and personal service establishments.
34. **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 sit features or other development features including fences, walls or decorative walks.
35. **Lane:** means a public roadway not exceeding 10 metres in width, which provides secondary access to a lot.
36. **Lot:** means a part of a parcel which is clearly defined on the certificate of title.
37. **MGA:** means Municipal Government Act.

38. **Mobile Home:** means a manufactured self-contained dwelling unit, whether ordinarily equipped with wheels or not, which can be moved from one point to another by being towed or carried and can be connected to utility services. This term also refers to single wide and doublewide mobile homes.
39. **Mobile Home Park:** means a parcel of land under one title or plan, which provides for the long term placement and occupancy of mobile homes that are either for purchase or lease.
40. **Modular Home:** means a factory built transportable home conforming to CSA standards designed to be used by itself or to be incorporated with similar units as a building site into a modular structure and intended for year round habitation. This term is intended to apply to assembled homes but does not include a mobile home.
41. **Municipality:** means the Village of Dutchess.
42. **Municipal Planning Commission:** means the Municipal Planning Commission established pursuant to the Village of Dutchess Municipal Planning Commission Bylaw. The Municipal Planning Commission may also be known as the Development Authority.
43. **Non Conforming Building:**
- a. means a building that is lawfully constructed or lawfully under construction at 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 or any amendment becomes effective does not, or in the case of a building under construction will not comply with the land use bylaw.
44. **Non Conforming Use** means a lawful specific use;
- a. made of land or a building or intended to be made of a building lawfully under construction at the date of a land use bylaw or any amendment affecting the building or land on which the building is situated becomes effective, and
  - b. that on the date the land use bylaw or any amendment becomes effective does not, or in the case of a building under construction, will not comply with the land use bylaw.
45. **Off Street Parking Area:** means the area of a lot designated for the parking of one or more motor vehicles.
46. **Owner:** means the person shown as the owner of land on the assessment roll of a council prepared under the Municipal Taxation Act.
47. **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.
48. **Parks & Playground:** means an open area, space or recreation area designed for active and passive activities.
49. **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.

50. **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.

51. **Principal Building:** means the building on a lot in which the principal or main use of the lot is conducted.

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

53. **Public Building:** means buildings, facilities and installations owned or operated by a municipal, provincial or federal authority for the purposes of furnishing services or commodities to the public. Typical uses include town halls, fire and police stations, hospitals, tourist information centres, libraries and related public essential service buildings.

54. **Public Utilities:** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- a. water or steam
- b. sewage disposal
- c. electric power
- d. irrigation
- e. drainage
- f. fuel
- g. electric power
- h. heat
- i. waste management
- j. telecommunications
- k. public transportation operated by or on behalf of the municipality;

55. **Rear Yard:** means a yard extending across the full width of a lot from the rear wall of the main building situated on the lot to the rear property boundary of the lot.

56. **Registered Owner:** 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,

b1. the purchaser of the fee simple estate in the land under agreement for sale that is the subject of a caveat registered against the certificate of title on the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or

b2. in the absence of a person described in paragraph a, the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

57. **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 the Bylaw or on a development permit. For cut-off corner lots, the setback distance is to be measured from where the two property lines would intersect.
58. **Side Yard:** means the area between the principal building on a lot and the side property line of the lot, extending the full depth of the principal building.
59. **Sign:** means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of advertisement, announcement or direction.
60. **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.
61. **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.
62. **Yard:** means a part of a parcel upon or over which no building is erected.

## Part 2: Establishment of Districts

### C. Land Use Districts

For the purposes of the Bylaw, the Village of Duchess is divided into the following Districts.

- Residential	R1
- Residential Mixed-Low Density	RM1
- Residential Mixed-Medium Density	RM2
- Residential Mixed-High Density	RM3
- Mobile Home Park	MHP
- Residential Mobile Home	RMH
- Public Institutional	PI
- Public Utility Land	PUL
- Commercial	C1
- Industrial Commercial	C2
- Urban Reserve	UR
- Country Residential – non serviced	CR
- Municipal Reserve	MR

### D. District Boundaries

1. The boundaries of the districts listed are as delineated on the Land Use District Map.

2. Where uncertainty exists as to the boundaries of districts shown on the Land Use District Map, the following rules apply:

Rule 1. Where a boundary is shown following a street, lane, stream or canal, it shall be deemed to follow the center line.

Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow a lot line.

Rule 3. In circumstances not covered by rule 1 and 2, the location of the district boundary shall be determined by measurement of and use of the scale shown on the Land Use District Map.

3. Where the application of the above rules do not determine the exact location of the boundary of a district, the Council either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of the Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.

### **Part 3: Office**

#### **E. Appointment**

Pursuant to the Act, the office of the Development Officer is hereby established and shall be filled by a person to be appointed by resolution of the Council of the Village of Duchess.

For the purpose of the Act, the Development Officer is hereby declared to be an Officer on behalf of the Council of the Village of Duchess.

#### **F. Duties and Responsibilities**

The Development Officer shall;

1. Assist and advise the public with respect to the requirements of the Land Use Bylaw and other pertinent legislation to the best of his abilities.
2. Keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments and ensure that copies of same are available to the public at a reasonable charge as set by Council.
3. Process all completed applications for development and issue decisions in accordance with procedure contained within this Bylaw.
4. Keep a register of all applications for development, including decisions and the reason, for a minimum period of seven years.
5. Take whatever measures available under the Act to ensure enforcement.



## **Part 4: Development Permits**

### **G. Development requiring a permit**

1. A development permit must be obtained by any person proposing to develop land or buildings in the Village of Duchess.
2. The construction of gates, fences or other means of enclosures that meet the requirements of this Bylaw. Alberta One-Call must be contacted before any construction begins.

### **H. Development not requiring a permit**

A Development Permit is not required for the following;

1. Interior or exterior maintenance or interior renovations of any building, provided that such work does not include structural alterations, create another dwelling unit, or result in a change in the use of the building.
2. The temporary use of all or part of a building for a polling station, returning officer's headquarters, campaign office or any other use in connection with a federal, provincial, municipal or school election, or a referendum, plebiscite or census.
3. The maintenance of gates, fences, walls or other means of enclosure that meet the requirement of this Bylaw.
4. A temporary building used in the construction or alteration of a building for which a permit has been issued under this Bylaw, provided the temporary building is not used for living purposes.
5. The construction, maintenance and repair of public works, services and utilities carried by or on behalf of federal, provincial or municipal public authorities on land which is publicly owned or controlled.
6. The landscaping of a parcel.

### **I. Non Conforming Building and Uses**

1. A non conforming building or non conforming use of land may not be continued, if its use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must comply with the provisions of the Bylaw.
2. A non conforming use of part of a building may be extended throughout the building, whether the building is non conforming or not, however, the building shall not be enlarged or structurally altered.
3. A non conforming use of part of a lot shall not be extended or transferred to other parts of the lot and no additional buildings shall be erected upon the lot while the non conforming use continues.

4. If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.

5. The use of land or the use of a building is not affected by a change of ownership, tenancy or occupancy of the land or building.

**J. Development Permits**

1. An application for a development permit shall be made to the Development Officer in the prescribed form and shall be accompanied by:

a. a site plan in duplicate showing:

-the lot boundaries with dimensions

-the location of all existing and proposed building or use of the land

-the existing and proposed access points to the site

-location of all irrigation ditches, canals or other water course on or adjoining the site

-any additional information the Development Officer considers necessary for processing and evaluating this application.

b. building plans and architectural drawings showing exterior views where applicable.

**K. Permitted Use Applications**

1. Upon receipt of a completed application for a development permit for a permitted use, the Development Officer may issue the permit with or without conditions if in his opinion:

a. the applications conforms with this Bylaw.

b. the architectural design of the property is approved.

**L. Discretionary Use Applications**

1. Upon receipt of a completed application for a discretionary use, the Council of the Village of Dutchess, may, if the application otherwise conforms to this Bylaw, issue a development permit with or without conditions to the applicant.

2. The Council of the Village of Duchess and the Development Officer are authorized to decide upon an application for a development permit even though the proposed development does not comply with this Bylaw if, in the opinion of the Council and the Development Officer:
  - a. the proposed development would not;
    - unduly interfere with the amenities of the neighbourhood.
    - materially interfere with or affect the use or enjoyment or value of neighbouring properties, and
  - b. the proposed development does not conflict with the use prescribed for that land or buildings in the land use regulations.
  - c. the architectural design of the proposed development is approved.
3. Notification to adjacent landowners, (adjacent meaning landowners on all four sides and corners of the property) will be immediate if a discretionary use application is received.
  - a. comments on a discretionary use application must be returned within 14 days of receiving the notification, in writing with a signature.

**M. Notice of Development Application Decisions**

1. When a development permit has been issued the Development Officer may;
  - a. give a signed copy of the development permit to the applicant to post on the property; or
  - b. notify by mail, owners of land who, in the opinion of the Development Officer, are likely to be affected by the issuance of a development permit.
2. Notification of the refusal of a development permit application shall be given with reasons for the refusal, to the applicant.
3. An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when a decision is not made by the Development Officer within 40 days of receipt of the application. The applicant may then appeal as provided in this Bylaw.
4. If, after a Development Permit has been issued, the Development Officer becomes aware that, the application for the development permit contains misrepresentation or facts concerning the application or the development that were not disclosed or not available at the time the application was considered and have subsequently become known; the Development Officer may suspend the development permit by notice in writing to the holder of it.
5. If a development authorized by a Development Permit is not commenced within 12 months of the approval, or carried out with reasonable diligence, the Permit shall be deemed to be void.

**N. Terms and Conditions of a Development Permit**

1. After the issuance of a development permit, no development or construction authorized by the permit shall commence until all permits have been obtained, (building, gas, plumbing & electric).
2. If an appeal is made, the development permit becomes null and void, to be replaced by an order from the Development Appeal Board at such time as the appeal is heard.
3. The issuance of a development permit does not exempt the applicant from compliance with other bylaws and regulations affecting the development.
4. Any permission for a development permit requiring additional water/sewer service shall be subject to the applicant entering into a satisfactory service agreement with the Village of Dutchess with regard to such services as the Village of Dutchess considers necessary.

**O. Off Site Levies**

1. Pursuant to the Act, the applicant for a development permit may be required to pay an off-site levy which shall be used to pay for all or part of the capital cost of all or any of the following;
  - a. new or expanded facilities for the storage, transmission, treatment or supply of water,
  - b. new or expanded facilities for the treatment, movement or disposal of sanitary sewage,
  - c. new or expanded storm sewer drainage facilities,
  - d. land required for or in connection with any facilities described in the three previous clauses.
2. Pursuant to the Act, an off-site levy shall not be imposed upon land that was previously the subject of an off-site levy.

**P. Service Agreements**

1. The applicant for a development permit may be required to enter into an agreement with the Village of Dutchess for any or all of the following:
  - a. to construct or pay for the construction of a road required to give access to the development.
  - b. a pedestrian walkway system to serve the development;
  - c. to install or pay for the installation of public utilities, other than telecommunications systems or works that are necessary to serve the development.
  - d. to construct or pay for the construction of off-street or other parking facilities or loading and unloading facilities.
  - e. to pay an off-site levy.
  - f. to give security to ensure that the terms of the agreement under this section are carried out.

2. Council may register a caveat under the Land Titles Act in respect of an agreement under this section against certificate of title for the land that is the subject of the development.

3. If Council registers a caveat, in respects to the above, Council shall discharge that caveat when the agreement has been complied with.

## Part 5: Appeals

### R. **Appeal Procedure**

1. An appeal may be made to the Development Appeal Board by the applicant or a person affected by the decision where the Development Officer;
  - a. refuses or fails to issue a Development Permit within 40 days of receipt of the application.
  - b. issues a Development Permit subject to conditions;
  - c. refuses a Development Permit.
2. An appeal may be made to the Development Appeal Board by any person affected by an order, decision or development permit of the Development Officer.
3. An appeal must be served in writing to the Village of Duchess Office within 14 days of;
  - a. with respect to an appeal under section 1a. the date that the 40 day period expires;
  - b. with respect to an appeal under section 1b, 1c and section 2 the date of issuance of the notice, order or decision.

### S. **Public Hearings**

1. Within 30 days of receipt of notice of appeal, the Development Appeal Board shall hold a public hearing concerning the appeal.
2. The Development Appeal Board shall, in writing, give at least 5 days notice of the public hearing to:
  - a. the applicant
  - b. the appellant
  - c. the Development Officer
  - d. any other person the Development Appeal Board considers affected by the appeal.
3. The Development Appeal Board shall make available for public inspection prior to the hearing all relevant documents and materials respecting the appeal.
4. In determining an appeal, the Development Appeal Board
  - a. shall comply with any regional plan, statutory plan and subject to clause c, any Land Use Bylaw in effect
  - b. may confirm, revoke or vary the order, decision or development permit or make substitute an order, decision of its own
  - c. may make an order or decision or issue or confirm the issue of a development permit even if the proposed development does not comply with the land use bylaw if, in its opinion, the development does not;
    - unduly interfere with the amenities of the neighbourhood
    - materially interfere with or affect the use, enjoyment or value of the neighbouring properties.

5. The Development Appeal Board shall give its decision in writing together with the reasons for its decision within 15 days of the conclusion of the hearing.
6. A decision of the Development Appeal Board is final and binding on all parties and all persons and is only subject to appeal on points of law.

## **Part 6: Enforcement and Administration**

### **T. Contravention and Penalties**

1. Where a Development Officer finds that a development permit or land use or building is not in compliance with;
  - a. the Act, or
  - b. a Development Permit, or
  - c. this Land Use Bylaw,

the Development Officer, in accordance with the MGA shall give notice in writing to the registered owner, the person in possession of the land or buildings or the person responsible for the contravention, or all of the above to;

- a. stop the development or use of land or buildings in whole or in part as directed by the notice, or
- b. demolish or remove or replace the development, or
- c. take such measures as are specified in the notice to comply with the MGA, Development Permit or Land Use Bylaw.

2. A person receiving a notice referred to in subsection 1 may appeal to the Development Appeal Board pursuant to Part 5 of this Bylaw.

3. Where a person fails or refuses to comply with an order as outlined by subsection 1 or an order of the Development Appeal Board within the specified time period, the Council or a person appointed by it may, In accordance with the MGA, enter upon the land or buildings and take such action as necessary to carry out the order. The costs and expenses of carrying out this order shall then be placed on the tax roll as an additional tax against the property concerned and collected in the same manner as taxes on the land.

4. Any person who:

- a. contravenes or fails to comply with any provisions of the MGA or regulations or this Bylaw, or
- b. contravenes or fails to comply with a development permit or subdivision approval or a condition attached thereto, or
- c. obstructs or hinders any person in the exercise or performance of his powers or duties under the MGA or regulations, is guilty of an offence and is liable on summary conviction of a fine not exceeding \$1,500.00.
- d. if a person is found guilty of an offence under the MGA, the Regulations or this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with the MGA or the Regulations or development permit, subdivision approval or any conditions attached thereto.

### **U. Amending the Bylaw**

1. A person may apply to have this Bylaw amended, by applying in writing, giving reasons in support of the application and paying a fee.



2. Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application, who in doing so, shall follow the necessary provisions of this Bylaw.
3. All applications to amend the Bylaw shall be in the prescribed form of this Bylaw and shall include:
  - a. the fee according to the fee schedule.
  - b. a duplicate certificate of title of the land, and
  - c. a drawing of the proposed area to be amended.
4. Where the Council is of the opinion that a Bylaw amendment is applicable to and for the benefit of the Village of Duchess at large, the Council may direct that the fee be returned to the applicant.
5. All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with the MGA.
6. Pursuant to MGA, decisions made by Council with regard to changes in the format and information required in the prescribed forms shall not be considered as actions requiring amendments to this Bylaw.

**V. Conversion Chart**

Meters	Feet	Meters	Feet	Meters	Feet
0.1	0.328	20	65.61	48	157.48
0.2	0.656	21	68.89	49	160.76
0.3	0.984	22	72.17	50	164.04
0.4	1.312	23	75.45	60	196.85
0.5	1.64	24	78.74	70	229.65
0.6	1.968	25	82.02	80	262.46
0.7	2.296	26	85.3	90	295.27
0.8	2.624	27	88.58	100	328
0.9	2.952	28	91.86	200	656.1
1	3.28	29	95.14	300	984.2
2	6.56	30	98.42	400	1312.3
3	9.84	31	101.7	500	1640.4
4	13.12	32	104.98	600	1968.5
5	16.4	33	108.26	700	2296.5
6	19.68	34	111.54	800	2624.6
7	22.96	35	114.82	900	2952.7
8	26.24	36	118.11	1000	3280.8
9	29.52	37	121.39		
10	32.8	38	124.67		
11	36.08	39	127.95		
12	39.37	40	131.23		
13	42.65	41	134.51		
14	45.93	42	137.79		
15	49.21	43	141.07		
16	52.49	44	144.35		

17	55.77	45	147.63		
18	59.05	46	150.91		
19	62.33	47	154.19		

**W. Fee Schedule**

1. A fee charged to amend this bylaw - \$200.00
2. A non-refundable fee for application for a move-in building - \$100.00

## Residential District R1

This is a low density single family residential area.

Minimum lot width will be 15.24 m

Residential District R1						
Type of Use	Minimum Setbacks				Maximum Building Height	Maximum Site Coverage
	Front	Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	7.5 m	1.5 m	4.5 m	3.5 m	8.5 m	25%
2. Accessory Buildings and Uses	**	1.5 m	3 m/1.5m	3.5 m	2.75 m*	15%

\*\*All detached garages and sheds must be positioned to the rear of the principle building.

\*Maximum side wall height

## Discretionary Uses

Duplexes

Public Utilities

## General Site Regulations

1. All principle residences shall be placed on a basement unless otherwise approved by the Development Officer.
2. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
3. Drainage shall be arranged so as not to allow pooling of water on adjoining property unless permitted by agreement or by permission from the Village of Duchess.
4. In new subdivisions, the Village of Duchess may set uniform grades to minimize drainage problems.
5. All principal residences will be connected to all Municipal services.
6. All areas not used for buildings shall be maintained in a neat and tidy fashion.
7. A person shall not construct two dwelling units on one residential site, unless a discretionary use is granted.
8. Setback requirements shall be measured perpendicularly from the property line to the building.
9. Corner sites which have frontages on two streets are recognized as having two front yards and the development will comply with the setbacks.
10. Cornices, sills, canopies or eaves cannot project for a distance exceeding one half of the minimum side yard required for the site.

11. A chimney may project .6 metres or less provided that it is at least 1 metre from the property line.
12. Unenclosed steps cannot project more than 2 metres over a minimum yard setback.
13. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
14. The Density Control Factor (DCF) applied to the R1 for all buildings cannot be more than 40%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area}}{\text{Gross Site Area}} \times 100 = 40\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

15. The design, character and appearance of any residential building, structure proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
16. Where the phrase “as required by the Development Officer” appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
17. In considering an application for a discretionary use, (all discretionary use applications must be approved by both the Development Officer and the Village of Duchess Council) the Development Officer shall give due regard to the circumstances and merits of the application and to the purpose, scope and intent of the Land Use Bylaw which is to develop an orderly and economic land use pattern in the Village of Duchess.
18. The required minimum square footage for a residential dwelling will be 1000 square feet.
19. Installation of weeping tile and a sump pump is required. Drainage must run out the back of the residential building and may not be tied into the Village of Duchess sewer system.
20. In a laneless subdivision, an attached front entrance garage is required.

## **Move In Buildings**

1. An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the following will be required:
  - a. A building permit.
  - b. A recent color photograph of the structure
  - c. A non refundable fee.
  - d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.
  - e. A performance bond as set at the proposed value of the final residential project.
2. Modular homes may be acceptable if:
  - a. they have a standard structured floor system (without steel beams) with stairwell accessibility to the basement within the building.
  - b. they have a front facing entrance.
3. The standards to which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.
4. All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

## **Decks, Fences and Landscaping**

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 7.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.
2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.
3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.
4. Fences may be 1 metre in height from the buildings forward.
5. Fences may be 2 metres in height from buildings to the rear property line.
6. All line locates must be obtained before construction begins.

7. Property pins must be located and exposed before any construction can begin.
8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.
9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear or front yard setbacks (up to a maximum of 1.75m required for the site).
10. New materials must be used and be finished so as not to appear unsightly.

### **Off Street Parking**

1. One off street parking stall per single family dwelling is required.
2. Any back alley parking must be within the property pins for the site.
3. Where there is an attached garage construction of an adequately defined driveway must be completed within 18 months. A development permit must be obtained for approval.

### **Sign Regulations**

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction sign not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

### **Residential Accessory Building Regulations**

1. All attached and detached garages and carports must be set back in line with the dwelling or the established setback for the lot.
2. Setbacks
  - a. A 1.5 metre side yard shall be maintained for all garages, carports and other buildings.
  - b. A minimum 1.5 metre separation shall be maintained between freestanding garages and other buildings.
  - c. The flankage setback for both attached and freestanding accessory buildings shall be the same as for the principle building.
  - d. A maximum sidewall height of 2.75 metres shall be maintained for all garages, carports and all other buildings.

3. a. All detached carports or garages shall be setback a minimum of 1.5 metres from the rear property line in a laned subdivision and entry is from the front of the lot.
  - b. All detached carports or garages shall be setback a minimum of 3 metres from the rear property line in a laned subdivision if the entrance to the carport or garage is from the lane.
4. Carports and garages and total accessory structures shall not cover more than 15% of the total site area.
5. Any structure over 9 square meters or having a permanent base, gas, water or electricity services require a building permit so as to comply with all building regulations and setbacks.
6. All structures require a development permit.
7. No more than 3 accessory buildings shall be permitted on a lot. Their total site area coverage shall meet all the required residential setbacks.
8. No accessory building shall occupy more than 2/3 of the width of the rear yard of any lot.

### **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.
3. No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of .25 square metres placed flat against the building or fence.
4. All storage of materials shall be enclosed by a building.
5. Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

### **In Ground or above ground Private Swimming Pool Regulations**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.
2. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the

location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.

3. If the application is approved, detailed plans shall be submitted to a qualified Building Inspector. Details and specifications shall include the filtration system, circulating system, drain, fill system, chlorinating system and all piping systems.

4. Before a building permit can be issued, approval shall be obtained from the Plumbing Inspector.

5. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.

6. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.

7. A life belt or other similar approved safety device is to be obtained and readily accessible.

8. A platform having a medium width of .75 metre shall be extended entirely around the perimeter of the pool.

9. All pools shall be connected to the Municipal water system and a water meter shall be installed.

10. Electric lights shall be installed to light the pool area.

11. All pools shall have back flow preventors to prevent cross contamination of water supply.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.

2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.

3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.

4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.



## Residential Mixed Low Density District RM1

This is a mixed low density single family residential area.

Minimum lot width will be 12.2m

Residential District RM1						
Type of Use	Minimum Setbacks				Maximum Building Height	Maximum Site Coverage
	Front	Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	7.5m	1.5 m	4.5 m	3.5 m	9 m	25%
2. Accessory Buildings and Uses	**	1.5 m	3m/1.5m	3.5 m	2.75 m *	15%

\* Maximum side wall height

\*\*All detached garages and sheds must be positioned to the rear of the principle building.

### Discretionary Uses

Duplexes

Public Utilities

### General Site Regulations

1. All principle residences shall be placed on a basement unless otherwise approved by the Development Officer.
2. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
3. Drainage shall be arranged so as not to allow pooling of water on adjoining property unless permitted by agreement or by permission from the Village of Duchess.
4. In new subdivisions, the Village of Duchess may set uniform grades to minimize drainage problems.
5. All principal residences will be connected to all Municipal services.
6. All areas not used for buildings shall be maintained in a neat and tidy fashion.
7. A person shall not construct two dwelling units on one site unless a discretionary use has been approved by the Development Officer and Village of Duchess Council.
8. Setback requirements shall be measured perpendicularly from the property line to the building.
9. Corner sites which have frontages on two streets are recognized as having two front yards and the development will comply with the setbacks.

10. Cornices, sills, canopies or eaves cannot project for a distance exceeding one half of the minimum side yard required for the site.
11. A chimney may project .6 metres or less provided that it is at least 1 metre from the property line.
12. Unenclosed steps cannot project more than 2 metres over a minimum yard setback.
13. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
14. The Density Control Factor (DCF) applied to the RM1 for all buildings cannot be more than 40%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area} \times 100}{\text{Gross Site Area}} = 40\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

15. The design, character and appearance of any residential building, structure proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
16. Where the phrase “as required by the Development Officer” appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
17. In considering an application for a discretionary use, (all discretionary use applications must be approved by both the Development Officer and the Village of Duchess Council) the Development Officer shall give due regard to the circumstances and merits of the application and to the purpose, scope and intent of the Land Use Bylaw which is to develop an orderly and economic land use pattern in the Village of Duchess.
18. The required minimum square footage for a residential property will be 93 square meters.
19. Installation of weeping tile and a sump pump is required. Drainage must run outside of the property and may not be tied into the Village of Duchess sewer system.
20. The minimum width for corner lots shall be 15m.

## **Move In Buildings**

An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the Development Officer may require:

- a. A building permit.
- b. A recent color photograph of the structure
- c. A non refundable fee.
- d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.
- e. A performance bond as set at the proposed value of the final residential project.

The standards of which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.

All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

## **Decks, Fences and Landscaping**

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 4.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.
2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.
3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.
4. Fences may be 1 metre in height from the buildings forward.
5. Fences may be 2 metres in height from buildings to the rear property line.
6. All line locates must be obtained before construction begins.
7. Property pins must be located and exposed before any construction can begin.
8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.

9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear or front yard setbacks, up to a maximum of 1.75m required for the site.
10. New materials must be used and be finished so as not to appear unsightly.

### **Off Street Parking**

1. One off street parking stall per single family dwelling is required.
2. Any back alley parking must be within the property pins for the site.
3. Where there is an attached garage construction of an adequately defined driveway must be completed within 18 months. A development permit must be obtained for approval.

### **Sign Regulations**

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction sign not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

### **RM1 Accessory Building Regulations**

1. All attached and detached garages and carports must be set back in line with the dwelling or the established setback for the lot.
2. Setbacks
  - a. A .5 metre side yard shall be maintained for all garages, carports and other buildings.
  - b. A minimum 1.5 metre separation shall be maintained between freestanding garages and other buildings.
  - c. The flankage setback for both attached and freestanding accessory buildings shall be the same as for the principle building.
  - d. A maximum sidewall height of 2.75 metres shall be maintained for all garages, carports and all other buildings.

3. a. All detached carports or garages shall be setback a minimum of 1.5 metres from the rear property line in a laned or lane less subdivision when entry is from the front of the lot.  
b. All detached carports or garages shall be setback a minimum of 3 metres from the rear property line in a laned subdivision if the entrance to the carport or garage is from the lane.
4. Carports and garages and total accessory structures shall not cover more than 15% of the total site area.
5. Any structure over 30 square metres or having gas, water or electricity services require a building permit so as to comply with all building regulations and setbacks.
6. All structures require a development permit.
7. No more than 3 accessory buildings shall be permitted on a lot. Their total site area coverage shall meet all the required residential setbacks.
8. No accessory building shall occupy more than 2/3 of the width of the rear yard of any lot.

### **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.
3. No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of .25 square metres placed flat against the building or fence.
4. All storage of materials shall be enclosed by a building.
5. Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

### **In Ground Private Swimming Pool Regulations**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre and a pool area greater than 10 square metres.

2. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he/she shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
3. If the application is approved, detailed plans shall be submitted to a qualified Building Inspector. Details and specifications shall include the filtration system, circulating system, drain, fill system, chlorinating system and all piping systems.
4. Before a building permit can be issued, approval shall be obtained from the Plumbing Inspector.
5. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
6. Public Liability Insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.
7. A life belt or other similar approved safety device is to be obtained and readily accessible.
8. A platform having a medium width of .75 metre shall be extended entirely around the perimeter of the pool.
9. All pools shall be connected to the Municipal water system and a water meter shall be installed.
10. Electric lights shall be installed to light the pool area.
11. All pools shall have back flow preventors to prevent cross contamination of water supply.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre and a pool area greater than 10 square metres.
2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he/she shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.

## Residential Mixed Medium Density District RM2

This is a mixed medium density multi family area. This area may be used for Duplexes and up to a four unit Townhouse.

Minimum lot width will be 8.5m per side of a duplex.

Minimum lot width will be 25.6m for a four unit townhouse.

Residential District RM2

Type of Use	Minimum Setbacks				Maximum Building Height	Maximum Site Coverage
	Front	Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	4.5 m 25 ft	1.2 m 4 ft	7.5 m 25 ft	4.5m 25ft	9m* 29.5ft	50% - This is total coverage of all structures on site
2. Accessory Buildings and Uses	**	1.2 m 4 ft	1m 3.3 ft	4.5m 25ft	2.75m* 9ft	

\*Maximum side wall height

### Discretionary uses

Public Utilities

Single family dwellings ( R1 guidelines )

### General Site Regulations

1. All principle residences shall be placed on a basement unless otherwise approved by the Development Officer.
2. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
3. Drainage shall be arranged so as not to allow pooling of water on adjoining property unless permitted by agreement or by permission from the Village of Duchess.
4. In new subdivisions, the Village of Duchess may set uniform grades to minimize drainage problems.
5. All principal residences will be connected to Municipal services.
6. All areas not used for buildings shall be maintained in a neat and tidy fashion.
7. A person shall not construct two dwelling units on one residential site except for townhouse units.
8. Setback requirements shall be measured perpendicularly from the property line to the building.
9. Corner sites which have frontages on two streets are recognized as having two front yards and the development will comply with the setbacks.

10. Cornices, sills, canopies or eaves cannot project for a distance exceeding one half of the minimum side yard required for the site.
11. A chimney may project .6 metres or less provided that it is at least 1 metre from the property line.
12. Unenclosed steps cannot project more than 2 metres over a minimum sideyard setback.
13. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
14. The Density Control Factor (DCF) applied to the RM2 for all buildings cannot be more than 50%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area} \times 100}{\text{Gross Site Area}} = 50\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

15. The design, character and appearance of any residential building, structure proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
16. Where the phrase “as required by the Development Officer” appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
17. In considering an application for a discretionary use, the Development Officer shall give due regard to the circumstances and merits of the application and to the purpose, scope and intent of the Land Use Bylaw which is to develop an orderly and economic land use pattern in the Village of Duchess.
18. The required minimum square footage for a residential duplex will be 93 square metres and for a four unit townhouse, 112 square metres.
19. Installation of weeping tile and a sump pump is required. Drainage must run outside of the property and may not be tied into the Village of Duchess sewer system.
20. Front porches or verandas shall not project into a front yard setback required.
21. The maximum front yard setback requirement shall be 6 m.
22. The minimum width for corner lots shall be 17m.

## **Move In Buildings**



An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the Development Officer may require:

- a. A building permit.
- b. A recent color photograph of the structure
- c. A non refundable fee.
- d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.
- e. A performance bond as set at the proposed value of the final residential project.

The standards to which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.

All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

### **Decks, Fences and Landscaping**

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 4.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.
2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.
3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.
4. Fences may be 1 metre in height from the buildings forward.
5. Fences may be 2 metres in height from buildings to the rear property line.
6. All line locates must be obtained before construction begins.
7. Property pins must be located and exposed before any construction can begin.
8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.
9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear setbacks required for the site.
10. New materials must be used and be finished so as not to appear unsightly.

## **Off Street Parking**

1. One off street parking stall per single family dwelling is required.
2. Any back alley parking must be within the property pins for the site.
3. Where there is an attached garage construction of an adequately defined driveway must be completed within 18 months. A development permit must be obtained for approval.

## **Sign Regulations**

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction sign not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

## **RM2 Accessory Building Regulations**

1. All attached and detached garages and carports must be set back in line with the dwelling or the established setback for the lot.
2. Setbacks
  - a. A 1.2 metre side yard shall be maintained for all garages, carports and other buildings.
  - b. A minimum 1.5 metre separation shall be maintained between freestanding garages and other buildings.
  - c. The flankage setback for both attached and freestanding accessory buildings shall be the same as for the principle building.
  - d. A maximum sidewall height of 2.75 metres shall be maintained for all garages, carports and all other buildings.
  
3.
  - a. All detached carports or garages shall be setback a minimum of 1.5 metres from the rear property line in a laned or lane less subdivision and entry is from the front of the lot.
  - b. All detached carports or garages shall be setback a minimum of 3 metres from the rear property line in a laned subdivision if the entrance to the carport or garage is from the lane.

4. Total lot coverage cannot exceed 50%; total site coverage of accessory buildings cannot exceed that of the principle building.
5. Any structure over 9 square metres or having gas, water or electricity services require a building permit so as to comply with all building regulations and setbacks.
6. All structures require a development permit.
7. No more than 3 accessory buildings shall be permitted on a lot. Their total site area coverage shall meet all the required residential setbacks.
8. No accessory building shall occupy more than 2/3 of the width of the rear yard of any lot.

### **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.
3. No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of .25 square metres placed flat against the building or fence.
4. All storage of materials shall be enclosed by a building.
5. Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

### **In Ground Private Swimming Pool Regulations**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre and a pool area greater than 10 square metres.
2. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he/she shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
3. If the application is approved, detailed plans shall be submitted to a qualified Building Inspector. Details and specifications shall include the filtration

system, circulating system, drain, fill system, chlorinating system and all piping systems.

4. Before a building permit can be issued, approval shall be obtained from the Plumbing Inspector.
5. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
6. Public Liability Insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.
7. A life belt or other similar approved safety device is to be obtained and readily accessible.
8. A platform having a medium width of .75 metre shall be extended entirely around the perimeter of the pool.
9. All pools shall be connected to the Municipal water system and a water meter shall be installed.
10. Electric lights shall be installed to light the pool area.
11. All pools shall have back flow preventors to prevent cross contamination of water supply.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre and a pool area greater than 10 square metres.
2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.

## Residential Mixed High Density District RM3

This is a mixed high density residential area. Apartment buildings. Development of this kind must be separated from residential or mixed residential by a street, lane or easement.

Residential District RM3						
Type of Use	Front	Minimum Setbacks			Maximum Building Height	Maximum Site Coverage
		Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	4.5 m	1.5 m	7.5m	4.5 m	9 m	40% - this is total coverage of all structures on site
2. Accessory Buildings and Uses	**	1.5 m	1.5m	4.5 m	2.75 m*	

\*Maximum side wall height

\*\*All detached garages and sheds must be positioned to the rear of the principle building.

### Discretionary Uses

Public Utilities

Single family dwellings ( R1 guidelines )

### General Site Regulations

1. All principle residences shall be placed on a basement unless otherwise approved by the Development Officer.
2. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
3. Drainage shall be arranged so as not to allow pooling of water on adjoining property unless permitted by agreement or by permission from the Village of Duchess.
4. In new subdivisions, the Village of Duchess may set uniform grades to minimize drainage problems.
5. All principal residences will be connected to Municipal services.
6. All areas not used for buildings shall be maintained in a neat and tidy fashion.
7. A person shall not construct two apartment buildings on one RM3 site.
8. Setback requirements shall be measured perpendicularly from the property line to the building.
9. Corner sites which have frontages on two streets are recognized as having two front yards and the development will comply with the setbacks.
10. Cornices, sills, canopies or eaves cannot project for a distance exceeding one half of the minimum side yard required for the site.

11. A chimney may project .6 metres or less provided that it is at least 1 metre from the property line.
12. Unenclosed steps cannot project more than 2 metres over a minimum yard setback.
13. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
14. The Density Control Factor (DCF) applied to the RM3 for all buildings cannot be more than 40%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area}}{\text{Gross Site Area}} \times 100 = 40\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

15. The design, character and appearance of any residential building, structure proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
16. Where the phrase “as required by the Development Officer” appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
17. In considering an application for a discretionary use, the Development Officer shall give due regard to the circumstances and merits of the application and to the purpose, scope and intent of the Land Use Bylaw which is to develop an orderly and economic land use pattern in the Village of Duchess.
18. The required minimum square footage for a RM3 will be 46.4 square metres.
19. Installation of weeping tile and a sump pump is required. Drainage must run outside of the property and may not be tied into the Village of Duchess sewer system.
20. Front porches or verandas shall not project into a front yard setback required.

### **Move In Buildings**

No move in buildings

## **Decks, Fences and Landscaping**

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 4.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.
2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.
3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.
4. Fences may be 1 metre in height from the buildings forward.
5. Fences may be 2 metres in height from buildings to the rear property line.
6. All line locates must be obtained before construction begins.
7. Property pins must be located and exposed before any construction can begin.
8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.
9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear or front yard setbacks required for the site.
10. New materials must be used and be finished so as not to appear unsightly.

## **Off Street Parking**

### Minimum parking standards

1. 1.5 stalls of off street parking per single family dwelling unit are required.
2. Any back alley parking must be within the property pins for the site.
3. No parking area should be more than 46m feet from the residential dwelling and should be constructed to conform to the following.
4. Stall should be marked by lines or concrete curb stops for other than single family housing. Minimum width of the stalls is 2.75m, and is subject to a plan review by the Development Officer.
  
5. Entrances and exits to parking lots shall be:
  - well defined by curb cuts, fencing.
  - shall be a maximum of 6 metres wide.

-not less than 9 metres from an intersection.

6. One permanent loading space measuring 3 metres by 10 metres in size will be required for each 500 square metres of gross building area or fraction thereof where private laneways or storage areas will not suffice.

7. Any loading space shall have at least 30 square metres in area, 3.5 metres of width and 3.5 metres of overhead clearance.

8. Any parking space or any loading space that is provided shall be developed and surfaced to the satisfaction of the Development Officer.

9. Council may relax these standards on appeal if in their view they appear excessive.

### **Sign Regulations**

No Development Permit is required for the following types of signs:

a. One temporary real estate or construction sign not over 2 square metres in area per parcel.

b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

### **RM3 Accessory Building Regulations**

1. All attached and detached garages and carports must be set back in line with the dwelling or the established setback for the lot.

2. Setbacks

a. A 1.2 metre side yard shall be maintained for all garages, carports and other buildings.

b. A minimum 1.5 metre separation shall be maintained between freestanding garages and other buildings.

c. The flankage setback for both attached and freestanding accessory buildings shall be the same as for the principle building.

d. A maximum sidewall height of 2.75 metres shall be maintained for all garages, carports and all other buildings.

3. a. All detached carports or garages shall be setback a minimum of 1.5 metres from the rear property line in a laned or lane less subdivision and entry is from the front of the lot.

b. All detached carports or garages shall be setback a minimum of 3 metres from the rear property line in a laned subdivision if the entrance to the carport or garage is from the lane.

4. Carports and garages and total accessory structures shall not cover more than the primary building of the site area.



5. Any structure over 9.2 square metres or having gas, water or electricity services require a building permit so as to comply with all building regulations and setbacks.
6. All structures require a development permit.
7. No more than 3 accessory buildings shall be permitted on a lot. Their total site area coverage shall meet all the required residential setbacks.
8. No accessory building shall occupy more than 2/3 of the width of the rear yard of any lot.

### **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.
3. No advertising or display of products shall be permitted on the property.
4. No signage will be allowed for home occupations.
5. Employment is limited to occupants of the dwelling.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

### **In Ground Private Swimming Pool Regulations**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre and a pool area greater than 10 square metres.
2. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he/she shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
3. If the application is approved, detailed plans shall be submitted to a qualified Building Inspector. Details and specifications shall include the filtration system, circulating system, drain, fill system, chlorinating system and all piping systems.
4. Before a building permit can be issued, approval shall be obtained from the Plumbing Inspector.
5. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.

6. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.
7. A life belt or other similar approved safety device is to be obtained and readily accessible.
8. A platform having a medium width of .75 metre shall be extended entirely around the perimeter of the pool.
9. All pools shall be connected to the Municipal water system and a water meter shall be installed.
10. Electric lights shall be installed to light the pool area.
11. All pools shall have back flow preventors to prevent cross contamination of water supply.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.
2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.

## Mobile Home Park Regulations MHP

This refers to a parcel of land under one title or plan, which provides for the long term placement and occupancy of mobile homes that are either for purchase or lease.

Minimum lot width will be 12m for a single wide & 15m for a double wide.

Mobile Home Park MHP

Type of Use	Front	Minimum Setbacks			Maximum Building Height	Maximum Site Coverage
		Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	12mS 15mD	1.5m	Refer to #7 in the regulations	4.5m		
2. Accessory Buildings and Uses	**				2.75m*	

\*Maximum side wall height

\*\*All detached garages and sheds must be positioned to the rear of the principle building.

## Discretionary Uses

Public Utilities

## General Site Regulations

1. All Mobile Home Parks shall be constructed in such a manner that no mobile home fronts directly onto a public street.
2. All internal streets shall be constructed by the developer to a minimum width of 10 metres and shall be surfaced with gravel or asphalt to provide an all weather surface at all times.
3. All Mobile Home Parks must be connected to sewer and water systems.
4. All mobile home stalls shall have a sewer riser not less than 10 centimetres) in diameter extending not less than 10cm and not more that 12 cm from the surface of the ground. It shall be centered in a concrete block and have a suitable cap when not in use.
5. The minimum area per mobile home stall shall be 360 square metres and minimum frontage shall be 12 metres for single width and 15 metres for double wide mobile homes. All the lot corners shall be clearly defined by wooden pegs or other markers.
6. Each stall shall have a gravelled or paved pad compacted sufficiently to provide a firm foundation for the mobile home and shall be connected directly to the park roadway system be an access no less than 3.5 metres in width to permit moving the mobile home.

7. The pad shall be located so as to provide a minimum 1.5 metre side yard on one side of the trailer and a 4.5 metre side yard on the opposite side. Under no circumstances shall a mobile home be located less than 3.5 metres from the adjoining mobile home, roadway or property line.
8. All Mobile Home Parks shall be fenced or screened to a height of 1.5 metres.
9. Areas not used for buildings, roads or parking shall be sodded or landscaped.
10. The park management shall ensure that skirting for the trailer shall be installed within 30 days of the trailer's arrival and shall conform to the outward appearance of the trailer.
11. All additions shall conform to the outward appearance of the trailer, be constructed of a material no less fireproof than the exterior of the trailer and be completed within 30 days of the commencement of construction.
12. A minimum of one all weather parking stall shall be provided per stall.
13. Each mobile home pad shall be provided with anchors in the form of cast in place "dead men" eyelets embedded in concrete, screw augers or arrow head anchor at all corners of the mobile home pad to secure the mobile home against wind when secured to the home by a fastening system. Both the anchors and the fasteners shall be capable of withstanding a tension of 2200 kilograms each.
14. The mobile home park management shall provide for garbage disposal to the satisfaction of the Village of Duchess Public Works Department.
15. A centrally located, locked and fenced storage yard shall be provided by the park operators with not less than 20 square metres of area allotted per unit.
16. When there are more than 10 trailers situated within a court, recreation space suitably landscaped and equipped shall be provided at a ratio of 20 square metres per unit at the discretion of the Village of Duchess Council.
17. Information required for a Development Application for a mobile home park in addition to the normal requirement for a Development Permit shall include complete engineering plans and a written description of the development.
18. An adequate street and walkway lighting system for the safety and security of all the residents shall be provided within the development.
19. No permanent dwellings shall be erected except that of the manager, owner or caretaker.
20. There shall be a manager, owner or caretaker in charge of the mobile home park at all times to keep the trailer park, its facilities and equipment in a clean, orderly and sanitary condition. The owner shall be answerable to the Village of Duchess for any violation of this or any other Bylaw.
21. All mobile homes shall meet the Canadian Standards Association specifications. The Canadian Standards Association's seal will be displayed on the chassis of the mobile home.

## **Move in Buildings**

All residential dwellings in MHP will be move in buildings and be governed by the general site regulations above.

## **Decks, Fences and Landscaping**

These regulations apply to the interior of the mobile home park (individual rental lots).

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 7.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.
2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.
3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.
4. Fences may be 1 metre in height from the buildings forward.
5. Fences may be 2 metres in height from buildings to the rear property line.
6. All line locates must be obtained before construction begins.
7. Property pins must be located and exposed before any construction can begin.
8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.
9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear or front yard setbacks (up to a maximum of 1.75m required for the site).
10. New materials must be used and be finished so as not to appear unsightly.

## **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a neighbourhood.
3. No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of .25 square metres placed flat against the building or fence.

4. All storage of materials shall be enclosed by a building.
5. Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

### **Off Street Parking**

1. One off street parking stall per single family dwelling is required.

### **Sign Regulations**

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction sign not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.
2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.

## Residential Mobile Home RMH

This is an area intended exclusively for mobile homes and related uses. Due to their size and form, they are not considered acceptable in conventional residential districts.

Minimum lot width will be 12m for a single wide & 15m for a double wide.

Residential Mobile Home RMH

Type of Use	Minimum Setbacks				Maximum Building Height	Maximum Site Coverage
	Front	Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	6m	1.5m	6m	4.5m	8.5m	33%
2. Accessory Buildings and Uses	**	1.5m	1.5m/5ft		2.75m *	10%

\*Maximum side wall height

\*\*All detached garages and sheds must be positioned to the rear of the principle building.

## Discretionary Uses

Public Utilities

Single family dwellings ( R1 guidelines )

## General Site Regulations

1. All lots intended for mobile homes shall conform in all respect to the Subdivision Regulation.
2. All mobile homes shall have their undercarriage removed and be placed on a permanent foundation. Such foundations shall consist of one of the following: full basement, curtain wall foundation and footings, concrete footings, concrete slabs, wooden beams on concrete pads and piers or any similar approved foundation.
3. All mobile homes on foundations shall be connected to the Village of Duchess Municipal sewer and water system if possible.
4. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
5. Drainage shall be arranged so as not to allow pooling of water on adjoining property unless permitted by agreement or by permission from the Village of Duchess.
6. In new subdivisions, the Village of Duchess may set uniform grades to minimize drainage problems.
7. All areas not used for buildings shall be maintained in a neat and tidy fashion.

8. Setback requirements shall be measured perpendicularly from the property line to the building.
9. Corner sites which have frontages on two streets are recognized as having two front yards and the development will comply with the setbacks.
10. Cornices, sills, canopies or eaves cannot project for a distance exceeding one half of the minimum side yard required for the site.
11. A chimney may project .6 metres or less provided that it is at least 1 metre from the property line.
12. Unenclosed steps cannot project more than 2 metres over a minimum yard setback.
13. The Density Control Factor (DCF) applied to the RMH for all buildings cannot be more than 43%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area} \times 100}{\text{Gross Site Area}} = 43\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

14. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
15. The design, character and appearance of any residential building, structure proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
16. Where the phrase "as required by the Development Officer" appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
17. Installation of weeping tile and a sump pump is required if a basement exists. Drainage must run out the back of the residential building and may not be tied into the Village of Duchess sewer system.

### **Move In Buildings**

1. An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the following will be required:
  - a. A building permit.
  - b. A recent color photograph of the structure
  - c. A non refundable fee.



d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.

e. A performance bond as set at the proposed value of the final residential project.

2. The standards to which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.

3. All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

### **Decks, Fences and Landscaping**

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 7.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.

2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.

3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.

4. Fences may be 1 metre in height from the buildings forward.

5. Fences may be 2 metres in height from buildings to the rear property line.

6. All line locates must be obtained before construction begins.

7. Property pins must be located and exposed before any construction can begin.

8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.

9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear or front yard setbacks (up to a maximum of 1.75m required for the site).

10. New materials must be used and be finished so as not to appear unsightly.

### **Off Street Parking**

1. One off street parking stall per single family dwelling is required.

2. Any back alley parking must be within the property pins for the site.

3. Where there is an attached garage construction of an adequately defined driveway must be completed within 18 months. A development permit must be obtained for approval.

### **Sign Regulations**

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction signs not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

### **RMH Accessory Building Regulations**

1. All attached and detached garages and carports must be set back in line with the dwelling or the established setback for the lot.
2. Setbacks
  - a. A 1.5 metre) side yard shall be maintained for all garages, carports and other buildings.
  - b. A minimum 1.5 metre separation shall be maintained between freestanding garages and other buildings.
  - c. The flankage setback for both attached and freestanding accessory buildings shall be the same as for the principle building.
  - d. A maximum sidewall height of 2.75 metres shall be maintained for all garages, carports and all other buildings.
3.
  - a. All detached carports or garages shall be setback a minimum of 1.5 metres from the rear property line in a laned or lane less subdivision and entry is from the front of the lot.
  - b. All detached carports or garages shall be setback a minimum of 3 metres from the rear property line in a laned subdivision if the entrance to the carport or garage is from the lane.
4. Carports and garages and total accessory structures shall not cover more than 15% of the total site area.
5. Any structure over 9 square meters or having a permanent base, gas, water or electricity services require a building permit so as to comply with all building regulations and setbacks.
6. All structures require a development permit.
7. No more than 3 accessory buildings shall be permitted on a lot. Their total site area coverage shall meet all the required residential setbacks.
8. No accessory building shall occupy more than 2/3 of the width of the rear yard of any lot.

## **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.
3. No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of .25 square metres placed flat against the building or fence.
4. All storage of materials shall be enclosed by a building.
5. Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

## **In Ground or above ground Private Swimming Pool Regulations**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.
2. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
3. If the application is approved, detailed plans shall be submitted to a qualified Building Inspector. Details and specifications shall include the filtration system, circulating system, drain, fill system, chlorinating system and all piping systems.
4. Before a building permit can be issued, approval shall be obtained from the Plumbing Inspector.
5. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
6. Public Liability Insurance shall be obtained to the satisfaction of the Village of Duchess, and the Village of Duchess will be supplied with a written copy of insurance.
7. A life belt or other similar approved safety device is to be obtained and readily accessible.
8. A platform having a medium width of .75 metre shall be extended entirely around the perimeter of the pool.

9. All pools shall be connected to the Municipal water system and a water meter shall be installed.
10. Electric lights shall be installed to light the pool area.
11. All pools shall have back flow preventors to prevent cross contamination of water supply.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.
2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.

## **Public Institutional PI**

This is an area reserved for uses serving the general public:

Athletic and recreational facilities  
Cemeteries  
Community Halls  
Cultural Centres  
Day Care Centres  
Hospital & Nursing Homes  
Libraries  
Religious Assemblies  
Schools  
Special Care Facility  
Senior Citizen Homes  
Lodges & clubs

## **General Provisions**

1. Where no regulations are prescribed in this Bylaw each application shall be considered as a special case by the Development Officer and the Village of Duchess Council, which shall stipulate the minimum conditions and standards required for a development permit.
2. The Development Officer will ensure that developments such as day care centres, private schools and senior citizens homes address adequately the following matters:
  - a. The lot is of sufficient size to accommodate the proposed development and associated accessory uses including parking and storage.
  - b. The volume of traffic which the proposed use may generate will not unduly affect circulation and traffic movements in the area.
  - c. The scale and design of the facility will not detract from the residential character of a neighbourhood.
  - d. As part of the development application review, proposed developments in this district shall be required to provide a comprehensive site plan to the satisfaction of the Development Officer.

## **Public Utility Land PUL**

Public utility land is a parcel of land that has been designated to accommodate Municipal and public services. Only development that relates to these services will be allowed on PUL lands.

## Commercial C1

This is the central business district of the community. All commercial development is encouraged to locate here except those which emit excessive noise, odour, other pollutants, or require an excessive amount of outdoor storage space.

Type of Use	Minimum Setbacks				Maximum Building Height	Density Control Factor
	Front	Side	Rear	Flankage		
Permitted						
1. Retail	Nil	Nil	1.5m	Nil	3 Storeys	120%
2. Business & Professional Offices	Nil	Nil	1.5m	Nil	3 Storeys	120%
3. Government Offices	Nil	Nil	1.5m	Nil	3 Storeys	120%
4. Banks	Nil	Nil	1.5m	Nil	3 Storeys	120%
5. Churches	Nil	Nil	1.5m	Nil	3 Storeys	120%
6. Restaurant	Nil	Nil	1.5m	Nil	3 Storeys	120%
7. Public Buildings	Nil	Nil	1.5m	Nil	3 Storeys	120%
8. Accessory Buildings	*	Nil	1.5m	Nil	5m(16ft)**	

\*Accessory buildings must be constructed behind the commercial building

\*\*5m is the maximum sidewall height and is not to extend above the main building.

Discretionary						
1. Hotel	Nil	Nil	1.5m	Nil	3 Storeys	120%
2. Motel	Nil	Nil	1.5m	Nil	3 Storeys	120%
3. Automobile Agency	Nil	Nil	1.5m	Nil	3 Storeys	120%
4. Service Station	Nil	Nil	1.5m	Nil	3 Storeys	120%
5. Automobile Repair	Nil	Nil	1.5m	Nil	3 Storeys	120%
6. All other plans would fall under discretionary	Nil	Nil	1.5m	Nil	3 Storeys	120%

## Commercial Site Regulations

1. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
2. Drainage shall be arranged so as not to allow pooling of water on adjoining property.
3. The Village of Duchess may set uniform grades to minimize drainage problems.
4. All buildings will be connected to all Municipal services.
5. All areas not used for buildings shall be maintained in a neat and tidy fashion.

6. Setback requirements shall be measured perpendicularly from the property line to the building.
7. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
8. The Density Control Factor (DCF) applied to the C1 for all buildings cannot be more than 120%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area} \times 100}{\text{Gross Site Area}} = 120\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

9. The design, character and appearance of any building, structure or sign proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
10. Where the phrase "as required by the Development Officer" appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
11. In considering an application for a discretionary use, the Development Officer shall give due regard to the circumstances and merits of the application and to the purpose, scope and intent of the Land Use Bylaw which is to develop an orderly and economic land use pattern in the Village of Duchess. All discretionary use applications will be decided by the Development Officer and the Village of Duchess Council.
12. The required minimum square footage for a commercial building will be 92.9 square metres.
13. Installation of weeping tile and a sump pump is required where a basement exists. Drainage must run out the back of the Commercial building and may not be tied into the Village of Duchess sewer system.
14. An accessory building shall not exceed more than 40% of the ground floor area of the principal building on the site.
15. Total floor area of all buildings on the site shall be not less than 10% of the total site area.
16. Building Requirements
  - a. All buildings shall have a straight wall, commercial type construction.
  - b. Exterior finish of all buildings shall be wood, masonry, painted concrete block, painted metal siding or other material satisfactory to the Development Permit.
17. Areas used for storage of materials, wrecked or disassembled vehicles and equipment shall be located behind the front and flankage building line.



18. All such storage areas shall be fenced on all sides with a solid wall or chain link fence not less than 2 metres in height.
19. A minimum of 50% of the front and flankage yards shall be landscaped using trees, shrubs, decorative gravel or other materials satisfactory to the Development Officer. Other areas may be used for driveways or parking.
20. All driveways and parking areas shall be stripped of topsoil, compacted and be surfaced with an all weather material such as gravel, crushed brick or asphalt. Loose materials shall be bordered with appropriate curbing.
21. Display of new or reconditioned vehicles and equipment will be permitted in landscaped area provided that:
  - a. grassed areas are mowed periodically.
  - b. 1.5 metre setbacks are maintained between property lines, building and adjoining vehicles, with 6 metre setbacks from the street.
  - c. vehicles are properly aligned.
  - d. display vehicles are not intermixed with parked or damaged vehicles.

### **Move In Buildings**

1. An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the following will be required:
  - a. A building permit.
  - b. A recent color photograph of the structure
  - c. A non refundable fee.
  - d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.
  - e. A performance bond as set at the proposed value of the final residential project.
2. Modular buildings may be acceptable if:
  - a. they have a standard structured floor system (without steel beams) with stairwell accessibility to the basement within the building.
  - b. they have a front facing entrance.
3. The standards to which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.
4. All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

### Off Street Parking and Loading

1. Off street parking and loading spaces shall be constructed as required by this Bylaw and the minimum number of spaces for a commercial property is 1 stall per employee.

#### Use of Buildings

Beverage rooms

Hotels & Motels

Personal services

Offices

Industrial

Churches

Public Buildings

#### Minimum number of spaces

1 stall per every 5 seats

1 stall per unit

1 stall for every 50sqm of gross floor area

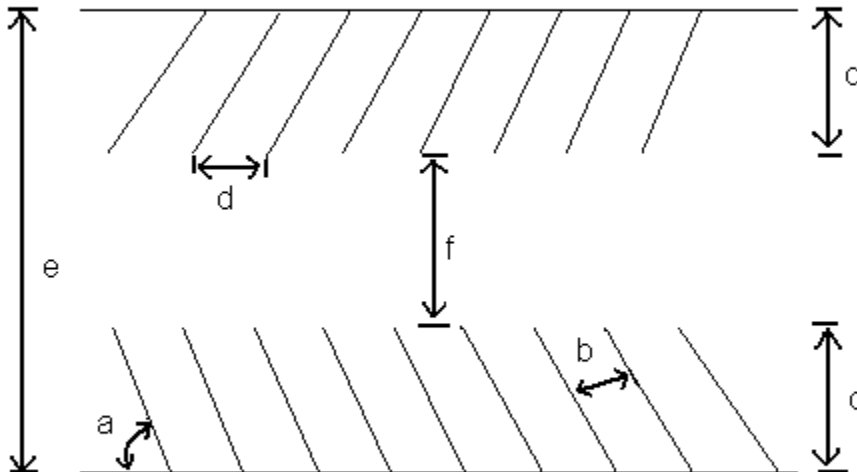
1 stall for every 50sqm of gross floor area

1 stall per employee

1 stall per 10 seats

1 stall per 10 seats

2. No parking area should be more than 150 feet from the commercial development and should be constructed to conform to the following.



3. Stall should be marked by lines or concrete curb stops.

4. Entrances and exits to parking lots shall be well defined by curb cuts or fencing shall be a maximum of 6 metres wide, and not less than 9 metres from and intersection.
5. One permanent loading space measuring 3 metres by 10 metres in size will be required for each 500 square metres of gross building area or fraction thereof where private laneways or storage areas will not suffice.
6. Any loading space shall have at least 30 square metres in area, 3.5 metres of width and 3.5 metres of overhead clearance.
7. Any parking space or any loading space that is provided shall be developed and surfaced to the satisfaction of the Development Officer.
8. Council may relax these standards on appeal if in their view they appear excessive.
9. Minimum parking standards are as follows:

Parking angle in degrees	Width of stall	Depth of stall perpendicular to manoeuvring aisle	Width of stall to manoeuvring aisle	Overall depth	Width of manoeuvring aisle
0	2.75m	2.75m	6.7m	9.1m	3.6m
30	2.75m	6m	5.5m	14m	3.6m
45	2.75m	5.75m	3.9m	15.25m	3.6m
60	2.75m	6m	3.0m	18.3m	6m
90	2.75m	5.5m	2.75m	18.3m	7.3m

## Sign Regulations

A development permit is required for all signage unless otherwise stated.

1. All signs shall relate to the use of the site unless otherwise approved by Council.
2. No commercial sign shall project more than 1.2 metres above the principle building on the site or over public property without the permission of Council.
3. No sign shall be erected that might obscure or be confused with a traffic sign.
4. Any sign over 10 square metres in area requires the permission of Council.

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction sign not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within 24 hours of the advertised election date.

## Hazardous Product Regulations

1. The location of an anhydrous ammonia or liquefied petroleum gas (AA or LPG) storage tank with a water capacity exceeding 9,092.2 litres (2000 Canadian gallons) shall be in accordance with the requirement of the Development Officer but in no case be less than a minimum distance of 121.9m from assembly, institutional, mercantile or residential buildings.
2. AAG or LPG containers with a water capacity of less than 9092.2 litres (2000 Canadian gallons) shall be located in accordance with regulations under the Gas Protection Act.
3. Flammable liquid storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Protection Act.
4. Setback from pipelines shall be at the discretion of the Development Officer subject to the requirements under the Pipelines Act.
5. Service station gasoline shall not be located closer than 6 metres to the front property line.

## Commercial Industrial C2

This area is intended for light industrial uses and commercial services. Uses which produce or emit excessive air, water or noise pollution are not acceptable. Excessive will be regulated by the Development Officer.

Type of Use	Minimum Setbacks				Maximum Building Height	Minimum Site Coverage
	Front	Side	Rear	Flankage		
Permitted						
1. Warehouse	7.5m	4.5m	1.5m	4.5m	8.5m	10%
2. Electrical Shop	7.5m	4.5m	1.5m	4.5m	8.5m	10%
3. Plumbing Shop	7.5m	4.5m	1.5m	4.5m	8.5m	10%
4. Lumber Yard	7.5m	4.5m	1.5m	4.5m	8.5m	10%
5. Office Building	7.5m	4.5m	1.5m	4.5m	8.5m	10%
6. Public Utilities	7.5m	4.5m	1.5m	4.5m	8.5m	10%
7. Accessory Buildings	7.5m	4.5m	1.5m	4.5m	8.5m	10%

Discretionary						
1. Bulk Fertilizer Storage	7.5m	4.5m	1.5m	4.5m	8.5m	10%
2. Bulk Fuel Storage	7.5m	4.5m	1.5m	4.5m	8.5m	10%
3. Automobile Sales & Service	7.5m	4.5m	1.5m	4.5m	8.5m	10%
4. Service Station	7.5m	4.5m	1.5m	4.5m	8.5m	10%
5. Farm Implement Sales	7.5m	4.5m	1.5m	4.5m	8.5m	10%
6. Manufacturing	7.5m	4.5m	1.5m	4.5m	8.5m	10%
7. Veterinarian	7.5m	4.5m	1.5m	4.5m	8.5m	10%
8. All other plans would fall under discretionary	7.5m	4.5m	1.5m	4.5m	8.5m	10%

## **Industrial Design Regulations**

1. Building Requirements
  - a. All buildings shall have a straight wall, commercial type construction.
  - b. Exterior finish of all buildings shall be wood, masonry, painted concrete block, painted metal siding or other material satisfactory to the Development Permit.
  - c. All principle buildings on the site shall be located on a permanent foundation.
  - d. Ancillary buildings shall not exceed more than 40% of the ground floor area of the principle building on the site.
  - e. Total floor area of all buildings on the site shall be not less than 10% of the total site area.

## **Commercial Industrial Site Regulations**

1. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
2. Drainage shall be arranged so as not to allow pooling of water on adjoining property.
3. The Village of Duchess may set uniform grades to minimize drainage problems.
4. All buildings will be connected to all Municipal services.
5. All areas not used for buildings shall be maintained in a neat and tidy fashion.
6. Setback requirements shall be measured perpendicularly from the property line to the building.
7. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
8. The Density Control Factor (DCF) applied to the C1 for all buildings cannot be more than 120%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area}}{\text{Gross Site Area}} \times 100 = 120\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

9. The design, character and appearance of any building, structure or sign proposed to be constructed must be acceptable to the Development Officer

having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.

10. Where the phrase “as required by the Development Officer” appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duches Council.

11. In considering an application for a discretionary use, the Development Officer shall give due regard to the circumstances and merits of the application and to the purpose, scope and intent of the Land Use Bylaw which is to develop an orderly and economic land use pattern in the Village of Duches.

12. The required minimum square footage for a commercial building will be 1000 square feet.

13. Installation of weeping tile and a sump pump is required where a basement exists. Drainage must run out the back of the Commercial building and may not be tied into the Village of Duches sewer system.

14. An accessory building shall not exceed more than 40% of the ground floor area of the principal building on the site.

15. Total floor area of all buildings on the site shall be not less than 10% of the total site area.

16. Building Requirements

a. All buildings shall have a straight wall, commercial type construction.  
b. Exterior finish of all buildings shall be wood, masonry, painted concrete block, painted metal siding or other material satisfactory to the Development Permit.

17. Areas used for storage of materials, wrecked or dissembled vehicles and equipment shall be located behind the front and flankage building line.

18. All such storage areas shall be fenced on all sides with a solid wall or chain link fence not less than 2 metres in height.

19. A minimum of 50% of the front and flankage yards shall be landscaped using trees, shrubs, decorative gravel or other materials satisfactory to the Development Officer. Other areas may be used for driveways or parking.

20. All driveways and parking areas shall be stripped of topsoil, compacted and be surfaced with an all weather material such as gravel, crushed brick or asphalt. Loose materials shall be bordered with appropriate curbing.

21. Display of new or reconditioned vehicles and equipment will be permitted in landscaped area provided that:

a. grassed areas are mowed periodically.  
b. 1.5 metre setbacks are maintained between property lines, building and adjoining vehicles, with 6 metre setbacks from the street.  
c. vehicles are properly aligned.  
d. display vehicles are not intermixed with parked or damaged vehicles.

## **Move In Buildings**

1. An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the following will be required:
  - a. A building permit.
  - b. A recent color photograph of the structure
  - c. A non refundable fee.
  - d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.
  - e. A performance bond as set at the proposed value of the final residential project.
2. Modular buildings may be acceptable if:
  - a. they have a standard structured floor system (without steel beams) with stairwell accessibility to the basement within the building.
  - b. they have a front facing entrance.
3. The standards to which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.
4. All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

## **Off Street Parking and Loading**

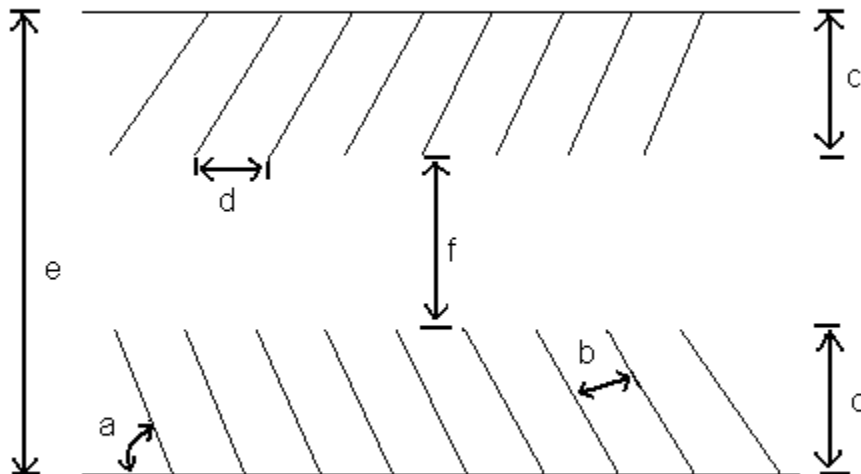
1. Off street parking and loading spaces shall be constructed as required by this Bylaw and the minimum number of spaces is 1 stall per employee.
2. No parking area should be more than 150 feet from the commercial development and should be constructed to conform to the following parking standards.
3. Stall should be marked by lines or concrete curb stops.
4. Entrances and exits to parking lots shall be well defined by curb cuts or fencing shall be a maximum of 6 metres wide, and not less than 9 metres from and intersection.
5. One permanent loading space measuring 3 metres by 10 metres in size will be required for each 500 square metres of gross building area or fraction thereof where private laneways or storage areas will not suffice.
6. Any loading space shall have at least 30 square metres in area, 3.5 metres of width and 3.5 metres of overhead clearance.
7. Any parking space or any loading space that is provided shall be developed and surfaced to the satisfaction of the Development Officer.



8. Council may relax these standards on appeal if in their view they appear excessive.

9. Minimum parking standards

a Parking angle in degrees	b Width of stall	c Depth of stall perpendicular to manoeuvring aisle	d Width of stall to manoeuvring aisle	e Overall depth	f Width of manoeuvring aisle
0	2.75m	2.75m	6.7m	9.1m	3.6m
30	2.75m	6m	5.5m	14m	3.6m
45	2.75m	5.75m	3.9m	15.25m	3.6m
60	2.75m	6m	3.0m	18.3m	6m
90	2.75m	5.5m	2.75m	18.3m	7.3m



## Sign Regulations

A development permit is required for all signage unless otherwise stated.

1. All signs shall relate to the use of the site unless otherwise approved by Council.
2. No commercial sign shall project more than 1.2 metres above the principle building on the site or over public property without the permission of Council.
3. No sign shall be erected that might obscure or be confused with a traffic sign.

4. Any sign over 10 square metres in area requires the permission of Council.

No Development Permit is required for the following types of signs:

- a. One temporary real estate or construction sign not over 2 square metres in area per parcel.
- b. Election, campaign posters and signs provided that they are removed within one week of the advertised election date.

### **Hazardous Product Regulations**

1. The location of an anhydrous ammonia or liquefied petroleum gas (AA or LPG) storage tank with a water capacity exceeding 9,092.2 litres (2000 Canadian gallons) shall be in accordance with the requirement of the Development Officer but in no case be less than a minimum distance of 121.9m from assembly, institutional, mercantile or residential buildings.
2. AAG or LPG containers with a water capacity of less than 9092.2 litres (2000 Canadian gallons) shall be located in accordance with regulations under the Gas Protection Act.
3. Flammable liquid storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Protection Act.
4. Setback from pipelines shall be at the discretion of the Development Officer subject to the requirements under the Pipelines Act.
5. Service station gasoline shall not be located closer than 6 metres to the front property line.

## **Urban Reserve UR**

This district includes land which will eventually be subdivided and serviced for urban use. Agricultural and temporary uses shall be the prime uses of the area at this time. Any other uses would have to be approved by the Development Officer.

## County Residential CR – non-serviced

The purpose of this district is to provide for planned country residential development, including farmland, in appropriate areas within the Village of Duchess.

Country Residential District CR						
Type of Use	Minimum Setbacks				Maximum Building Height	Maximum Site Coverage
	Front	Side	Rear	Flankage		
Permitted						
1. Detached Dwellings	7.5 m	1.5 m	4.5 m	3.5 m	8.5 m	25%
2. Accessory Buildings and Uses	**	1.5 m	1.5m	3.5 m	2.75 m*	15%

\*\*All detached garages and sheds must be positioned to the rear of the principle building.

\*Maximum side wall height

### Discretionary uses

Public utilities

### General Site Regulations

1. All principle residences shall be placed on a basement unless otherwise approved by the Development Officer.
2. Foundations shall be of sufficient height to allow all water to drain away from the building, and meet all Alberta Building Codes.
3. Drainage shall be arranged so as not to allow pooling of water on adjoining property.
4. In new subdivisions, the Village of Duchess may set uniform grades to minimize drainage problems.
5. All principal residences will be connected to all Municipal services where they are available.
6. All areas not used for buildings shall be maintained in a neat and tidy fashion.
7. A person shall not construct two dwelling units on one residential site.
8. Setback requirements shall be measured perpendicularly from the property line to the building.
9. Corner sites which have frontages on two streets are recognized as having two front yards and the development will comply with the setbacks.
10. Cornices, sills, canopies or eaves cannot project for a distance exceeding one half of the minimum side yard required for the site.

11. A chimney may project .6 metres (2ft) or less provided that it is at least 1 metre (3ft) from the property line.
12. Unenclosed steps cannot project more than 2 metres (6 1/2 ft) over a minimum yard setback.
13. The base from which to measure the height of a building is the mean grade of all streets and lanes abutting the site where the building is located or the mean elevation of the ground adjoining the front wall of the building, whichever is higher.
14. The Density Control Factor (DCF) applied to the R1 for all buildings cannot be more than 40%.

$$\text{DCF} = \frac{\text{Gross Developable Floor Area}}{\text{Gross Site Area}} \times 100 = 40\%$$

In calculating gross site area, such things as balconies, roof top gardens, communal lounges, etc may be included, provided that they add to the common amenity of the site.

15. The design, character and appearance of any country residential building, structure proposed to be constructed must be acceptable to the Development Officer having due regard to the amenities and character of existing development as well as to its effect on adjacent districts.
16. Where the phrase “as required by the Development Officer” appears in this Bylaw, the Development Officer prior to giving his decision shall take into consideration the Subdivision Regulation and may refer the matter to the Village of Duchess Council.
17. The required minimum square footage for a country residential dwelling will be 1000 square feet.
18. Installation of weeping tile and a sump pump is required. Drainage must run out the back of the residential building and may not be tied into the Village of Duchess sewer system.

### **Move In Buildings**

1. An application for a move-in building is subject to all conditions and regulations specified under the appropriate district, and in addition, the following will be required:
  - a. A building permit.
  - b. A recent color photograph of the structure
  - c. A non refundable fee.
  - d. An indication whether the building will meet the requirements of the Alberta Building Code, and if it does not, how the building will be brought up to these standards within the time limit established by the Development Officer.
  - e. A performance bond as set at the proposed value of the final residential project.

2. Modular homes may be acceptable if:
  - a. they have a standard structured floor system (without steel beams) with stairwell accessibility to the basement within the building.
  - b. they have a front facing entrance.
3. The standards to which the building shall comply shall be established by the Development Officer at the time of the approval of the application and shall form part of the conditions of the development permit.
4. All renovations to a move in building shall be completed within one year of the issuance of the development permit and also have any other required permits.

### **Cistern and septic fields**

All cisterns and septic fields must meet all government guidelines.

### **Livestock**

There will be no livestock allowed on country residential parcels if they are less than 5 acres in area.

### **Garbage**

Garbage disposal will be the responsibility of the landowner. A garbage disposal contract must be in place.

### **Offsite levies**

Offsite levies will not be imposed on country residential parcels provided there are no municipal services available.

### **Home Occupation Regulations**

1. All home occupations require a business license.
2. Approval shall be for a period of one year with optional renewal and shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.

3. No advertising or display of products shall be permitted on the property except for one indirectly illuminated sign of .25 square metres placed flat against the building or fence.
4. All storage of materials shall be enclosed by a building.
5. Employment is limited to occupants of the dwelling plus not more than 5 employees working off site.
6. A maximum of one vehicle, used exclusively in the home occupation will be permitted, provided that there is sufficient off street parking, and the vehicle does not exceed one ton capacity.
7. The Development Officer may revoke the Business license at any time for non compliance with these provisions.

### **Decks, Fences and Landscaping**

1. On an interior lot, no fence or wall, including vegetation fences, or any combination thereof, lying within 7.5 metres of a right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground.
2. On a corner lot nothing shall be constructed, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the center line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.
3. Any area required to be landscaped shall be loamed and planted with grass, trees, shrubs and or flowers which enhance the appearance of the site within 18 months of completion of residential construction.
4. Fences may be 1 metre in height from the buildings forward.
5. Fences may be 2 metres in height from buildings to the rear property line.
6. All line locates must be obtained before construction begins.
7. Property pins must be located and exposed before any construction can begin.
8. All above grade decks, porches, verandas or similar structures require a building permit to ensure all building codes are met.
9. All decks, porches, verandas or similar structures can not project for a distance exceeding one half of the minimum side/rear or front yard setbacks (up to a maximum of 1.75m (6ft) required for the site.
10. New materials must be used and be finished so as not to appear unsightly.
11. Where the shape of a lot or other circumstances are such that the above rules cannot be applied the Development Officer shall determine the setbacks.

### **In Ground or above ground Private Swimming Pool Regulations**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre (or a pool area greater than 10 square metres).
2. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.
3. If the application is approved, detailed plans shall be submitted to a qualified Building Inspector. Details and specifications shall include the filtration system, circulating system, drain, fill system, chlorinating system and all piping systems.
4. Before a building permit can be issued, approval shall be obtained from the Plumbing Inspector.
5. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
6. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.
7. A life belt or other similar approved safety device is to be obtained and readily accessible.
8. A platform having a medium width of .75 metre shall be extended entirely around the perimeter of the pool.
9. All pools shall be connected to the Municipal water system and a water meter shall be installed.
10. Electric lights shall be installed to light the pool area.
11. All pools shall have back flow preventors to prevent cross contamination of water supply.

### **Above Ground Private Swimming Pools**

1. These regulations are to cover all private swimming pools having a depth greater than .5 metre or a pool area greater than 10 square metres.
2. For safety reasons, the pool shall be enclosed with a 1.8 metre high fence with a self latching lockable gate with the latches located at least 1.2 metres above grade.
3. An application together with a plot plan shall be submitted to the Development Officer. In considering the application, he shall consider the location of the pool with regard to other structures and possible damage to property at a lower level due to seepage or rupture in the case of a surface built pool.



4. Public Liability Insurance shall be obtained to the satisfaction of the Village of Dutchess, and the Village of Dutchess will be supplied with a written copy of insurance.

## **Municipal Reserve MR**

Municipal reserve is a parcel of land that has been designated as reserve land and is identified on the plan of subdivision as such. There is to be no development on MR land, except Village of Duchess parks or playgrounds.