

ARCHITECTURAL CONTROLS and DEVELOPMENT GUIDELINES

(RESTRICTIVE COVENANT)

1.0 Introduction

The Village of Champion (or Village) Industrial Business Park (or Park), being those lands set out in Appendix “A”, was developed to create a business environment of high quality, with consideration for neighboring property owners, and one which will provide long-term benefits to businesses operating within the Park and the community at large.

2.0 General Purpose

The purpose of these Architectural Controls and Development Guidelines (hereinafter the “Guidelines”) is to establish a framework around which individual landowners, builders, and/or architectural consultants and the Village can implement individual designs and to establish criteria for all development in the Park, and to ensure development is complimentary to existing and proposed adjacent land uses and development.

The overall intent is to:

- ensure a high-quality sustainable industrial park development is achieved through augmented requirements above the bylaw that achieve good quality building and site design;
- encourage industrial development that represents good urban industrial design and planning, with attention to overall site development and landscaping, building and site safety, external storage of goods and materials;
- maintain a standard that links development to property value and enhanced competitiveness;
- protect owners, lessees and / or tenants of buildings within the Champion Industrial Business Park against incompatible and improper use of other building sites, and to foster the implementation of high quality improvements for all building sites; and,
- supplement the existing land use bylaw standards and requirements.

3.0 Terms and Definitions

All land use and development terms or definitions have the same meaning as the Village of Champion’s land use bylaw, unless otherwise specified.

‘Architectural Controls and Development Guidelines’ means a restrictive covenant registered on title(s) to help manage and control individual lot and site designs and to establish criteria for all development in the Park to ensure development is complimentary to existing and proposed adjacent land uses and development.

‘Architectural control official’, means the entity (e.g. MPC) or person authorized by Village Council to act for the purpose of administering the architectural controls.

*‘Designated Officer’ means a person authorized by Council to act as a Development Authority pursuant to section 624(2) of the *Municipal Government Act* and in accordance with the municipality’s Land Use Bylaw, Municipal Planning Commission and Subdivision and Development Authority Bylaw.*

'Development' has the same meaning as it has in the *Municipal Government Act*.

'Landowner, Owner or Purchaser' is used herein to mean the titled property lot Owner or party having possession of the lot, or a Contractor or anyone acting on behalf of the lot Owner.

'Restrictive Covenant' means a legal covenant established to impose a type of restriction on the property in the way in which the land may be used and developed, somewhat so that the value and enjoyment of adjoining land will be preserved, and is subject to the limitations and laws of the province of Alberta.

4.0 Governing Planning Criteria

The planning criteria which are to govern development in the Industrial Business Park and which are reflected in the Guidelines include the following:

1. Implementation of the approved architectural controls will be carried out by the Village of Champion (registered as an instrument on title in the form of a restrictive covenant) at the subdivision stage.
2. For the purpose of administering the architectural controls, the architectural control official, unless otherwise designated by Village Council, may be the development officer for proposals involving permitted use applications and the MPC for discretionary use applications in accordance with the Village of Champion land use bylaw.
3. All applications for a development permit shall not be deemed to be complete applications and will not be accepted by the Village without prior written confirmation of compliance with the approved architectural controls by the architectural control official as designated by the Village.
4. All improvements on the lots shall be constructed in accordance with the requirements provided herein below and shall thereafter be maintained by the owner in a clean, safe, attractive condition and in good repair.
5. Maximum Site Coverage: Refer to Village land use bylaw for specific land use district details.
6. Maximum Height: Refer to Village land use bylaw.
7. Loading Areas: Refer to Village land use bylaw.
8. Ancillary or accessory buildings or other structures shall be designed, constructed and finished in a manner compatible or complimentary with the character and appearance of the principle building(s) or other similar buildings on the parcel. Exceptions to this requirements will be considered on the basis of what the functional/utilitarian purpose of the structure is or if it is a pre-engineered structure for assembly or locating on the lot. Examples may include storage tanks, communication towers, stairs, decks, utility boxes, antennas, etc.
9. Ancillary or accessory buildings shall not be located in the front yard of a principal building.

10. Garbage Enclosures:

- a. Garbage containers must be hidden from public view by either a freestanding enclosure or within the principle building.
- b. Outside garbage enclosures must be roofed to reduce the chance of garbage being carried by the prevailing winds.
- c. Enclosures must be constructed of materials similar to the principle building.
- d. Gates must be installed and used on garbage enclosure structures containers.
- e. Or alternatively, garbage may be contained on site in an approved fully enclosed industrial waste (e.g. BFI) container provided it is located on the lot primarily out from public view or is adequately screened.

11. No noxious or offensive activity of any kind, which may constitute or become an annoyance or nuisance to the residential neighborhood in proximity to the Industrial Business Park, shall be permitted on any lot, nor shall any illegal activity be permitted on any lot. Noxious or offensive is deemed to be activities relating to objectionable odors, smoke, emissions, dust, noise that are created as a result of land use or development activities on the parcel and that which is clearly discernible beyond the property lot line.

12. The following industrial uses or land use activities are expressly not permitted on lots within the Champion Industrial Business Park:

- a. Hazardous chemical storage as defined in the *Occupation Health and Safety Act*.
- b. Abattoirs
- c. Anhydrous ammonia storage facilities
- d. Bulk fertilizer storage
- e. Outdoor sandblasting
- f. Asphalt or cement batch plant facilities
- g. Chemical processing and storage
- h. Scrap tire facilities
- i. Oil recycling depots

13. Landscaping: A clear, quality landscape plan/design may be used to compliment and augment the building and site designs, to be submitted in conjunction with development applications to the Village. The landscaping plan may take into consideration the following:

- a. soft landscaping is highly encouraged to be provided in the form of xeriscaping or xerigardening;
- b. if water is readily available, soft landscape consisting of vegetation such as trees, shrubs, hedges, grass and ground cover may be provided, with consideration for using native plant species wherever possible;
- c. any trees, hedges or other vegetation must be sited so as not to impede the corner site triangle, parcel approach access site lines or visibility of adjacent roadways.

- d. Landscaping may be required to buffer the view of parking areas, storage areas, loading areas when required by the architectural control official.
14. Where landscaping is specified and requires trees or screening under Section 13 or as a condition on an issued development permit, it shall conform to the following at installation, unless otherwise specified on a development permit approved by the Village:
- a. Type of tree species planted should at maturity have an average spread of crown greater than 4.5 m. (14.7 ft.), unless the trees are or a similar type to Column Swedish Aspens/poplars and are grouped closely together to provide a visual screen;
 - b. 50% of the required trees to have a minimum caliper of 40mm. The other 50% is to have a minimum caliper of 70mm;
 - c. Shrubs: - To be hardy for the region and complementary to the trees and provide visual interest in all seasons.
15. Any additional landscaping that may be required at the discretion of the Village in consideration of the use proposed on the lot may include, but is not limited to, the following:
- a. additional separation, or buffering, between adjacent land uses;
 - b. the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact; and
 - c. the use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of a proposed development.
 - d. xeriscaping (which refers to landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and emphasizes plants whose natural requirements are appropriate to the local climate) shall be highly encouraged. Xeriscaping or xerigardening may include incorporating rocks, mulch or boulders in the design, but it must also focus on including some form of greenery (plants) that require less water.
16. Any landscaping approved in a development permit is required to be maintained for the life of the development project by the lot owner.
17. Storage:
- a. No accumulation or storage of rubbish, trash, litter, lumber, scrap metal, building materials, or other waste, new or used, shall be stored on any lot, except in accordance with the designated storage areas or as defined on an approved development permit.
 - b. Garbage and other waste accumulated from normal business operations may be kept temporarily for purposes of ordinary waste collection. All such waste substances being kept on a lot pending collection or disposal thereof shall be kept in sanitary containers with securely closed tops or lids.
 - c. The storage of building materials and equipment can be permitted during periods of new construction, remodeling and/or renovation of any improvement located upon any lot, for periods deemed reasonable by the Village.

- d. No lot may be used for storage of material and equipment except where a development permit has been issued for the said use, or in conjunction with an approved permit and the storage is a secondary or ancillary use to that approved development or incidental to the construction of improvements thereon.
 - e. Outside storage including the storage of trucks, trailers, recreational vehicles, and other vehicles may be permitted adjacent to the side or rear of a principal building provided such storage areas are not located within a minimum required side or rear yard setback and the storage is visually screened (all year long) from any adjacent existing or future urban residential area and the visible interface within the entrance of the subdivision.
 - f. All storage must be related to and be an integral part of the commercial or business light industrial operation located on the subject site.
 - g. Outside storage is prohibited in the front yard of a principal building. Whenever possible, storage shall be highly encouraged to be located inside buildings.
18. Extended vehicle parking and/or vehicle storage (e.g. storage of product inventory) is not permitted in the front yard of a principal building. All parking must be provided on-site, as parking shall not be permitted on adjacent municipal roadways.
19. Outside display areas are permitted provided that they are limited to examples of equipment, products, vehicles or items sold by the commercial or business light industrial use located on the subject site containing the display area, are not located within any required setback, and are not located on any required and approved landscaping area.
20. A vehicle or equipment which is in a dilapidated or dismantled condition shall not be allowed to remain outside a building or on a vacant lot in any commercial or industrial district unless the vehicle or equipment is associated with an approved development permit for an automotive, machinery or agricultural related business that has been authorized for such use.
21. No animals, livestock or poultry of any kind shall be raised, bred, boarded, kenneled or kept on any lot.
22. Fencing:
- a. All exterior storage areas are to be fenced. Acceptable fencing materials are as follows: chain link, vinyl, good quality wood, prefinished aluminum, and masonry.
 - b. No fences are permitted in the front yard.
 - c. No fence shall extend or be in front of the face of the building.
 - d. Maximum height of a fence shall be 2.4 m (8 ft.).
 - e. Barbed wire, razor wire and barbed tape obstacle, and electrified wire may only be used as a fencing material where approved by the architectural control officer and the purpose of the fence is to limit access to a lawful commercial, industrial, community or institutional use of land, provided that the wire component of the fence is no closer to the ground than 2.0 m (6.5 ft.).

23. Other fencing shall only be utilized for the visual screening of outside storage, waste/garbage, equipment, product, vehicles or for security purposes provided it is located in the side or rear yards of the principal building. Decorative fencing may be permitted in the front yard of a principal building in compliance with the Village's Land Use Bylaw and the approved architectural controls.
24. Lighting:
- a. Site lighting shall incorporate "night sky" lighting with fixtures to direct light towards the ground (shielded) and minimize impact on adjacent sites and uses.
 - b. Outdoor lighting to be mounted not more than 6.10 m (20 ft.) above ground.
25. Signs:
- a. Signs shall be limited to only two signs, either canopy, fascia or free-standing type, per lot/parcel, or one multi-tenant sign is permitted with in conjunction with one building sign.
 - b. Billboard signs are prohibited within the subdivision.
 - c. No signage shall be illuminated by way of any flashing, intermittent or animated illumination within the subdivision area.
26. No changes in the elevations or drainage of the land shall in no manner adversely affect any neighboring property.
27. No landscape plan or design, which would have the effect of altering the drainage of any individual lot to hold water or would increase the flow of water to another lot, may be permitted.
28. No owner will do or permit to be done any act upon his property which may be, or is, or may become, an obvious nuisance to the other owners or which is unsafe, hazardous or illegal.
29. For surface area of each lot that has been landscaped or otherwise converted from its natural state, the owner and occupants of each lot shall at all times keep all grass and weeds cut and trimmed in a reasonably neat manner and shall maintain adequate ground cover to protect against soil erosion, and in no event permit an accumulation of garbage, trash, rubbish or otherwise.
30. Subject to the provisions of these restrictions, and any regulations established by the Village, every property owner shall have a right to use the property or lot acquired and owned and in accordance with any conditions or requirement on an approved development permit issued by the Village.
31. Should any property owner fail to properly maintain its property, ground and/or facilities, or in any manner allow its property to become detrimental to the aesthetic scheme of the community, or violate these restrictions in any manner, then the Village, and its successor, shall have the right to take corrective legal actions to alleviate the situation.

32. The Village of Champion or landowners within the subdivision may take civil action against a lot owner at their own volition, in accordance with the laws of the province of Alberta, if they are of the opinion a landowner is in violation of the restrictive covenant.
33. Construction, once approved, must be completed within one year of approval. Required landscaping shall be completed within 2 years of approval, unless otherwise stipulated on a development permit as approved by the Village of Champion.
34. Severability - Invalidity or unenforceability of any provision in this act shall not affect the validity or enforceability of any other provision of any valid and enforceable part of this act.
35. No Waiver - Failure to enforce any provisions of this covenant shall not operate as a waiver of any such provision or any other provision of this covenant.
36. Failure to enforce any provisions of this covenant by the Village of Champion will in no way hold the Village responsible for any actions, liability, damages, law suits, grievances, disputes or claims that may arise or result of such actions or non-enforcement.
37. These restrictions are to run with the land, and shall be binding upon and endure to the benefit of the Declarant and the Association, their respective successors and assigns, and all future owners of the industrial/business lots located in the aforementioned Village subdivision.
38. As a condition of any development or subdivision approval, the Village may stipulate that any or all of the aforementioned standards and guidelines be included in Architectural Controls and Development Guidelines to be registered as a restrictive covenant on title(s), if not registered on title prior by the Village of Champion.
39. No building shall be constructed on the Lands unless it meets or exceeds the Alberta Building Code and complies with all By-laws of the Village of Champion, in the Province of Alberta. Prior to construction of a building (including accessory structures, shed, etc.) the lot owner must obtain all necessary local, provincial and federal permits including a development permit from the Village of Champion regardless of obtaining approval for architectural plans or controls by the Village or its architectural control official as designated.