

TOWN OF BEAUMONT By-Law Number 485/98

LEDUC COUNTY By-Law Number 33-98

**A by-law of the Town of Beaumont and Leduc County, both in the Province of Alberta,
for the purpose of adopting an Inter-Municipal Development Plan**

WHEREAS, the Councils of the Town of Beaumont and the County of Leduc consider it to be in the public interest to adopt an Inter-Municipal Development Plan;

NOW THEREFORE, the Councils of the Town of Beaumont and Leduc County, duly assembled in open meeting, hereby enact as follows:

A. PURPOSE

This Plan is prepared in conjunction with the 1998 annexation agreement between the Town of Beaumont and Leduc County and in fulfillment of the *Municipal Government Act* requirements.

B. PLAN OBJECTIVES

1. This Plan is intended to establish land development controls and to facilitate inter-municipal communication in land development matters.
2. This Plan is not intended to prevent either municipality from making decisions on matters within its jurisdiction, except when specifically provided for in this Plan.
3. If there is a conflict between this Plan and any Statutory Plan or Outline Plan of either municipality, the provisions of this Plan prevail.

C. APPLICATION OF PLAN

This Plan applies to lands in both the Town of Beaumont and Leduc County, located within 0.8 km (0.5 miles) of each side of the new Town boundary established by the 1998 Annexation Agreement made by the municipalities.

D. INTERPRETATION

Terms and words in this by-law, which are defined in the *Municipal Government Act*, have the same meaning as they have in the Act. Other terms and words, unless the context otherwise requires, are defined as follows:

Act means the *Municipal Government Act*, being Statutes of Alberta, 1994, Chapter M-26.1, as amended;

Councils mean the Councils of the Town of Beaumont and of Leduc County;

County means Leduc County;

Municipalities means Leduc County and the Town of Beaumont;

Plan means the Town of Beaumont and Leduc County Inter-Municipal Development Plan;

Planning Area means the lands subject to the effect of this Plan;

Town means the Town of Beaumont.

E. REFERRAL OF DEVELOPMENT MATTERS

1. The Municipalities intend to act responsibly in using their best efforts to notify the other of all significant development or activity in the Planning Area, and those outside the Planning Area, that could reasonably be expected to have an adverse material impact on the other, including any development or activity that would have an adverse impact in terms of
 - a) smoke;
 - b) smell;
 - c) noise;
 - d) aesthetics;and to co-ordinate, collaborate and consider any objections or suggestions about the potential development or activity.
2. The Municipalities agree to refer the following matters to each other for comment, as follows:
 - a) all applications, requests, authorizations or proposals to adopt, accept, or amend this Plan or any Municipal Development Plan, Area Structure Plan, Area Redevelopment Plan, Outline Plan and Land Use By-Law affecting the Planning Area;
 - b) all multi-parcel subdivision applications in the Planning Area;
 - c) all discretionary development permit applications except applications for permitted uses with discretionary variances and highway commercial applications in the Planning Area.
3. The above referrals must
 - a) occur when completed applications are received on the planning or development matters;
 - b) allow three weeks upon receipt by the other Municipality for response, unless a shorter or longer period is mutually agreed upon by the Municipalities in each case; and,
 - c) be by facsimile or personal delivery.

F. LAND USE CONTROL

1. The County agrees that on both sides of Secondary Highway 814 between the new Town boundary and the City of Edmonton to:
 - a) maintain an agricultural zoning of 0.8km (0.5mile) as set out in Schedule "A"; and,
 - b) under discretionary uses, not to approve any highway commercial development without the

Town's consent.

2. The County agrees to protect from development, a 50 meter right-of-way (25 meters more or less on each side of the centre line), on Secondary Highway 814 north of the Town to the City of Edmonton boundary, for future road widening.
3. The Town and County agree to protect from development a 50 meter right-of-way (25 meters more or less on each side of the centre line), on Secondary Highway 625 within their respective jurisdictions, for future road widening.
4. No new intensive livestock development shall be permitted in the Planning Area.

G. CONTROLLED ACCESS TO SECONDARY HIGHWAYS 814 & 625

The Parties agree that accesses to Secondary Highway 814 north of Township Road 510 and Secondary Highway 625 between Range Roads 241 and 243 will be limited as follows:

- a) property access is to be allowed in accordance with the County's Land Use By-Law restrictions for subdivision existing on the effective date of this by-law;
- b) future roadway accesses will be limited to ½ mile intervals;
- c) left turns from roadways will be restricted to one mile intervals when necessary to minimize accidents and facilitate traffic movements, unless alternative controls are appropriate and acceptable to the Municipality with authority over the particular road;
- d) future controls and traffic management policies on Secondary Highways 814 and 625 will be discussed between the Municipalities prior to implementation; and,
- e) notwithstanding the foregoing, new accesses will be allowed more frequently than the ½ mile interval to allow farmers to access their fields and to accommodate "first parcels out".

H. PLAN ADMINISTRATION AND REVIEW

1. An Inter-Municipal Liaison Committee is hereby established, comprised of:
 - a) 3 Councillors, as voting members, and one non-voting staff member appointed by the Town; and,
 - b) 3 Councillors, as voting members, and one non-voting staff member appointed by the County.
2. The quorum of the Committee is 4 Councillors who are Committee members, with not less than 2 Councillors present from each Municipality.
3. The position of Chair for each meeting shall alternate between the Municipalities.
4. The Committee is to be governed by such procedures and rules of conduct as the members of the Committee may establish; and, are to meet as often as necessary.

5. The Inter-Municipal Liaison Committee has the following functions:
 - a) to clarify the intent and interpretation of this Plan; and,
 - b) to review and comment on applications to amend this Plan and undertake such other matters as are referred to it by either Council.
6. The primary function of the Committee is to submit recommendations to the Councils, striving for consensus as much as possible.

I. DISPUTE RESOLUTION PROCESS

1. In case the Inter-Municipal Liaison Committee cannot reach consensus, the opposing views or alternative suggestions should be recorded for review by the Councils. If the Inter-Municipal Liaison Committee cannot resolve an issue, a Joint Council meeting will be held within 30 days.
2. An agreement reached at the Joint Council meeting and ratified by resolutions of the Councils of the Municipalities must be complied with by the Inter-Municipal Liaison Committee.
3. If the Councils cannot agree, either Municipality may request the Minister of Municipal Affairs to appoint a mediator acceptable to the Municipalities. The cost of the mediation services is to be shared equally between the Municipalities, irrespective of the mediation results.

J. PLAN AMENDMENT AND REPEAL

This Plan may be amended or repealed by joint by-laws of the Councils.

This by-law takes effect on the effective date of annexation of the lands being the subject of the 1998 Annexation Agreement between the Town and the County.

TOWN OF BEAUMONT COUNCIL

LEDUC COUNTY COUNCIL

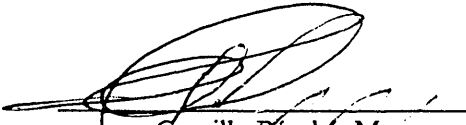
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Read a first time this 28th day of July, 1998.

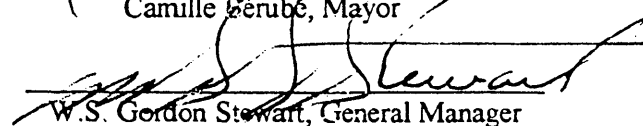
Read a second time this 23rd day of September, 1998.

Read a second time this 22nd day of September, 1998.

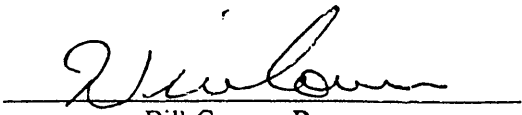
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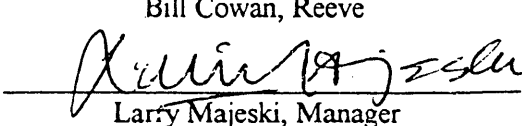
 Camille Ferube, Mayor



 W.S. Gordon Stewart, General Manager



 Bill Cowan, Reeve



 Larry Majeski, Manager

SECTION 28 DISTRICT REGULATIONS

AG - AGRICULTURAL

1.1	<u>Permitted Uses</u>	<u>Discretionary Uses</u>
	(1) Cereal Crop Farming	(1) Intensive Livestock
	(2) Forage Crop Farming	(2) Home Occupations
	(3) Livestock Raising (extensive)	(3) Public and Private Recreational Facilities
	(4) Native Pasture/Grazing	(4) Churches and Cemeteries
	(5) Market Garden	(5) Institutional Uses
	(6) Tree Nursery	(6) Natural Resource Extraction
	(7) Single Family Residence	(7) Outdoor Storage
		(8) Commercial Greenhouse
		(9) Commercial Kennel
		(10) Highway Commercial
		(11) Such other agricultural related uses, which in the opinion of the Development Officer are unlikely to have restrictive effects upon the district.
		(12) Public Utilities
		(13) Accessory Buildings
		(14) Airstrips

1.2 Site Requirements

- (1) The minimum parcel size shall be 32.4 ha (80 ac.)¹ except where:
 - (a) lesser size is permitted by Council in instances of intensive agricultural/livestock operations; or
 - (b) the parcel to be created represents the first parcel to be subdivided from the quarter section and does not exceed 1 ha (2.47 ac.) unless a greater area is required to include the shelterbelt;²
 - (c) the parcel to be created is separated by natural boundaries or by surveyed rights-of-way.³

¹ See Section 25.

² Where the quarter section has previously been subdivided by virtue of the parcel being a school site, church site, cemetery site or public utility site, the "first parcel out" will still apply.

³ The largest remaining portion of the quarter section shall be considered as an unsubdivided quarter section for the purpose of allowing 1(b).

- (d) the parcel is to be used for highway commercial purposes, in a location permitted by Council.
 - (e) those uses specified in Section 24.
- (2) The minimum building setbacks shall be:
- (a) 45 m (150 ft.) from front property line and/or the center of the road allowance;
 - (b) 7.5 m (25 ft.) side yard not abutting a public roadway or 10% of the mean parcel width which ever is the lesser;
 - (c) 7.5 m (25 ft.) from rear property line; and
 - (d) 25 m (90 ft.) from centreline of the railroad tracks.
- (3) No driveway shall be located closer than 30 m (100 ft.) from the intersection of two municipal roadways.
- (4) The minimum floor area of a single family residence shall be 70 m² (750 sq. ft.)

PART I - TITLE AND MEANINGS

SECTION 1 TITLE

This bylaw may be referred to as THE LAND USE BYLAW of the County of Leduc No. 25 in the Province of Alberta.

SECTION 2 MEANINGS

(1) In this bylaw:

ACCESSORY BUILDING -

means a building which is separate from the principal building on the site where both are located and which the development officer decides is normally subordinate to, and the use of which is incidental to that of, the principal building.

ACCESSORY USE -

means a use of a building or land which the development officer decides is normally incidental to and subordinate to the principal use of the site on which it is located.

ACT -

means the PLANNING ACT, 1980 as amended, and the regulations pursuant thereto.

AIRPORT -

means an area of land or water designed to accommodate the arrival and departure of aircraft for which an airport license has been issued by the Federal Ministry of Transport.

AIRSTRIP -

means an area of land or water designed to accommodate the arrival or departure of aircraft for which an airport license has not been issued by the Federal Ministry of Transport.

ANIMAL UNIT -

means the definition found in the Confinement Livestock Facilities Waste Management Code of Practice produced by Alberta Environment and Alberta Agriculture, September 1982.

AREA REDEVELOPMENT PLAN -

means a plan accepted or adopted by Council as an area redevelopment plan pursuant to the Planning Act, 1980.

AREA STRUCTURE PLAN -

means a plan accepted or adopted by Council as an area structure plan pursuant to the Planning Act, 1980.

BOARD -

see DEVELOPMENT APPEAL BOARD.

BOARDING FACILITIES -

means a use consisting of sleeping facilities which may be in addition to the family accommodation and where cooking and/or sanitary facilities are not developed in addition to those which are in the dwelling unit containing the boarding facilities.

BUILDING -

includes any structure, erection, stockpile, sign or fixture, that may be built or placed on land.

BUILDING HEIGHT -

means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building.

COUNCIL -

means the Council of the County of Leduc No. 25.

DEVELOPABLE AREA -

means an area where the groundwater table under the surface of the land is no less than seven feet below surface land.

DEVELOPER -

means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.

DEVELOPMENT -

means development as defined in the Act, and includes the following:

- (i) the carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this bylaw development also means the demolition of a building;
- (ii) in a building or on a site used for dwelling purposes, any increase in the number of families occupying and living in the building or on the site, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the site;

- (iii) the placing of refuse or waste material on any land, including the placement of material or fill which has the effect of changing the topography and/or natural drainage pattern;
- (iv) the resumption of the use to which land or buildings have been previously put;
- (v) the use of the land for the storage or repair of motor vehicles or other machinery or equipment;
- (vi) the continued use of land or of a building for any purpose for which it is being used unlawfully when this bylaw comes into effect;
- (vii) the more frequent or intensive use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way;
- (viii) and includes the erection of signs,

DEVELOPMENT APPEAL BOARD -

means the Development Appeal Board appointed pursuant to the Planning Act, 1980 or Council where it is the Development Appeal Board pursuant to the relevant section.

DEVELOPMENT OFFICER -

means the official or officials of the municipality with the responsibility of receiving, considering and deciding on applications for development under this Land Use bylaw.

DEVELOPMENT PERMIT -

means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit.

DISCONTINUED -

means the time at which, in the opinion of the Development Officer, substantial construction activity or a non-conforming use, or conforming use which has ceased.

DISCRETIONARY USE -

means a use of land or buildings provided for in the District Schedules of this bylaw, for which a development permit may be issued with or without conditions.

DWELLING -

means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level and includes multiple dwellings, apartments, horizontal multiple dwellings, but does not include mobile homes.

DWELLING UNIT -

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

EASEMENT -

means a right to use land, generally for access to other property or as a right-of-way for a public utility.

EXTENSIVE LIVESTOCK OPERATION -

means any livestock confinement facility capable of confining, rearing or feeding more than 200 animal units in an enclosure where the space per animal is more than 370 m² (4,000 sq. ft.).

EXTRACTIVE RESOURCE DEVELOPMENT -

means development for the on-site removal, extraction and primary processing of raw materials found on or under the site, or accessible from the site. Typical uses include gravel pits, sandpits, clay pits, oil and gas wells, coal-mining and shipping of topsoil. This use does not include the processing of raw materials transported to the site.

FAMILY -

means a single person occupying a dwelling unit; or two or more persons related by heredity, marriage, a common-law relationship or adoption who together are occupying a dwelling unit; or not more than five unrelated persons occupying a dwelling unit as a single housekeeping unit.

FENCE -

means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access.

FLOOR AREA -

means the greatest horizontal area of a building above grade within the outside surface of exterior walls and the centre line of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

FOUNDATION -

means the lower portion of a building usually concrete or masonry and includes the footings, which transfer the weight of and loads on a building to the ground.

FRONT YARD -

see YARD, FRONT.

FRONTAGE -

means the length of a street boundary measured along the front lot line. On double fronting lots all sides of a lot adjacent to streets shall be considered frontage.

GARAGE -

means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

GENERAL MUNICIPAL PLAN -

means the plan adopted by Council as a General Municipal Plan.

GROSS LEASABLE AREA -

means the total floor area of the building contained within the outside surface of the exterior and basement walls and includes enclosed and heated malls but excludes mechanical and utility rooms, public washrooms, stairwells and elevators.

HIGHWAY COMMERCIAL -

means a use intended primarily for the travelling public and which is located on a site adjacent to a major route designated as a public highway pursuant to the Public Highway Development Act.

HOME OCCUPATIONS - ACCESSORY USE -

means an occupation carried on within a dwelling unit or accessory buildings and which is not visible or noticeable in any manner from outside the dwelling. Such occupation is secondary to the residential occupancy and does not change the character thereof.

INTENSIVE AGRICULTURAL OPERATION -

means an agricultural pursuit on a land intensive bases and generally may include greenhouses, market gardens, tree nurseries and specialty crops.

INTENSIVE LIVESTOCK OPERATION -

means any livestock confinement facility capable of confining, rearing or feeding more than 200 animal units in an enclosure where the space per animal is less than 370 m² (4,000 sq. ft.).

INTERIOR SITE -

see SITE, INTERIOR.

KENNEL -

means accommodation for the boarding and/or breeding of small animals and uses associated with the care thereof.

LANDSCAPING -

means to preserve or change the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture.

LANE -

means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10 m (30 ft.) and is not less than 6 m (18 ft.) in width, and which provides a secondary means of access to a parcel or parcels as defined as an alley in the Highway Traffic Act, 1975.

LOCAL IMPROVEMENTS -

means any works as may be considered to be Local Improvements in the Municipal Taxation Act as amended or any works as may be included in a Development Agreement between the Applicant and the Municipality.

LOT -

means

- (a) a quarter section,
- (b) a river lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a land titles office,
- (c) a settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a land titles office,
- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
- (e) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision.

MINOR -

means, where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Officer have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area.

MOBILE HOME -

means a transportable single family dwelling unit suitable for permanent occupancy designed to be transported on wheels, and upon arrival at the site at which it is to be located is, apart from incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy.

MODULAR HOME -

means a completed modular unit described as a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and units may be stacked side-by-side or vertically, and completed to form one complete dwelling unit for year-round occupancy.

MULTI-FAMILY DWELLING -

means a dwelling containing two or more dwelling units.

MULTIPLE PARCEL COUNTRY RESIDENTIAL -

means three or more country residential parcels which are served by an internal public roadway.

MUNICIPALITY -

means the County of Leduc No. 25.

NON-CONFORMING BUILDING -

means a building

- (i) that is lawfully constructed or lawfully under construction at the date that a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- (ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NON-CONFORMING USE -

means a lawful specific use

- (i) being made of land or a building or intended to be made of a building lawfully under construction, at the date a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- (ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

OCCUPANCY -

means the use or intended use of a building or part thereof for the shelter or support of persons or property.

PARCEL -

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

PARKING STALL -

means a space set aside for the parking of one vehicle.

PERMITTED USE -

means the use of land or a building provided for in the District Schedules of this bylaw for which a development permit shall be issued with or without conditions upon an application having been made which conforms to the Land Use Bylaw.

PRINCIPAL BUILDING -

means a building which, in the opinion of the Development Officer:

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

There shall be no more than one principal building on each site unless specifically permitted otherwise in this bylaw.

PRINCIPAL USE -

means the primary purpose in the opinion of the Development Officer for which a building or site is used. There shall be no more than one principal use on each site unless specifically permitted otherwise in this bylaw.

REAR YARD -

see YARD, REAR.

REGIONAL PLAN -

means the Regional Plan or Ministerial Regional Plan required by the Act.

RESIDENCE -

see Dwelling.

SERVICE STATION -

means a parcel or the portion thereof used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids and accessories for motor vehicles, and a towing service dispatch point.

SETBACK -

means the perpendicular distance as measured between that part of a building nearest to the front, side or rear property line of the building site.

SHORT FORM -

means an abbreviation.

SIGN -

means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.

SINGLE FAMILY RESIDENCE -

means a self-contained living premise with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals but does not include multiple dwellings, apartments, or duplexes.

SITE -

means one or more lots or parcels for which an application for a development permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.

SITE AREA -

means the total area of a site.

SITE BOUNDARIES -

means those boundaries which bound the site as determined by the Development Officer.

STRUCTURE -

means anything constructed or erected on the ground, or attached to something on the ground and includes all buildings.

TEMPORARY BUILDING -

means a structure that has been permitted to exist for a limited time only.

USE -

means a use of land or a building as determined by the Development Officer and/or Council.

UTILITY -

means the components of a sewage, stormwater or solid waste disposal system or a telecommunication, electrical power, water, gas or oil distribution system.

UTILITY BUILDING -

means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility.

YARD -

means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this bylaw.

YARD, FRONT -

means that portion of the site extending across the full width of the site from the front property boundary of the site to the nearest portion of the exterior wall of the building and shall be measured at right angles to the front property boundary.

YARD, REAR -

means that portion of the site extending across the full width of the site from the rear property boundary of the site to the nearest portion of exterior wall of the building and shall be measured at right angles to the rear property line.

YARD, SIDE -

means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall of the building or exterior chimney wall where one exists and shall be measured at right angles to the side property boundary.

- (2) Notwithstanding the meanings above, the Planning Act, 1980 takes precedence in a case of dispute on the meanings of all words or clauses.