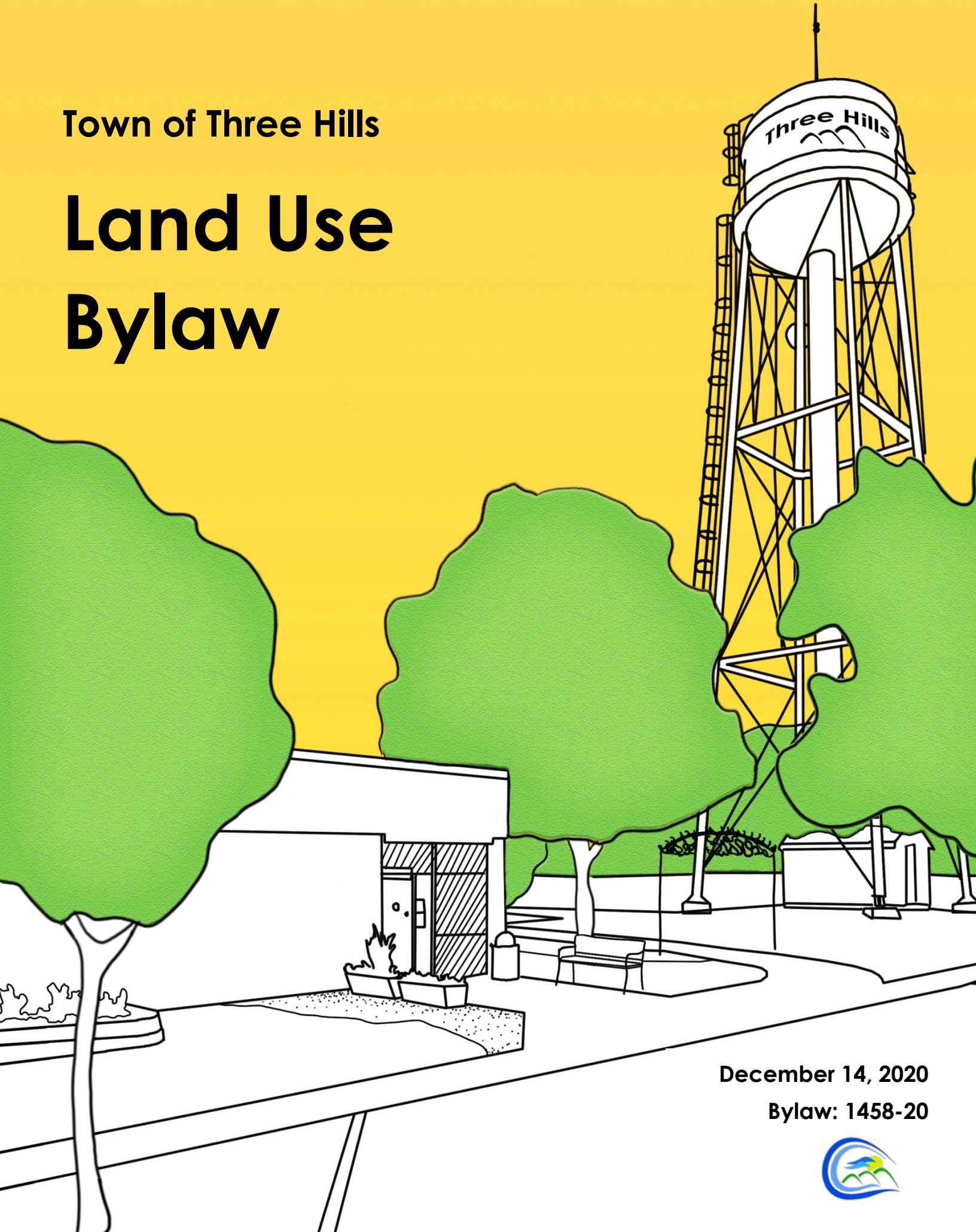


Town of Three Hills

# Land Use Bylaw



December 14, 2020

Bylaw: 1458-20





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# THE TOWN OF THREE HILLS

## BYLAW NO: 1458-20

### BEING A BYLAW TO REGULATE AND CONTROL THE USE AND DEVELOPMENT OF LAND AND BUILDINGS IN THE TOWN OF THREE HILLS

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 and amendments thereto authorizes the Council of a municipality to enact a land use bylaw to prohibit, regulate, or control the use and development of land and buildings in a municipality.

**NOW THEREFORE** the Municipal Council of the Town of Three Hills, in the Province of Alberta, duly assembled in accordance with Part 17 of the *Municipal Government Act* enacts as follows:

## 1 GENERAL

### 1.1 SHORT TITLE

- 1.1.1 This Bylaw may be cited as the “Town of Three Hills Land Use Bylaw”. This Land Use Bylaw is referred to as the Bylaw in this text.

### 1.2 PURPOSE

- 1.2.1 The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Town of Three Hills to achieve the orderly and economic development of land, and:
- a. to divide the Town into districts;
  - b. to prescribe and regulate for each district the purposes for which land and buildings may be used;
  - c. to establish the office of the Development Officer;
  - d. to establish a method of making decisions on applications for subdivision and development permits including the issuance of development permits; and
  - e. to provide the manner in which notice of the issuance of a development permit is given.
- 1.2.2 The Bylaw shall be applied in a way that enables the implementation of the plans and studies that have been adopted by the Town Council and is consistent with the Town of Three Hills Municipal Development Plan Bylaw.
- 1.2.3 No development shall occur within the town except in accordance with this Bylaw.



### 1.3 EFFECTIVE DATE

- 1.3.1 This Bylaw comes into effect on the date of the third reading and signing.
- 1.3.2 The previous Town of Three Hills Land Use Bylaw 1398-17 and amendments thereto are hereby repealed and cease to have effect on the day this Bylaw comes into force.

### 1.4 INTERPRETATIONS

- 1.4.1 In this Bylaw:
  - a. Where reference is made to other legislation or documents, the reference is to the legislation or documents as amended from time to time.
  - b. Where a regulation involves two or more conditions, provisions, or events connected by the word "and", this means that all the connected items shall apply in combination.
  - c. Where a regulation involves two or more conditions, provisions, or events connected by the word "or", this means that the connected items may apply individually.
  - d. Words, phrases, and terms not defined in this Bylaw may be given their definition in the *Municipal Government Act* or the *National Building Code – 2019 Alberta Edition*. Other words shall be given their customary meaning.
  - e. Words used in the present tense include the other tenses and derivative forms.
  - f. Words used in the singular include the plural and vice versa.
  - g. Words have the same meaning whether capitalized or not.
  - h. Individual uses are grouped into definitions with common functional or physical effects or characteristics. These uses define the range of uses that are permitted, discretionary, or prohibited, with or without conditions, within various districts of this Bylaw.
  - i. Examples listed in a land use definition are not intended to be exclusive or restrictive.
  - j. In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
  - k. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
  - l. The standard measurement used in this Bylaw is metric, and any reference to imperial measurement is for convenience purposes only. In the case of any conflict between information expressed in metric units and in imperial units, the metric shall govern.
  - m. Illustrations shown in this bylaw are for clarification and convenience only and do not form a part of this Bylaw. All provisions of this Bylaw must be referenced.
  - n. Whenever the singular masculine gender is used in this document, the same shall

include the feminine and neutral gender whenever context requires.

## **1.5 SEVERABILITY**

- 1.5.1 If one or more provisions of this Bylaw are, for any reason, held to be invalid by a court of competent jurisdiction, all remaining provisions are to remain in full force and effect.

## **1.6 COMPLIANCE WITH OTHER LEGISLATION**

- 1.6.1 Compliance with this Bylaw does not exempt any person from:
- a. obtaining a development permit required by this Bylaw or obtaining any other permit, license, or other authorization required by this or any other Bylaw;
  - b. requirements of any statutory plan;
  - c. the requirements of the *Alberta Safety Codes Act*, R.S.A 2000, Chapter S-1;
  - d. the requirements of the *National Building Code - 2019 Alberta Edition*;
  - e. the requirements of any federal, provincial, or municipal legislation or regulations; and
  - f. the requirements of any caveat, easement, covenant, instrument, building scheme, agreement, or contract affecting the development or land.

## **1.7 LAND USE POLICIES**

- 1.7.1 Every action undertaken by the Town, the Development Officer, the Municipal Planning Commission and the Regional Subdivision and Development Appeal Board (Regional SDAB) must be consistent with the land use policies established pursuant to the *MGA*, the *Subdivision and Development Regulations* and the Red Deer Region Regional Plan when adopted by the province.

## 2 DEFINITIONS

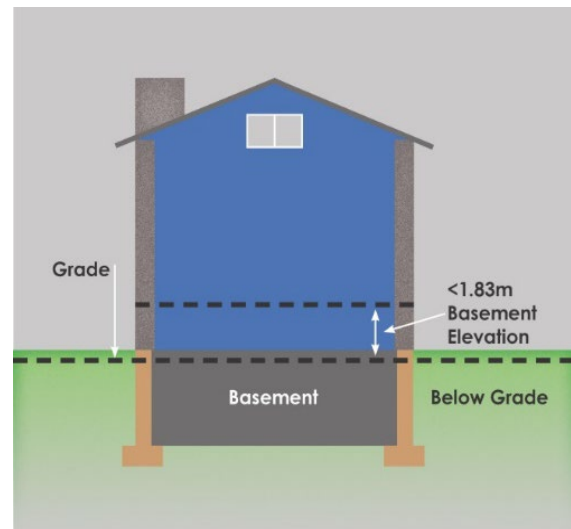
In this Land Use Bylaw,

- 2.1 **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 parcel of land
- 2.2 **ACCESSORY USE** means a use that is naturally or normally incidental, subordinate, and exclusively devoted to the principal legal use of the lot and located on the same lot as the principal use.
- 2.3 **ADJACENT LAND** means land or a portion of land that is contiguous and includes land or a portion of land that would be contiguous except for a road, rail or utility right-of-way, river, or stream.
- 2.4 **ADULT CARE RESIDENCE** means a building with two (2) or more accommodation units designed to provide long term housing wherein the adult residents who, because of their circumstances cannot, or do not wish to maintain their own households, may be provided with meal services, and may receive such services as housekeeping and personal care assistance.
- 2.5 **AIR SUPPORTED AND FABRIC COVERED STRUCTURES** means an accessory building where the outer shell is supported by artificially produced and constantly maintained air pressure above local atmospheric level or the outer shell is made of artificial fabric spanned across rigid trusses. This use class is excluded from all residential districts.
- 2.6 **ALL-WEATHER SURFACING** means an unpaved road or driveway which is constructed of a material, such as gravel, that does not create mud during rainfall.
- 2.7 **ANIMAL HOSPITAL AND SHELTER** means development used for the temporary accommodation and care or impoundment of small animals and livestock within an enclosed building.
- 2.8 **ARCHITECTURAL CONTROLS** mean a collection of design guidelines used to harmonize and enhance the exterior presentation of homes and buildings with the general scheme of civic design. They often include materials, colors, styles, massing, textures, and scales.
- 2.9 **AREA REDEVELOPMENT PLAN** means a plan adopted by Council pursuant to the MGA, as amended from time to time, which is primarily applied to existing developed areas for the purpose of preserving or improving land and buildings, rehabilitating, removing, constructing, or replacing buildings, establishing, improving, or relocating roads, public utilities, or other services, or facilitating any other development in the area.
- 2.10 **AREA STRUCTURE PLAN** means a plan adopted by Council pursuant to the MGA, as amended from time to time, which provides a long-range framework for future subdivision and development of an undeveloped area of land, and describes the sequence of development, proposed land uses, proposed population density, and the

general location of major transportation routes and public utilities.

- 2.11 AUCTIONEERING ESTABLISHMENT** means a development intended for the auctioning of livestock, goods, and/or equipment, including the temporary storage of such livestock, goods, and/or equipment, but does not include garage sales, flea markets, or sale of such items on an irregular basis.
- 2.12 AUTOMOTIVE** means a development used for the sale, repair, rental and service. This does not include automotive wrecker.
- 2.13 AWNING** means metal, canvas, or plastic sheet stretched and/or attached by supports from an exterior wall.
- 2.14 BARE LAND CONDOMINIUM** means a condominium development containing bare land condominium units, created specifically through subdivision, and registered as a condominium plan in accordance with the Condominium Property Act, RSA 2000, c. C-22, as amended from time to time.
- 2.15 BARE LAND CONDOMINIUM UNIT** means a bare land unit as defined in the Condominium Property Act, RSA 2000 c. C-22, as amended from time to time.
- 2.16 BARRIER-FREE** means the absence of obstacles in an environment, therefore allowing persons with physical, mental, or sensory disabilities safer and easier access into buildings and then use of those buildings and related facilities and services.
- 2.17 BASEMENT** means the ceiling structure of which does not extend more than 1.83 m (6.05 ft) above finished grade.
- 2.18 BED AND BREAKFAST ESTABLISHMENT** means an ancillary commercial use operated by the permanent resident of the dwelling and providing a maximum accommodation of four (4) guest rooms, whereby temporary accommodation with or without meals is provided for remuneration to members of the public. Common washroom and dining facilities are provided, but no cooking facilities shall be provided in guest rooms.
- 2.19 BOARDING HOUSE** means a commercial endeavour or development located within a dwelling unit where the commercial activity, or any part thereof, is to provide individuals with shared access to any of the following on a fee-for-service basis:
- 2.19.1 washroom facilities;
  - 2.19.2 sleeping accommodations; or
  - 2.19.3 cooking or eating facilities, as in a cafeteria or canteen.

**Figure 1: Basement**



Typical uses include hostels and rooming houses. Notwithstanding the foregoing, a dwelling unit occupied by a family and a maximum of two lodgers shall not be considered a boarding house.

- 2.20 BOULEVARD** means that portion of the road right-of-way located between the property line and the edge or curb of a road excluding any sidewalk. A boulevard can also mean a median strip located between the two edges of curbs of a road.
- 2.21 BROWNFIELD SITE** means an abandoned or underused industrial or commercial site where past activities on the site may have caused environmental soil and/or groundwater contamination.
- 2.22 BUILDING** includes anything constructed or placed on, in, over, or under land, (e.g. house, shed, fence, sign, parking lot, etc.) but does not include a highway or a public roadway or a bridge that forms part of a highway or public roadway.
- 2.23 BUILDING DEMOLITION** means the pulling down, tearing down, or razing a building.
- 2.24 BUILDING SUPPLY STORE** means a development that sells materials required for the construction or assembly of buildings by a specific trade including but not limited to lumber, millwork, plumbing and electrical supplies and that include the incidental sales and rental of products and equipment related to the materials that are sold.
- 2.25 BUSINESS SUPPORT SERVICE** means development used to provide support services to businesses and which are characterized by one or more of the use of minor mechanical equipment for printing, duplicating, binding, or photographic processing; secretarial services; the provision of office maintenance or custodial services; the provision of office security; the sale, rental, repair, or servicing of office equipment, furniture, and machines; and the sale, rental, repair, or servicing of computers, cellular phones, and fax machines. Typical uses include, but are not limited to, printing establishments, testing laboratories, film processing establishments, janitorial firms, office equipment sales and repair establishments, and sign shops.
- 2.26 CAMPGROUND** means development of land which has been planned and improved for year-round short-term use for holiday trailers, motor homes, tents, campers, and similar recreational vehicles. Typical uses include tourist trailer parks, campsites, and tenting grounds.
- 2.27 CANNABIS** has the meaning given to it in the Cannabis Act.
- 2.28 CANNABIS ACT** means Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess., 42nd Parl., 2017.
- 2.29 CANNABIS PRODUCTION AND DISTRIBUTION FACILITY (CPDF)** means a use:
- 2.29.1. that is a Health Canada licensed facility where all activities and functions associated with the cultivation, processing, packaging, labelling, distribution, testing, destruction, or storage of cannabis are fully enclosed within a standalone building and must be the sole use approved for the building;
  - 2.29.2. that unless otherwise stated in this Bylaw, may only be approved as a

discretionary use in the Commercial and Industrial Services (CIS) Land Use District. A cannabis production and distribution facility is prohibited in all other Land Use Districts;

- 2.29.3. where an accessory building or structure used for security purposes must be located on the same parcel;
- 2.29.4. that must include equipment designed and intended to remove odours from the air prior to discharge from the building;
- 2.29.5. where, notwithstanding the requirements of Section 7.34 of this Bylaw, all light associated with any activity or function undertaken within the standalone building, shall be contained within the building, thereby having no adverse effect on an adjacent site;
- 2.29.6. where the stand-alone building must not be located within 150m from the nearest property line of a parcel designated as a residential district, from the nearest property line of a parcel upon which a school is located, or from the nearest property line of a parcel upon which a day care facility is located;
- 2.29.7. where signage shall not identify the use; and
- 2.29.8. that does not include a cannabis retail store or cannabis lounge.

- 2.30 CANNABIS RETAIL SALES STORE** means a development used for the retail sale of cannabis that is authorized by provincial or federal legislation. This use does not include a cannabis lounge or cannabis production and distribution facility.
- 2.31 CANOPY** means a fixed or free-standing structure that provides overhead shelter comprised of a roof and supporting structure that are attached or unattached to and extend from a building and includes a theatre marquee.
- 2.32 CAO** means the Chief Administrative Officer for the Town of Three Hills or his designate.
- 2.33 CARPORT** means a structure used for vehicle parking, with one edge of the roof attached to a building and the other edge supported by posts or poles and does not have more than 60% of the total perimeter enclosed by walls, doors, or windows.
- 2.34 CAR AND TRUCK WASH** means a development used for the cleaning of motor vehicles. Typical uses include interior and exterior automotive/drive through or coin/time operated car or truck washes, which may or may not be accessory to a service station or gas bar.
- 2.35 CATERING SERVICE** means a development where foods and beverages, to be served off the premises, are prepared for sale to the public.
- 2.36 CEMETERY** means development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses include memorial parks, burial grounds, and gardens of remembrance.
- 2.37 CHANGE OF USE** means the act of changing the use occupying a building or parcel of land to a different use. A change occurs whenever:

- 2.37.1. the occupant of a single tenant building or parcel changes the use to a different use;
- 2.37.2. the occupant of a tenant space in a multi-tenant building changes to a use not currently existing in another tenant space of the building or a use that did not previously exist in the building within the last six (6) months;
- 2.37.3. the use previously existing in a building or parcel but has been discontinued for a period of six (6) months; or
- 2.37.4. a different use that did not previously exist on the property is proposed.
- 2.38** **CHILDCARE SERVICE** means a development which may be licensed by the Province of Alberta to provide daytime personal care, maintenance, supervision, or education, without overnight accommodation, for seven (7) or more children, under the age of thirteen, at one (1) time for more than three (3) but less than twenty-four (24) consecutive hours in a day. Typical uses include daycare centres, day nurseries, kindergartens, nursery schools, play schools, drop-in centres, and out-of-school care. Childcare service does not include day homes.
- 2.39** **COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY** means a facility or establishment which provides for recreation or entertainment for a gain or a profit. It does not include adult entertainment facilities or drinking establishments. Uses may include movie theatres, live theatre, dance clubs, bowling alleys, fairs, escape rooms, mini golf, go-cart racing, gymnasiums, racquet courts, roller skating, and simulated golf or uses like these.
- 2.40** **COMMUNICATION TOWER** means an antenna and/or a supporting structure intended for the transmission and/or receiving of radio communication, including but not limited to radio and television transmission, two-way radio, land-mobile systems, fixed-point microwave, and amateur radio systems, in excess of 15 m (50 ft) in height measured from grade.
- 2.41** **COMMUNITY RECREATION** means development for recreational, social, or multi-purpose use without fixed seats, primarily intended for local community purposes. Typical uses include community halls and community centres operated by local residents or town organizations.
- 2.42** **CONSTRUCTION SERVICE** means a development used to provide landscaping, electrical, plumbing, heating, painting, woodworking, or similar contractor services to households or to general contractors but does not include equipment rental.
- 2.43** **CONTAINER, SHIPPING CONTAINER, SEA CAN OR DRY BOX** means a prefabricated steel container used for transporting cargo by sea, rail, road, or air and which is intended for the storage of goods or equipment, or as a moveable storage unit.
- 2.44** **CONVENIENCE RETAIL STORE** means development used for the retail sale of those goods required by customers on a day to day basis, from business premises which do not exceed 235 m<sup>2</sup> (2,530 ft<sup>2</sup>) in gross floor area.
- 2.45** **CORNER LOT** means a lot at the intersection of two (2) or more streets, including lanes,

or a lot located abutting a public roadway, including a lane, which changes direction at any point where it abuts the lot.

- 2.46 COUNCIL** means the body of elected officials who govern the Town.
- 2.47 CUSTOM WORKSHOP** means the use of premises for the production or manufacture/processing of clothing, articles, and/or craft objects. This use may include the provision of classes or workshops to members of the public; however, this shall be accessory to the principal use.
- 2.48 DAY HOME** means a use accessory to a principal dwelling that may be licenced by the Province to provide care and supervision, but not overnight accommodation, for a maximum of six (6) children not including the provider's children at any one (1) time. The care for non-resident children is for more than three (3) but less than twenty-four (24) consecutive hours in a day. A day home shall meet all fire and health regulations.
- 2.49 DEALERSHIP/RENTAL AGENCY, IMPLEMENT AND EQUIPMENT** means an establishment having as its main use the storage of agricultural implements and industrial equipment for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such implements.
- 2.50 DECK** means an uncovered horizontal structure with a surface height greater than 0.6m (2 ft) above grade at any point and intended for use as a private outdoor space.
- 2.51 DEMOLITION** means a complex set of tasks involving structural dismantlement, site clearance, environmental remediation, razing, destroying, salvaging, or recycling of buildings or structures or any part there.
- 2.52 DEMOLITION PERMIT** means a permit issued for the removal or dismantling of a building or structure within the Town's boundaries.
- 2.53 DENSITY** means the maximum allowable number of dwelling units based on lot area.
- 2.54 DEVELOPMENT MEANS:**
- 2.54.1. an excavation or stockpile and the creation of either of them;
  - 2.54.2. a building or an addition to, or replacement or repair of a building and the construction or placing of any of them on, in, over, or under land;
  - 2.54.3. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
  - 2.54.4. 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.
- 2.55 DEVELOPMENT AGREEMENT** means an agreement between a developer or property owner and the Town that defines the terms and conditions under which a development must be carried out.
- 2.56 DEVELOPMENT AUTHORITY** means the Development Officer or Municipal Planning Town



Commission as the context may require.

- 2.57 DEVELOPMENT OFFICER** means the person(s) appointed as a Development Officer pursuant to a resolution of Council.
- 2.58 DEVELOPMENT PERMIT** means the document issued by a Development Officer, the Municipal Planning Commission or by Council in a Direct Control District, or by the Regional SDAB under this Bylaw or any previous Land Use Bylaw and includes any plans or conditions of approval.
- 2.59 DIRECT CONTROL** means a land use designation where Council exercises control over the use and development of land or buildings within an area of the Town. Council acts as the Development Authority and limiting the right of appeal in accordance with the MGA.
- 2.60 DISCRETIONARY USE** means the use of land or a building, which may be compatible with other uses in the land use district, contained in this Bylaw under the column captioned "Discretionary Uses" where an application has been made for which a development permit may be issued, with or without conditions, at the discretion of the Municipal Planning Commission.
- 2.61 DISTRICT** means an area of land designated on the Land Use Map for which a specific set of land uses and rules have been set forth in this Bylaw.
- 2.62 DORMITORY RESIDENCE** means a building containing one or more dwelling units for the accommodation of students attending an educational institution on a temporary basis and includes a single detached dwelling, a semi-detached dwelling a duplex dwelling, a single wide or double wide manufactured home or a multiple unit dwelling with associated cafeteria facilities.
- 2.63 DRINKING ESTABLISHMENT** means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, the preparation, and sale of food for consumption on the premises, take-out food services, and the sale of alcoholic beverages for consumption away from the premises. A drinking establishment includes any premises in respect of which a Class A liquor license has been issued and where minors are prohibited by the terms of the license.
- 2.64 DRIVE-IN BUSINESS** means an establishment with facilities for on-site service to customers who remain in their motor vehicles but does not include a drive-in theatre. This also includes any business which has a drive through as an accessory component.

**Figure 2: Drive-In Business**



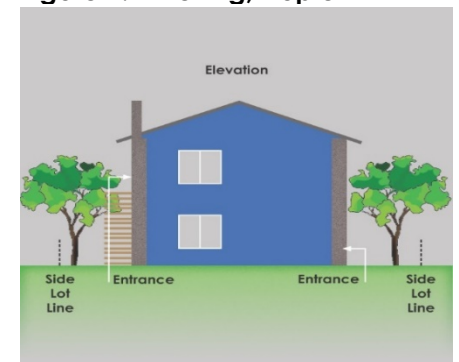
**2.65 DWELLING, APARTMENT** means a development consisting of three (3) or more dwelling units contained within a building in which the dwellings are arranged in any horizontal or vertical configuration and share a common entrance from outside the building, which does not conform to the definition of any other residential use class.

**Figure 3: Dwelling, Attached**



**2.66 DWELLING, ATTACHED** means a building designed and built to contain three (3) or more dwelling units separated from each other by a fire-rated wall, each unit having separate entrances from grade level. For purposes of this Bylaw, garden, linked, row, townhouses, four-plex, five-plex, and six-plex units which meet these criteria are considered to be attached dwellings.

**Figure 4: Dwelling, Duplex**



**2.67 DWELLING, DUPLEX** means a building designed and built to contain two (2) dwelling units, with one (1) dwelling unit placed over the other in whole or in part, each having a separate entrance and not attached to any other residential building. This type of development shall be designed and constructed as two (2) dwellings at the time of initial construction of the building. It does not include a secondary suite.

**2.68 DWELLING, GARAGE SUITE** means an accessory dwelling located above a detached garage (above grade). A garage suite is accessory to a building in which the principal use is a single detached dwelling. A garage suite has cooking facilities, food preparation, sleeping, and sanitary facilities which are separate from those of the principal dwelling located on the site. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This use class does not include secondary suites or garden suites.

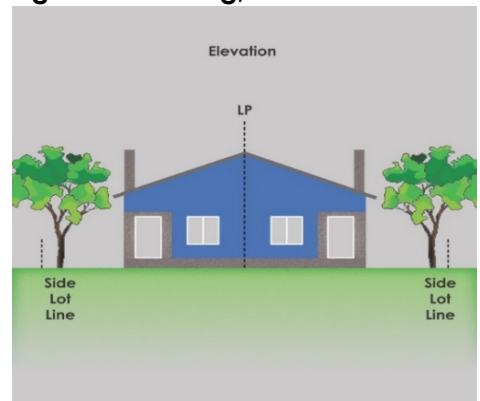
**2.69 DWELLING, GARDEN SUITE** means an accessory dwelling located to the rear of a single detached dwelling. A garden suite is accessory to a building in which the principal use is single detached housing. A garden suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. This use class does not include secondary suites or garage suites.

**2.70 DWELLING, SECONDARY SUITE** means development consisting of a dwelling located within, and accessory to, a structure in which the principal use is single detached dwelling. A secondary suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. For the purpose of this clause, "cooking facilities" includes any stove, oven, or hotplate as well as any wiring or piping containing the energy or power source for such facilities. A secondary suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This includes the development or conversion of basement space or above grade space to a separate dwelling, or the addition of new floor space for a secondary suite to an existing single detached dwelling. Secondary

suites shall meet the standards of the National Building Code - 2019 Alberta Edition. This use class does not include duplex dwelling, attached dwelling or apartment dwelling, where the structure was initially designed for two (2) or more dwelling units. This use class does not include garage suites or garden suites.

**2.71 DWELLING, SEMI-DETACHED** means a building that is divided vertically into two (2) dwelling units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances, and not attached to any other residential building.

**Figure 5: Dwelling, Semi-Detached**



**2.72 DWELLING, SINGLE DETACHED** means a detached building containing only one (1) dwelling unit, designed exclusively for occupancy by one (1) household. This use includes modular homes that conform to the National Building Code - 2019 Alberta Edition but does not include manufactured homes.

**Figure 6: Dwelling, Single Detached**



**2.73 EASEMENT** means a right given to another person or entity to trespass upon land that person or entity does not own. Easements are used for roads, for example, or given to utility companies for the right to bury cables or access utility lines (other examples, right-of-passage by pedestrians or vehicles, right to park vehicles, right of drainage, right to project eaves and guttering over a property boundary, etc.), or to prevent it from being used for certain purposes. An easement must be registered on the certificate of title of both parcels of land that are involved in the agreement. Landlocked homeowners sometimes pay for an easement to cross the land of another to reach their home. Easements run with the land.

**2.74 ENCROACHMENT AGREEMENT** means an agreement executed by the owner of a parcel of land that permits the encroachment of an improvement made on an adjoining parcel of land. Encroachment agreements run with the land to the same extent as if it was an easement.

**2.75 ENFORCEMENT OFFICER** refers to a Bylaw Enforcement Officer appointed by the Town pursuant to the MGA to enforce Town Bylaws, a member of the Royal Canadian Mounted Police or, when authorized, a Community Enforcement appointed under the Peace Officer Act, SA 2006, c. P-3.5, as amended.

**2.76 EQUIPMENT RENTALS** means development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items. This use class does not include the rental of motor vehicles or industrial equipment.

**2.77 EXISTING** means existing as of the date of adoption of this Bylaw and any amendments thereto, as the context may require.

**2.78 EXTENDED MEDICAL TREATMENT SERVICE** means the provision of room, board, and

surgical or other medical treatment for the sick, injured, or infirm, including outpatient services and accessory staff residences. Typical uses include hospitals, nursing homes, convalescent homes, and auxiliary hospitals.

- 2.79 EXTENSIVE AGRICULTURE** means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations. It includes buildings and other structures incidental to the operation, but does not include a feedlot, intensified hog operation, poultry farms or medical marijuana facilities.
- 2.80 FARMERS/FLEA MARKET** means a development used for the sale of new or used goods and food products by multiple vendors renting tables and space either in or out of an enclosed building. Vendors may vary from day to day, although the general layout of space to be rented remains the same. Such operations are usually of a seasonal nature.
- 2.81 FENCE** means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access to a parcel.
- 2.82 FINANCIAL INSTITUTION** means a bank, brokerage company, treasury branch, trust company, credit union, finance company or similar institution.
- 2.83 FINISHED GRADE** means the elevation of the ground upon placement of soil and sod above the unfinished grade, or as may be identified on plot plans.
- 2.84 FITNESS FACILITY** means the use of premises for the development, on a one-to-one basis or in group or individual sessions, of physical fitness, including but not limited to gymnasias; racquet courts; yoga, pilates and dance studios; martial arts and self-defence training facilities.
- 2.85 FLANKING FRONT YARD** means the side of a corner, double fronting lot that is parallel to the longest of the two (2) property lines front a public roadway.
- 2.86 FLOOR AREA** means the numerical value of the floor area of the building or structure relative to the site upon which it is located, excluding:
- 2.86.1. basement areas;
  - 2.86.2. parking areas below grade;
  - 2.86.3. an attached garage;
  - 2.86.4. sheds;
  - 2.86.5. carports;
  - 2.86.6. open porches;
  - 2.86.7. walkways required by the Development Authority; and
  - 2.86.8. floor areas devoted exclusively to mechanical or electrical equipment servicing the development.
- 2.87 FREIGHT YARD** means a development:

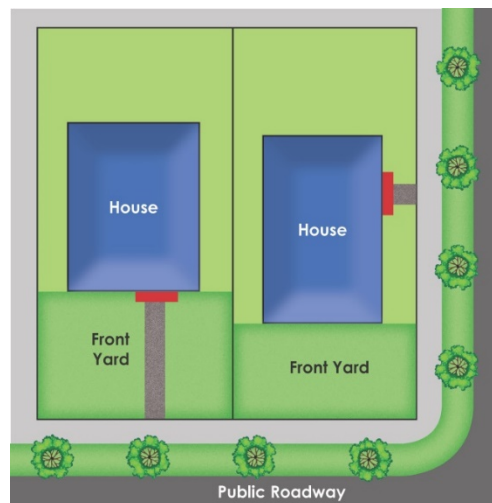
- 2.87.1. where goods are transported for pick-up or distribution, excluding motor vehicles, equipment, or waste;
- 2.87.2. where goods are not stored in a permanent building and are stored in a trailer, shipping container, pole barn or other moveable non-permanent building with a roof;
- 2.87.3. where the goods may be stacked, piled, or otherwise stored outdoors;
- 2.87.4. where no production or sale of any goods is carried out; and,
- 2.87.5. that may include a buildings for administrative purposes.

**2.88 FRONT LOT LINE** means the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner lot, the front line is the shorter of the property lines abutting a public roadway, other than a lane.

**2.89 FRONT SETBACK** means the distance that a development or a specified portion of it, must be setback from a front lot line. A front setback is not a front yard, amenity space or separation space.

**2.90 FRONT YARD** means the portion of a site abutting the front lot line extending across the full width of the site, situated between the front lot line and the nearest wall of the principal building, not including projections.

**Figure 7: Front Yard**



**2.91 FUEL AND OIL AND CHEMICAL SALE AND STORAGE** means lands, buildings, or structures where refined or crude oil, other petroleum products, or liquid or solid chemicals, such as fertilizer, are for sale and storage. This includes the sale of fuel, lubricants, and other automotive fluids, including key lock retail sales, and the sales and storage of other chemicals, such as fertilizer.

**2.92 FUNERAL HOME** means premises for the preparation of the deceased for burial or cremation and the holding of memorial services, also includes the retail sales of associated products as secondary to the principal function. This includes funeral homes and undertaking establishments.

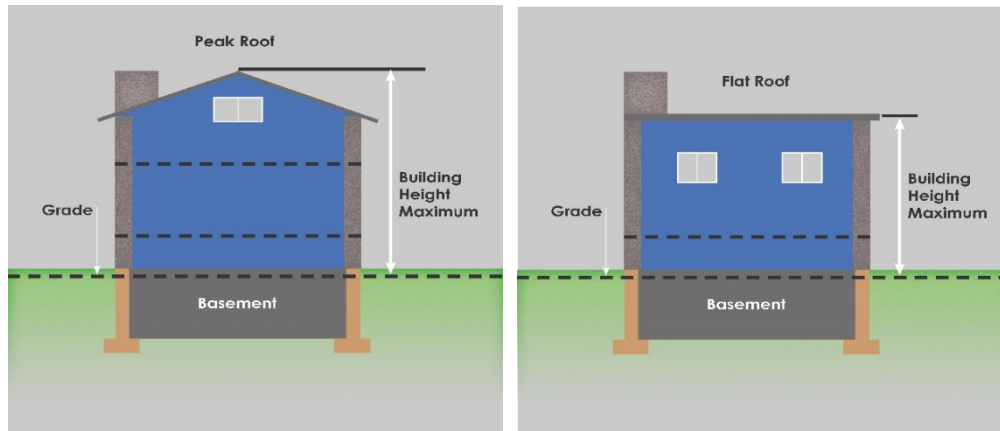
**2.93 GENERAL CONTRACTOR SERVICE** means development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer, or similar services of a construction nature which require on-site storage space for materials, construction equipment, or vehicles normally associated with the contractor service. Any sales, display, office, or technical support service areas shall be accessory to the principal general contractor services use only. This use class does not include professional, financial, and administrative offices.

**2.94 GEOTECHNICAL REPORT** means a document signed and stamped by a professional

engineer certified in the Province of Alberta that characterizes site soil and groundwater conditions through field investigation and laboratory testing and provides design and construction recommendations for proposed development.

- 2.95 GOVERNMENT SERVICE** means Town, Municipal District, Provincial, or Federal Services provided directly to the public. This does not include protective and emergency services, utility services, and public education services. Typical uses include town offices, Municipal District, Provincial, and Federal offices, courthouses, or post offices.
- 2.96 GRADE** means the elevation of the finished ground surface, not including any artificial embankment, the elevation of an entrance to underground parking, stairways, or window wells.
- 2.97 GREENHOUSE, PLANT NURSERY, AND MARKET GARDEN** means commercial development for the growing, acclimating, propagating, harvesting, displaying, and selling of fruits, vegetables, bedding, household, and ornamental plants directly to the consumer, and may include accessory uses related to the storing, displaying, and selling of gardening, nursery, and related products. The greenhouse, plant nursery, and market garden use does not include a federally or provincially approved facility for growing, packaging, storing, or selling marijuana.
- 2.98 GROSS FLOOR AREA** means the total horizontal area of a building within the outside surface of the exterior walls.
- 2.99 GROUP HOME** means a building or portion of a building which is licensed, recognized, authorized, or certified by a public authority to provide resident services for the care or rehabilitation of no more than seven (7) children, adolescents, or adults exclusive of staff. This use may include foster or boarding homes for children, halfway houses, residential schools, and resident facilities.
- 2.100 GROUP HOME, LIMITED** means a building or portion of a building which is licensed, recognized, authorized, or certified by a public authority to provide resident services in a private residence for the care or rehabilitation to six (6) or fewer children, adolescents, or adults, exclusive of staff. This use may include foster or boarding homes for children and family homes.
- 2.101 HEALTH SERVICE** means development used for the provision of physical and mental health services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include medical and dental offices, health clinics, and counselling services.
- 2.102 HEIGHT** means the vertical distance measured from the average grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device.

**Figure 8: Height**



- 2.103 HIGHWAY** means any thoroughfare, Street, road, trail, avenue, Parkway, Driveway, viaduct, lane, Alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or Parking of Vehicles and includes:
- 2.103.1. a Sidewalk, including a Boulevard adjacent to the Sidewalk;
  - 2.103.2. if a ditch lies adjacent to and parallel with the Highway, the ditch; and
  - 2.103.3. if a Highway right of way is contained between fences or between a fence and one side of the Highway, all the land between the fences, or all the land between the fence and the edge of the Highway, as the case may be; but
  - 2.103.4. does not include a place declared by regulation not to be a Highway.
- 2.104 HOME OCCUPATION** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.
- 2.105 HOME OCCUPATION – CLASS 1** means a home occupation complying with Section 7.31.
- 2.106 HOME OCCUPATION – CLASS 2** means a home occupation complying with Section 7.31.
- 2.107 HOTEL** means commercial development used for the provision of rooms or suites for temporary sleeping accommodation provided to public and may be equipped with individual kitchen facilities. Hotels may include other developments such as a conference centre, restaurant, or drinking establishment, provided these other developments are allowed in the district in which the hotel is located.
- 2.108 INFILL DEVELOPMENT** means development in a mature or built up area of the town occurring on vacant or underutilized lands, behind or between existing development and which is comparable with the characteristics of surrounding development.
- 2.109 INDUSTRIAL, GENERAL MEANS THE FOLLOWING ACTIVITIES:**
- 2.109.1. the processing of raw or finished materials;
  - 2.109.2. the manufacturing or assembling of goods, products, or equipment;

- 2.109.3. development used for industrial service support and construction;
- 2.109.4. the cleaning, servicing, repairing, or testing of materials, goods, and equipment normally associated with industrial or commercial businesses or cleaning, servicing, and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- 2.109.5. the distribution and sale of materials, goods, and equipment to institutions or industrial and commercial businesses for their direct use or to general retail stores or other sales use classes defined in this Bylaw for resale to individual customers;
- 2.109.6. the storage or shipping of materials, goods, and equipment; or
- 2.109.7. the training of personnel in general industrial operations.
- 2.109.8. notwithstanding the above, it may include any indoor display, office, technical or administrative support areas, or any sales operation accessory to the industrial general uses.

**2.110 INDUSTRIAL, HEAVY VEHICLE AND EQUIPMENT SALES AND SERVICES** means a development used for the sale, service and rental of new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations. Types of vehicles could include but not be limited to heavy duty trucks, dump trucks, vacuum and welding trucks, cargo and flatbed trailers, lifts, and trucks with more than one axle, but does not include industrial heavy vehicle and equipment salvage yard.

**2.111 INTERIOR LOT** means any lot other than a corner lot.

**2.112 KENNEL** means a premise where dogs and/or cats are bred, trained, or boarded overnight for a period greater than 24 hours. This use class does not include pet care services, animal hospitals and shelters, or veterinary services.

**2.113 LAND USE DISTRICT** means a specific group of listed use classes and development regulations which regulate the use and development of land within specific geographic areas of the town. The use classes and development regulations are contained in Section 9 of this Bylaw, and may be subject to the regulations contained in Sections 7 and 8 of this Bylaw, while the geographic areas to which they apply are shown on the Land Use District Map, comprising Schedule A of this Bylaw.

**2.114 LANDSCAPING** means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, groundcover, ornamental plantings, fences, walls, and associated earthworks; however, it shall not include areas occupied by garbage containers, storage, parking lots, or driveways.

**2.115 LIBRARY AND CULTURAL FACILITY** means development for the collection of literary, artistic, musical, and similar reference materials in the form of books, manuscripts, recordings, and films for public use; or a development for the collection, preservation, and public exhibition of works or objects of historical, scientific, natural, or artistic value. Typical uses include, but are not limited to, public libraries, museums, art galleries,



botanical gardens, and archaeological and cultural exhibits.

**2.116 LIGHT INDUSTRIAL** means a development used for manufacturing and warehousing where any actual or potential nuisance factor generated by the development is contained within an enclosed building but excludes bulk oil and chemical storage and chemical processing. The following activities may occur:

- 2.116.1. assembling, fabricating, manufacturing, or processing materials, semi-finished goods, food, beverages, products or equipment;
- 2.116.2. cleaning, repairing, maintenance, servicing or testing of industrial or commercial goods and equipment;
- 2.116.3. the service, refurbishment or repair of appliances, electronic equipment or furniture that are used in the home;
- 2.116.4. the warehousing, shipping or distribution of goods including repacking and wholesaling;
- 2.116.5. the analysis or testing of materials in a laboratory;
- 2.116.6. the creation or improvement of products or services by experimentation or research; and
- 2.116.7. the crushing, dismantling, disassembly, processing or sorting of discarded goods provided these are:
  - a. incidental to other processes as described in a to f above; or,
  - b. part of the process in assembling, fabrication or manufacturing goods, food, beverages, products or equipment on the site;
  - c. but excludes any development where live animals are used in any aspect of the operation.

**2.117 LIQUOR STORE** means a use where alcoholic beverages are sold, but not for consumption on site, that has been licensed by the Alberta Gaming and Liquor Commission.

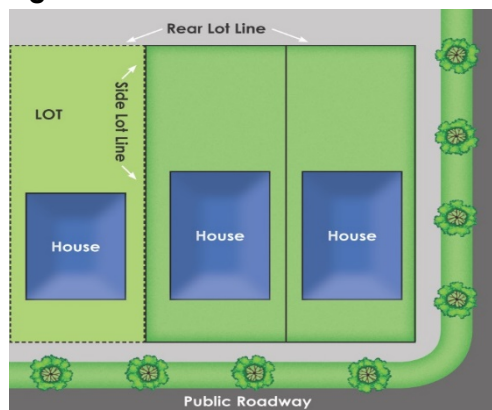
**2.118 LOADING SPACE** means an on-site parking space reserved for temporary parking for the purpose of loading or unloading goods and materials.

**2.119 LONG-TERM CARE HOUSING** means housing that provides residents with high physical and cognitive needs with access to full time professional nursing care and personal support services, which is recognized, authorized, licensed or certified by a public authority as a social care facility.

**2.120 LOT** means

- 2.120.1. a quarter section;
- 2.120.2. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other

**Figure 9: Lot**



than by reference to a legal subdivision; or

2.120.3. a part of a parcel of land described in a certificate of title if the boundaries or the part are described in a certificate of title by reference to a plan of subdivision.

**2.121 MANUFACTURING, LARGE SCALE** means a use that is engaged in manufacturing, assembly, fabrication, packaging, or other industrial processing of products, primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond its property line. This term includes but is not limited to:

2.121.1. processing and packaging of alcoholic beverages;

2.121.2. chemical manufacturing;

2.121.3. stonework or concrete product manufacturing;

2.121.4. fabrication of metal products;

2.121.5. manufacturing of agricultural, construction, or mining machinery;

2.121.6. motor vehicle manufacturing;

2.121.7. lumber milling; or

2.121.8. permanent concrete/batch plant.

Manufacturing, large scale use does not include medical marijuana facilities.

**2.122 MANUFACTURING, SMALL SCALE** means small scale, on-site production of goods by hand manufacturing, primarily involving the use of hand tools including, but not limited to woodworking, wool processing, and small-scale welding. Manufacturing, small scale use does not include medical marijuana facilities.

**2.123 MANUFACTURED HOME** means a residential building containing one (1) dwelling unit built in a factory in one (1) or more sections, suitable for long term occupancy designed to be transported on either its own wheels and chassis or other means to a suitable site. Manufactured homes shall comply with CSA Z240 MH Standards, as amended. Manufactured home does not include modular home, or park model trailers.

**2.124 MANUFACTURED HOME PARK** means a parcel comprehensively designed and developed to provide lots and facilities for sale for the placement and occupancy of manufactured homes on a long-term basis.

**2.125 MANUFACTURED HOME SUBDIVISION** means a development in which manufactured homes are each located on separately registered parcels of land.

**2.126 MEDICAL AND HEALTH SERVICES CLINIC** means a building where a professional health practitioner(s), including but not limited to doctors, dentists, optometrists, acupuncturists, naturopaths, chiropractors, physiotherapists and counselors, excluding veterinarians, provide diagnosis and treatment to the general public without overnight accommodations. Medical and health offices include such uses as x-ray and other diagnostic services as well as minor operating rooms and uses accessory to the provision of medical and health services.

- 2.127 MEDICAL MARIJUANA** means a substance used for medical purposes authorized by a license issued under the federal government's Marijuana for Medical Purposes Regulations or any subsequent legislation which may be enacted in substitution.
- 2.128 MEDICAL MARIJUANA FACILITY** means any building in which an activity authorized by a license issued under the Federal Government's Marijuana for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling, and packaging, storing, and transporting of marijuana. This does not include the retail sale of marijuana for recreational purposes.
- 2.129 MGA** refers to the Municipal Government Act, RSA 2000, Chapter M-26 as amended.
- 2.130 MICROBREWERY** means a limited-production brewery, typically producing specialty beers and often selling its products only locally.
- 2.131 MINI-STORAGE** means a building or storage facility intended to provide indoor storage of small-scale personal items where a customer is charged a rental fee on a monthly or annual basis. This use class does not include any outdoor storage.
- 2.132 MIXED USE BUILDING** means the development of a building or structure with a variety of complementary and integrated uses, including, but not limited to, residential, office, manufacturing, retail, public, or entertainment in a compact urban form.
- 2.133 MODULAR HOME** means a prefabricated or facility-built frame or shell which comprises the walls or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and is completed on a site and permanently installed on a foundation to form a complete dwelling unit for year-round occupancy that conforms to the National Building Code - 2019 Alberta Edition and the CSA A277 Standards, as amended. A modular home shall be considered a single detached dwelling providing it meets all of the architectural and provincial construction requirements of a single detached dwelling as outlined in this Bylaw. Modular home does not include a manufactured home.
- 2.134 MOTEL** means a commercial development designed and operated to provide temporary accommodation for the public and contains separate sleeping units having separate exterior access. Each sleeping unit is provided with an adjacently located parking stall.
- 2.135 MUNICIPAL DEVELOPMENT PLAN** means a plan adopted by the Council pursuant to the MGA, as amended from time to time, which guides future planning decisions to ensure appropriate growth and development in the Town.
- 2.136 MUNICIPAL PLANNING COMMISSION** means members of Council and Public at Large appointed by Council to the Municipal Planning Commission of the Town.
- 2.137 MUNICIPAL SHOP AND STORAGE YARD** means the facility used by a Town for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment.

**2.138 NATURAL RESOURCE EXTRACTION** 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 in this use class include gravel pits, sandpits, clay pits, oil and gas wells, coal mining, and stripping of topsoil. This use class does not include the processing of raw materials transported to the site.

**2.139 OUTSIDE SALE AND STORAGE** means land that is used for the sale and storage of products, goods, or equipment in an area that is open or exposed to the natural elements; and where such storage of products, goods, or equipment is accessory to the principal use of the site.

**2.140 OWNER MEANS:**

2.140.1. in respect to unpatented land, the Crown;

2.140.2. in respect to other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the lands; or

2.140.3. in respect of any property other than land, the person in lawful possession of it.

**2.141 PARCEL** means the aggregate of the one (1) 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.

**2.142 PARK MODEL TRAILER** means a recreational unit that meets the following criteria:

2.142.1. it is built on a single chassis mounted on wheels;

2.142.2. it is designed to facilitate relocation from time to time;

2.142.3. it is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances;

2.142.4. it has a gross floor area, including lofts, not exceeding 50 m<sup>2</sup> (538 ft<sup>2</sup>) when in the set-up mode, and has a width greater than 2.6 m (8.5 ft) in the transit mode; and

2.142.5. it conforms to CAN/CSA-Z241 series standards.

Under the *National Building Code - 2019 Alberta Edition*, park model trailers do not meet the criteria for use as a residential dwelling. Park model trailer does not include manufactured homes or recreation vehicles.

**2.143 PERMANENT FOUNDATION MEANS:**

2.143.1. a foundation meeting CSA Z240.10.1 standard;

2.143.2. an engineer approved wood foundation;

2.143.3. a poured concrete foundation; or

2.143.4. a concrete block foundation.

**2.144 PERMITTED USE** means a use of land or building which is compatible with other uses in the district, where an application has been made for which a development permit shall be issued, with or without conditions, so that it otherwise conforms with this Bylaw.

- 2.145 PERSONAL SERVICE** means the provision of a service to individuals on a commercial basis which is related to the care and appearance of the body, or the cleaning and repair of personal effects. This use includes barber shops, beauty salons, massage therapists, dressmakers, spa or wellness centres, dry cleaners, denture clinics, hairdressers, laundromat, shoe repair shops, and tailors. It does not include drinking establishments or dating services.
- 2.146 PET CARE SERVICE MEANS**
- 2.146.1. where small animals are washed, groomed, trained;
  - 2.146.2. where the animals shall not be boarded overnight; and
  - 2.146.3. that may involve the incidental sale of products relating to the services provided by the use.
- 2.147 PORTABLE GARAGE** means a non-permanent prefabricated structure usually constructed with a metal, wood or plastic frame and covered by tarpaulin or similar type of fabric or plastic cover used for the storage of automobiles.
- 2.148 PRINCIPAL BUILDING** means a building, in which is conducted the main or principal use of the site on which it is erected.
- 2.149 PRINCIPAL USE** means the use of a lot or of a building which constitutes the primary purpose for which the lot or building is used.
- 2.150 PROJECTION** means a building feature that is mounted on, and/or extends from, the surface of an exterior building wall or façade, typically above finished grade. Examples of architectural projections include balconies, bay windows, or cantilevered wall sections, but do not include eaves or chimneys.
- 2.151 PROFESSIONAL AND ADMINISTRATIVE OFFICE** means development primarily used for the provision of professional, management, administrative, and consulting services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services.
- 2.152 PROVINCIAL HEALTH CARE FACILITY** means an approved hospital as defined in the Hospitals Act, RSA 2000, C. H-12, see also Hospital.
- 2.153 PUBLIC EDUCATION SERVICE** means development involving public assembly for educational, training, or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This use class includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This use class does not include private education services and commercial schools.
- 2.154 PUBLIC OR QUASI-PUBLIC USE** means use of land, building, works, equipment system or service owned, operated, or enfranchised by the Town, Province of Alberta, or Government of Canada, for the purpose of furnishing services or commodities to or for the use of the inhabitants of the Town.
- 2.155 PUBLIC PARK MEANS** development of public land specifically designed or reserved for

the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include landscaped parks, tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, and water features.

**2.156 PUBLIC UTILITY** means a system or works used to provide one (1) or more of the following public consumption, benefit, convenience or use and includes the thing that is provided for public consumption, benefit, convenience, or use:

2.156.1. water;

2.156.2. sewage disposal;

2.156.3. public transportation operated by or on behalf of the Town;

2.156.4. drainage;

2.156.5. fuel;

2.156.6. electrical power;

2.156.7. heat;

2.156.8. waste management;

2.156.9. telecommunications; or

2.156.10. natural gas.

**2.157 PUBLIC UTILITY BUILDING** means any utility, building, works, installations, or facilities owned or operated by or for the Town, the Provincial Government, the Federal Government, or a Crown corporation for the purpose of furnishing services or commodities to or for the use of the inhabitants of the Town, but may or may not contain an office.

**2.158 PUBLIC UTILITY LOT** means a lot owned by the town and designed to accommodate one or more public utilities.

**2.159 RADIO ANTENNA** means a device and its support structures designed to receive and transmit radio waves for limited commercial uses and non-commercial uses such as commercial fleet services and amateur radio operators. This definition does not include satellite dish antenna. Examples include radio antennas used for commercial fleet dispatch and ham (or hobby) radio antennas.

**2.160 READY TO MOVE HOME** means a timber-built home built and shipped as one (1) complete unit using the same, or stronger material than a traditional dwelling. It is fully constructed and finished off-site and is delivered as one complete unit to the development site and is affixed to a permanent foundation.

**2.161 REAR LOT LINE** means either the property line of a lot which is furthest from and opposite the front lot line or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

**2.162 REAR SETBACK** means the distance that a development or a specified portion of it must be set back from a rear lot line. A rear setback is not a rear yard, amenity space, or separation space.

**2.163 REAR YARD** means the portion of a site abutting the rear lot line extending across the full width of the site, situated between the rear lot line and the nearest wall of the principal building, not including projections.

Figure 10: Rear Setback

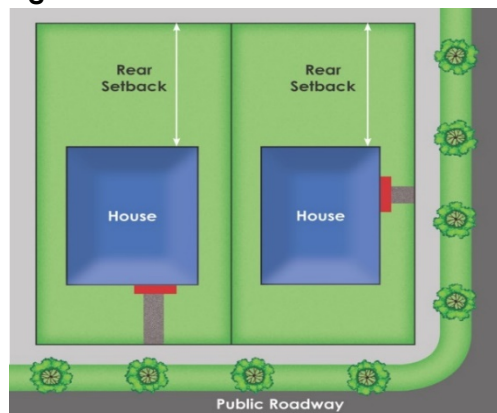


Figure 11: Rear Lot Line

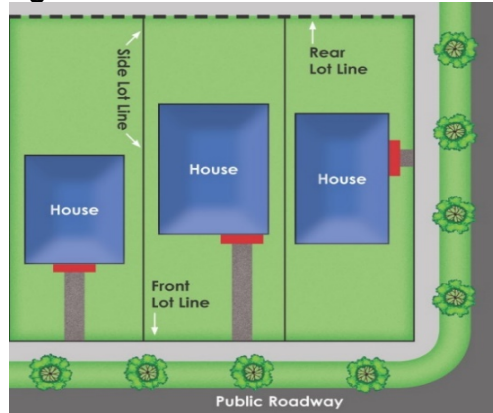
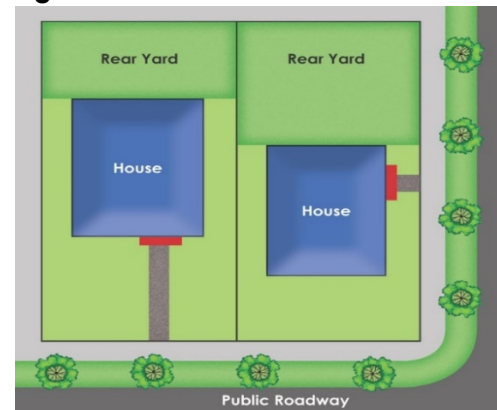


Figure 12: Rear Yard



**2.164 RECREATIONAL VEHICLE** means a vehicle, or a portable structure designed to be carried on a vehicle providing temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include but are not limited to motor homes, campers, and holiday trailers. Recreational vehicles do not include manufactured homes and park model trailers.

**2.165 REGIONAL SDAB** means the Regional Intermunicipal Subdivision and Development Appeal Board responsible for adjudicating appeals related to subdivision and development applications for various municipalities which are parties to the Agreement to Establish the Regional Intermunicipal Subdivision and Development Board Services.

**2.166 RELIGIOUS ASSEMBLY** means a development used by a religious organization for worship and related religious, philanthropic, or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories, and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

**2.167 RELOCATED BUILDING** means an existing building that is delivered from another location to a development site as one complete unit and may or may not be affixed to a permanent foundation.

**2.168 RESTAURANT** means development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the site. This use class typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants and may include drive in facilities. A restaurant does not include a drinking establishment but may

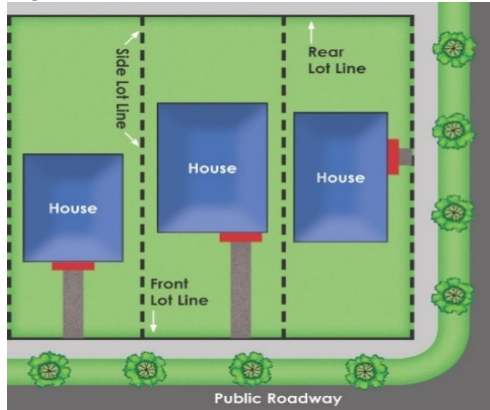
include premises for which a Class A liquor license has been issued and minors are not prohibited by terms of the license.

- 2.169 RETAIL STORE** means premises where goods, wares, merchandise, substances, articles, or things are stored, offered, or kept for sale at retail to the general public and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles, or things, sufficient only to service such a store.
- 2.170 REVERSED CORNER LOT** means a residential lot where the front façade of the dwelling is oriented toward the flankage side of the lot, rather than the frontage side of the lot.
- 2.171 SAFETY CODES OFFICER** means an individual designated as a safety codes officer under Section 27 of the Safety Codes Act, and any amendments thereto.
- 2.172 SATELLITE DISH ANTENNA MEANS:**
- 2.172.1. a combination of an antenna or dish antenna, the purpose of which is to receive signals from orbiting satellites;
  - 2.172.2. a low noise amplifier (LNA) situated at the focal point of the receiving component, the purpose of which is to magnify and transfer signals;
  - 2.172.3. a cable, the purpose of which is to transmit signals; and
  - 2.172.4. other associated components.
- 2.173 SCHOOL, COMMERCIAL** means a commercial development used for training and instruction in a trade, skill or service but does not include elementary, secondary, or post-secondary schools. Typical uses include trade, secretarial, business, hairdressing, driver training, dancing, music, or academic tutoring schools.
- 2.174 SCHOOL, ELEMENTARY OR SECONDARY** means a publicly or privately supported or subsidized development used for elementary or secondary education, or both, and includes its administrative offices on the same site. Elementary and secondary schools do not include post-secondary schools or commercial schools.
- 2.175 SCHOOL, POST SECONDARY** means a public or private school offering education or instruction to individuals beyond a secondary school and includes its administrative offices on the same site. Post-secondary schools include colleges and universities, but do not include commercial schools.
- 2.176 SEED CLEANING PLANT** means a building for the storage and preparation of seed used in agriculture.
- 2.177 SERVICE STATION** means developments used for the servicing, washing, and repairing of vehicles, and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories.
- 2.178 SETBACK** means a distance requirement on a parcel.

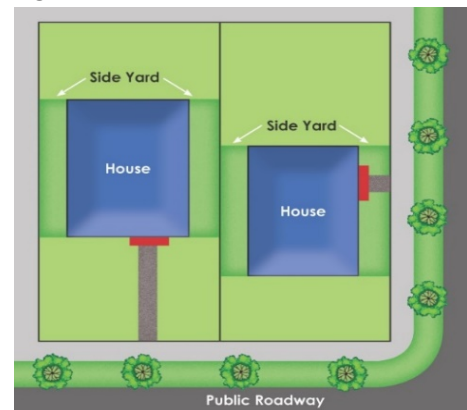


**2.179 SIDE LOT LINE** means the property line of a lot other than a front-lot line or rear lot line.

**Figure 13: Side Lot Line**



**Figure 14: Side Yard**



**2.180 SIDE YARD** means that portion of a site abutting a side lot line extending from the front yard to the rear yard. The side yard is situated between the side lot line and the nearest wall of the principal building, not including projections.

**2.181 SIMILAR USE** means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Municipal Planning Commission has determined to be similar in character and purpose to a listed permitted or discretionary use in the district in which such use is proposed.

**2.182 SITE COVERAGE** means the ratio of all principal and accessory buildings or structures (including verandas, porches, enclosed or covered decks) on a site to the total lot area.

**2.183 SOLAR ENERGY DEVICE** means a non-reflective accessory structure attached to a building, used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.

**2.184 SPECIALTY FOOD SERVICE** means development where limited types of prepared foods and beverages, excluding alcoholic beverages, are offered for sale to the public, for consumption within the premises or off the site. This use class typically relies primarily on walk-in clientele, and includes coffee, donut, bagel or sandwich shops, ice cream parlours, bakeries, and dessert shops.

**2.185 STATUTORY PLAN** means an Inter-municipal Development Plan, Municipal Development Plan, Area Structure Plan, or an Area Redevelopment Plan adopted by a bylaw of the Town, or any one (1) or more of them.

**2.186 STOREY** means the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m (6.05 ft) above grade, such basement shall be considered a storey for the purpose of this Bylaw.

**2.187 STRUCTURAL ALTERATIONS** means altering the main building components which support a building.

**2.188 SUBDIVISION** means the division of a parcel of land into one (1) or smaller parcels by a plan of subdivision or another instrument.

**2.189 SUPPORTIVE HOUSING** means housing of a multiple dwelling and/or sleeping unit form intended for permanent residential living that allows residents who have some need for support services to maintain their social and functional independence while having access to common health or recreational support services, including the provision of at least one meal per day, and/or housekeeping services. This use shall be recognized, authorized, licensed, or certified by the public authority under the Alberta Supportive Living Accommodation Licensing Act, but does not include a detention or correction facility. Typical uses include seniors assisted living.

**2.190 TAXI SERVICE** means the offering of transportation with a motor vehicle of at least one (1) passenger, and their baggage, in return for a fee from any place within the Town to a destination either within or outside the Town.

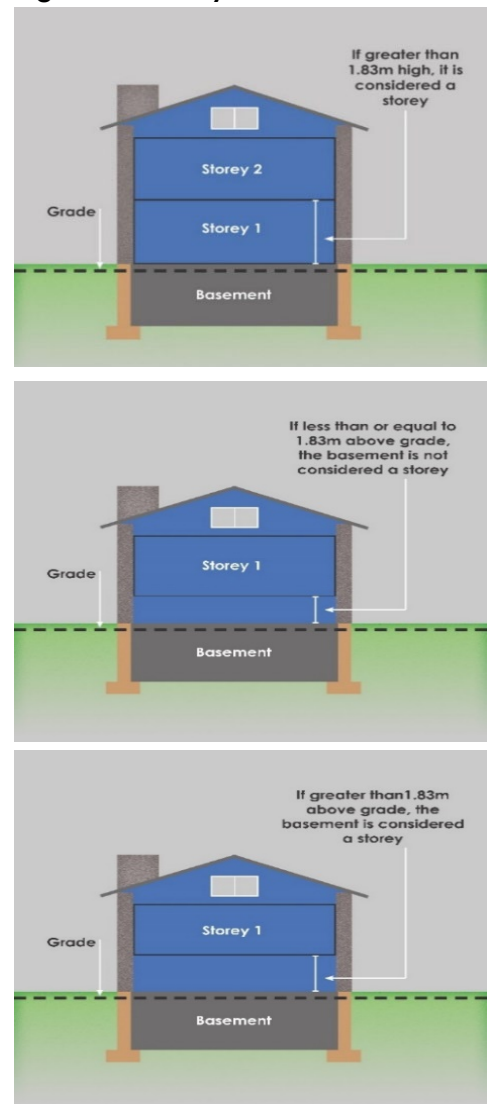
**2.191 TELECOMMUNICATIONS TOWER** means any tower used to provide a broad range of communication services through the transmitting, receiving, or relaying of voice and data signals such as radio, cellular, broadcast, Personal Communication Services (PCS) and wireless data. For the purposes of this Bylaw, this excludes Radio Antenna. Examples include cell phone towers and wireless internet towers. See also Communications Tower.

**2.192 TEMPORARY BUILDING** means a commercial or industrial building without a permanent foundation or footing, and which is removed when the development permit for such building has expired or until occupancy is granted. A temporary building may include soft-sided or fabric covered structures.

**2.193 TEMPORARY STORAGE** means development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land for a period up to one (1) year. Typical uses include pipe yards, or vehicle or heavy equipment storage compounds.

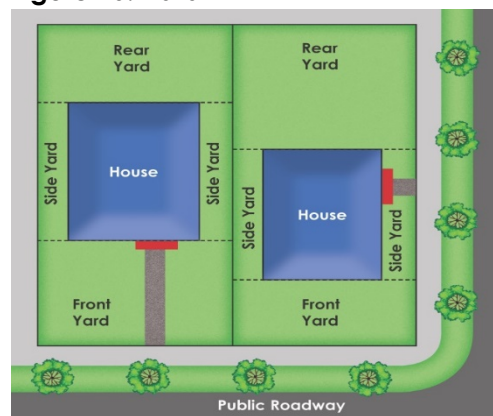
**2.194 TOWN** means the Town of Three Hills.

**Figure 15: Storey**



- 2.195 TRAILER** means a long platform or box with wheels that is pulled behind a truck or car and used to transport things. This includes, but is not limited to, cargo trailers, utility trailers, stock trailers, and flatbed trailers. This does not include recreational vehicles.
- 2.196 UNFINISHED GRADE** means the elevation of ground existing at completion of grading, but prior to the placement of soil and sod.
- 2.197 USE** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed, or intended, or for which it is occupied or maintained.
- 2.198 UTILITY RIGHT OF WAY** means an interest in land which is commonly granted where there is a need for a continuous right of way under many parcels of land (for example, gas and oil pipelines and municipal utilities). A utility right of way is registered only against the land which is subject to the rights granted and once it is registered, the right to use the land in accordance with the terms of the grant remains with the grantee (for example, the Crown or a corporation) and its successors or assigns until a release is registered.
- 2.199 VETERINARY SERVICE** means development used for the care and treatment of small animals where the veterinary services primarily involve outpatient care and minor medical procedures involving care for fewer than four (4) days. All animals shall be kept within an enclosed building. This use class includes pet clinics, small animal veterinary clinics, and veterinary offices. This use class does not include animal hospitals and shelters.
- 2.200 VIOLATION TICKET** means a violation ticket as defined in the Provincial Offences Procedures Act Chapter P-21.5 with amendments.
- 2.201 WAREHOUSE** means a commercial development for the indoor storage and or sale of equipment, goods, motor vehicles, recreation vehicles, materials, or products.
- 2.202 YARD** means an open space on the same parcel of land as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provide by this Bylaw. A yard is not a setback, or separation space. See also front yard, rear yard, and side yard.

**Figure 16: Yard**



All other words and expressions have the meaning respectively assigned to them in Part 17 of the MGA, *Development Regulation, National Building Code - 2019 Alberta Edition*, and CSA Standards.

# 3 ESTABLISHMENT OF AUTHORITIES AND DUTIES

## 3.1 DEVELOPMENT OFFICER

- 3.1.1 Council hereby establishes the Office of the Development Officer to act as the development authority, on those matters delegated to it by this Bylaw.
- 3.1.2 The Development Officer shall be considered a development authority of the Town pursuant to the Development Authority Bylaw.
- 3.1.3 The Development Officer shall perform such duties that are specified in this Bylaw, including but not limited to the:
  - a. keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this Bylaw; and
  - b. keeping a register of all applications for development, including the decisions thereon and the reasons, therefore.

## 3.2 MUNICIPAL PLANNING COMMISSION

- 3.2.1 Council hereby establishes the Office of the Municipal Planning Commission to act as development authority and subdivision authority in matters prescribed in this Bylaw.
- 3.2.2 The Municipal Planning Commission shall be considered a development authority of the Town pursuant to the Development Authority Bylaw.
- 3.2.3 The Municipal Planning Commission shall hold meetings and undertake such actions as are necessary to fulfill the powers and duties as set out in Section 3 of this Bylaw.
- 3.2.4 The Municipal Planning Commission has the following functions and duties:
  - a. upon the request of Council, to advise Council with respect to achieving the orderly, economical, and beneficial development, use of land, and patterns of settlement in the town; and
  - b. to serve as Development and Subdivision Authority pursuant to Part 17 of the MGA, and pursuant to the town's current Development Authority Bylaw and Municipal Planning Commission Bylaw, and this Bylaw.

## 3.3 REGIONAL INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (REGIONAL SDAB)

- 3.3.1 The Regional SDAB shall perform such duties as are specified in the MGA and the Regional Intermunicipal Subdivision and Development Appeal Board Bylaw,

as amended (Regional SDAB Bylaw).

- 3.3.2 The Regional SDAB shall hold hearings and undertake such actions as are necessary to fulfill the powers and duties as set out in the *Regional SDAB Bylaw* but specifically shall hear and decide upon appeals related to the following:
- a. A decision made by the Subdivision Authority or the failure or refusal by it to issue a decision in accordance with the MGA and this Bylaw.
  - b. A decision or order made by the Development Authority or the failure or refusal by it to issue a decision in accordance with the MGA and this Bylaw.
  - c. The Regional SDAB is authorized to exercise the functions of the Subdivision and Development Appeal Board on behalf of the Town in accordance with the MGA and the *Regional SDAB Bylaw*.
  - d. The Regional SDAB is authorized to exercise the functions of the Development Authority on behalf of the Town in accordance with the MGA and the *Regional SDAB Bylaw*.

### **3.4 VARIANCE AUTHORITY**

- 3.4.1 An applicant must submit to the Development Officer a completed development permit application describing how the provisions of this Bylaw are to be varied.
- 3.4.2 The Development Officer may only vary the front, flankage, side or rear yard setback, height, and site coverage requirements by up to 40%, if it is believed that the development would not:
- a. unduly interfere with the amenities of the neighbourhood; or,
  - b. materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and,
  - c. the development conforms with the use prescribed for that land or building in this Bylaw.
- 3.4.3 In exercising discretion under section 3.4.2, the Development Officer shall consider the general purpose and intent of the appropriate land use district and the following:
- a. except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing floor area;
  - b. a variance from the provisions in this Bylaw shall not be granted when the variance will knowingly cause a structure or use to not comply with federal, provincial, or other municipal regulations, including *Safety Codes Act*, RSA 2000, c.S-1.
- 3.4.4 The Municipal Planning Commission, at its discretion, may grant a variance to relax the front, side, or rear yard setbacks, site coverage, floor area, or building height in any land use district beyond the requirements outlined in this Bylaw up to 50%.
- 3.4.5 In approving an application for a development pursuant to Sections 3.4.1 and

- 3.4.6 The Development Officer, Municipal Planning Commission or Regional SDAB shall adhere to the following:
- a. a variance shall be considered only where warranted by the merits of the proposed development and in response to irregular lot lines, parcel shapes, or site characteristics which create difficulties in siting structures within the required setbacks or in meeting the usual bylaw requirements;
  - b. except as otherwise provided in this Bylaw, there shall be no variance from maximum density regulations; and
  - c. where the issuance of a development permit involves the exercise of any specified discretion of the Municipal Planning Commission to relax a regulation of a district or any other regulation of this Bylaw, the Municipal Planning Commission shall not permit any additional variance from that regulation.
- 3.4.7 The Municipal Planning Commission may approve, with or without conditions, an enlargement, alteration, or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in the opinion of the Municipal Planning Commission:
- a. unduly interfere with the amenities of the neighbourhood;
  - b. materially interfere with or affect the use, enjoyment, or value of neighbouring properties; or
- c. the alteration to the non-conforming building is within the 50% variance power given to the Municipal Planning Commission through **Section 3.4 VARIANCE AUTHORITY.**
- 3.4.8 When a development permit has been granted for a variance request, the Development Officer shall:
- a. send the Notice of Decision by ordinary mail to the applicant;
  - b. publish the Notice of Decision in a newspaper circulating in the Town stating the legal description and the civic address of the lot of the development and identifying the use which has been approved for such lot; and/or
  - c. send the Notice of Decision for discretionary uses by ordinary mail to adjacent landowners, authorities, agencies, or persons it deems necessary; and/or
  - d. post the notice of the decision conspicuously on the property for which the application has been made stating the legal description and the civic address and identifying the use which has been approved for such lot.
- 3.4.9 In the case of an application for a variance request, the Municipal Planning Commission has the discretion of refusing the variance. The applicant may appeal in writing as provided for in Section 5 of this Bylaw.

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### **3.5 ESTABLISHMENT OF FORMS**

- 3.5.1 For the purpose of administering this Bylaw, the Development Officer shall specify and prepare such forms and notices as may be deemed necessary and expedient.
- 3.5.2 Any such forms or notices are deemed to have the full force and effect of this Bylaw in the execution of the purpose for which they were designed, authorized, and issued.

# 4 DEVELOPMENT APPLICATION PROCESS AND DECISION

## 4.1 PURPOSE OF DEVELOPMENT PERMITS

- 4.1.1 Except as otherwise provided in this Bylaw, no person shall undertake any development unless:
- a. the person has been issued a development permit in accordance with this Bylaw and the MGA; and
  - b. the development permit is commenced, carried out, and completed in accordance with the terms and conditions of the development permit issued in respect of the development.
- 4.1.2 Nothing in this Bylaw affects the duty or obligation of a person:
- a. to obtain a building permit when the *National Building Code - 2019 Alberta Edition*, so requires, in addition to a development permit where required by this Bylaw; and
  - b. to obtain any other permit, license, or other authorization required by a bylaw, act, or any regulation pursuant to those acts.
- 4.1.3 Any development permit application adjacent to a provincial highway shall require the approval of Alberta Transportation and the applicant shall be responsible to obtain any applicable permits.
- 4.1.4 Development sites must be kept tidy and clear of all debris and garbage.
- 4.1.5 Development sites must not be used as storage areas for vehicles or other materials not related to construction.
- 4.1.6 Where this Bylaw is silent on anything that may be deemed engineering design and construction standards the Town's Engineering Design and Construction Standards shall take precedence.

## 4.2 DEVELOPMENT PERMIT NOT REQUIRED

- 4.2.1 Unless otherwise provided, development permits are not required prior to commencement of the following developments, but the development shall otherwise comply with the provisions of this Bylaw and must be carried out in accordance with all other applicable legislation, regulations, and bylaws:
- a. the improvement, maintenance, or renovation to any building or structure, provided that, such works do not include structural alterations, additions, life safety alterations, changes of use, or intensity of the use of any building;
  - b. the completion of any development which has lawfully commenced before the passage of this Bylaw or any amendment thereto, provided that the development is completed in accordance with the terms of any permit



- granted in respect of it, and provided that it is completed within twelve (12) months of the date of commencement;
- c. the use of any such development as is referred to in Section 4.2.1.i. for the purpose for which development was commenced;
  - d. other than on corner lots abutting on a highway used by vehicular traffic, the erection, the construction or the maintenance of a fence or gate less than 1.0 m (3.0 ft) from grade in height in front yards and less than 1.8 m (6.0 ft) from grade in side and rear yards, provided that there is no contravention of this or any other bylaw of the Town;
  - e. the maintenance or repair of public works, services, or utilities carried out by or on behalf of Federal, Provincial, or Municipal public authorities on land which is publicly owned or controlled or districted for such use;
  - f. the use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum, or plebiscite;
  - g. the construction, maintenance, and repair of private walkways, private pathways, private driveways, and similar works on private property;
  - h. The installation or construction of two (2) accessory buildings used as a garden or tool shed on a residential parcel, having a floor area of less than 9.29 m<sup>2</sup> (100 ft<sup>2</sup>) and a maximum height of 3.6 m (11.8 ft) provided that such development conforms with all other provisions of this Bylaw ;
  - i. the erection of a satellite dish antennae with a dish diameter of less than 1.0 m (3.0 ft) in diameter which:
    - j. is attached to a dwelling, other than an apartment, on a principal or accessory building;
    - k. displays no advertising other than the manufacturer's name or logo; and
    - l. is the only satellite dish antennae on a dwelling unit.
  - m. a site construction trailer/building until occupancy is granted, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Bylaw;
  - n. a change of use in a district that is from one (1) permitted use to another permitted use and where the intensity of the use of the structure is not changed and such change of use does not include any structural alteration;
  - o. a deck, porch, or balcony structure which is less than 0.6 m (2.0 ft) above grade in height, and that conforms to all requirements of this Bylaw;
  - p. a flag attached to a single upright flagpole;
  - q. a temporary use of a parcel not exceeding six (6) months for the sole purpose of mobile commercial sales (e.g. fruit trucks, etc.), providing a business license is obtained from the Town and the location of the business is to the satisfaction of the Development Officer;
  - r. the use of a dwelling unit for a home-based business where a valid Home Occupation Class – 1 or 2 permit has been issued;

- s. developments exempted by the MGA;
  - t. emergency measures;
  - u. landscaping where the proposed grades will not adversely affect the subject or adjacent properties;
  - v. the construction, maintenance, and repair of retaining walls less than 0.6 m (2.0 ft) in height provided the wall does not encroach onto public land or into a utility right-of-way;
  - w. the construction, maintenance, and repair of retaining walls greater than 0.6 m (2.0 ft) in height that meet the setback requirements for the principal building on the site, provided the wall does not encroach onto public land or onto a utility right-of-way;
  - x. basement finishing, excluding a secondary suite located in a basement;
  - y. the demolition of a building or structure where a development permit has been issued for a new development on the same site, and the demolition of the existing building or structure is explicit in that permit; and
  - z. exterior renovations to any building provided the proposed renovations do not increase the area of the building and comply with all setback and height requirements of the applicable land use district.
- aa. the install of a hot tub and a private above ground pool.

### **4.3 NON-CONFORMING USES AND BUILDINGS**

- 4.3.1 If a development permit has been issued on or before the day on which this Bylaw or a land use amendment bylaw comes into force, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of this Bylaw coming into force.
- 4.3.2 A non-conforming use of land or a building may be continued, but if it is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- 4.3.3 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
- a. to make it a conforming building;
  - b. for routine maintenance of the building if the development authority considers it necessary; or
  - c. in those instances, where the development authority deems a minor variance to enlarge, add to, or structurally alter the building is warranted and compatible with adjacent land uses.
- 4.3.4 A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.

- 4.3.5 If a non-conforming building is damaged to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 4.3.6 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

#### **4.4 COMPLIANCE CERTIFICATE**

- 4.4.1 The Development Officer may issue a compliance certificate when, in his/her opinion, the building(s) located on a site, and shown on the real property report, is located on the site in accordance with the setback regulations of this Bylaw and the setbacks specified in any development permit which may have been issued for the site. The compliance certificate shall only cover those buildings and structures, or parts thereof, shown on the real property report submitted by the applicant.

#### **4.5 DEVELOPMENT REFERRALS**

- 4.5.1 The development authority shall refer applications to the authorities and interested parties as outlined in the *Subdivision and Development Regulation*.
- 4.5.2 The development authority may refer for comment any matter or any application for a development permit to any authority, agency, adjacent landowner, or person it deems necessary to provide relevant comments or advice respecting the application.
- 4.5.3 Having received a reply on a matter referenced in Section 4.5.2, the development authority may consider those recommendations.
- 4.5.4 After a minimum twenty-one (21) days from the date of the development permit application, the Municipal Planning Commission may deal with the application even if no comments or recommendations have been received.

#### **4.6 APPLICATION FOR A DEVELOPMENT PERMIT**

- 4.6.1 An application for a development permit shall be made to the Development Officer in writing on the form prescribed by the town, signed by the owner or authorized agent, and shall be accompanied by:
  - a. all plans, professionally produced or comparable to professionally produced at the discretion of the Development Officer, fully dimensioned, and accurately drawn;
  - b. one digital and hard copy of site plans, drawn to scale, that show:
    - i. legal description and municipal address of the parcel;
    - ii. area and dimensions of the parcel to be developed including the front, rear, and side yards if any;

- iii. location of access and egress points to the parcel;
  - iv. loading and parking provisions;
  - v. garbage and storage areas and the fencing and screening proposed for same;
  - vi. location of any registered utility rights-of-way or easements (including plan number) within or abutting the property;
  - vii. the treatment of landscaped areas, if required;
  - viii. surface grading plan; and
  - ix. the heights, dimensions, and relationship to property lines of all existing and proposed buildings and structures, or other physical features on the land to be developed.
- c. one digital and one hard copy of building plans showing the following:
- i. scale and dimensions of exterior walls and interior rooms (including cantilevers and projections and exterior finishing materials);
  - ii. floor plan(s) of the building, including all living space;
  - iii. building elevation plans which indicate front, rear, and side elevations; wall height (finished grade to eaves); roofing material and roof pitch; and
  - iv. building cross-section drawings.
- d. a statement of existing and proposed uses on the site, including information on the current zoning (districting) of the site;
- e. the estimated commencement and completion dates;
- f. the estimated cost of the project or contract price;
- g. a letter of authorization from the registered owner(s), when the applicant is the agent acting on behalf of the registered owner(s);
- h. a current copy of a Certificate of Title; and
- i. preliminary drainage and servicing plan showing existing and proposed deep and shallow utilities, lot drainage, existing and proposed lot grades of the streets servicing the property, elevations of top of curb or sidewalk and lot corners.

4.6.2 In addition to the information required in Section 4.6.1 the Development Officer may require the following to make the application complete:

- a. a real property report;
- b. a landscaping plan;
- c. noise evaluation and attenuation studies;
- d. a lot lighting plan; and/or
- e. photographs or other similar tools.

4.6.3 Where a proposed development may have a significant impact on the

- transportation network, a traffic impact assessment/study prepared by a qualified traffic engineer, shall address at a minimum, the following:
- a. the traffic characteristics of the proposed development;
  - b. internal circulation and parking plan; and
  - c. the impact of the development and the access system on traffic operations of abutting streets (background traffic).
- 4.6.4 The Development Officer may require additional copies of the application or of plans and specifications, as well as such additional information for complete circulation.
- 4.6.5 The Development Officer may refuse to accept an application for a development permit where the information required by Sections 4.6.1, 4.6.2 and/or 4.6.3 has not been supplied or where the quality of the information supplied is inadequate to properly evaluate the application.
- 4.6.6 Each application for a development permit shall be accompanied by a non-refundable processing fee as determined by Council.
- 4.6.7 Notwithstanding the provisions in Section 4.6.1, the Development Officer may waive the requirement to submit any of the material required to accompany a development permit application if the information is not required to consider and decide on the application.
- 4.6.8 Development that has commenced prior to obtaining development approval by the Development Authority shall be subject to double the application fee and may be issued a stop order. Persons affected by stop orders may appeal to the Regional SDAB in accordance with the MGA.
- 4.6.9 The Development Officer shall:
- a. receive all applications for a development permit;
  - b. consider and decide on applications for a development permit for those uses, listed in Section 9, which constitute a permitted use in any district other than a direct control district;
  - c. consider and decide on applications for a development permit for accessory building uses listed in Section 9 other than a direct control district;
  - d. consider and decide on applications for all demolition permits;
  - e. consider and decide on applications for sign permits with the exception of Free-Standing Signs
  - f. sign and issue all development permits, notices, and orders;
  - g. issue an order pursuant to the MGA;
  - h. refer with recommendations to the Municipal Planning Commission for its consideration and decision, all applications for a development permit for those uses which constitute discretionary uses in a land use district;
  - i. refer to the Municipal Planning Commission any application which in his/her opinion should be decided by the Municipal Planning Commission;

- j. refer any application to an adjacent municipality or any other agency or person which in his/her opinion may provide relevant comments or advice respecting the application;
  - k. circulate to the Municipal Planning Commission for their information, cases where the Development Officer has rendered a decision; and
  - l. refer all applications for a development permit in a direct control district to the Council.
- 4.6.10 When sufficient information on the proposed development have not been included with the application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form.
- 4.6.11 The applicant for a use which is not listed in the district in which the building or land is situated, may apply to Council for an amendment to this Bylaw.

#### **4.7 CONDITIONS OF APPROVAL BY THE DEVELOPMENT OFFICER**

- 4.7.1 For a permitted use in any district, the Development Officer shall approve an application for a development permit for a permitted use if the application conforms to the requirements of this Bylaw, the MGA, the *Subdivision and Development Regulation*, and any statutory plan in effect, or any other plan adopted by Council, and shall attach conditions to the permit necessary to ensure any of the following:
- a. in consultation with town Administration, arrangements for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
  - b. in consultation with town Administration, arrangements for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
  - c. that the developer enters into a development agreement or an interim agreement with the town as per Section 4.11.
  - d. that the developer pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the MGA;
  - e. that the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, cash, certified cheque, or an irrevocable letter of credit or charge against the title to the parcel; or
  - f. that the developer pays for oversize improvement costs pursuant to the MGA.
- 4.7.2 If an application for a development permit for a permitted use does not conform

to the requirements of this Bylaw, the MGA, the *Subdivision and Development Regulation* and statutory plans, the Development Officer:

- a. may refuse the application giving reasons for the refusal; or
  - b. may approve the application subject to conditions, to ensure that the application conforms to the requirements of this Bylaw, the MGA and the *Subdivision and Development Regulation* and statutory plans or any other plan adopted by Council; or
  - c. may approve the application pursuant to Section 640(6) of the MGA and such a development application shall be deemed to be subject to those regulations of this Bylaw that pertain to an application for a discretionary use permit, excepting Section 4.8.2.vii. below.
- 4.7.3 If a decision is not made on a development permit application within forty (40) days of it being deemed complete by a Development Officer, the applicant may deem it to be refused and appeal to the Regional SDAB.
- 4.7.4 The applicant for a development permit and the applicant's personal representative, successors, and assigns shall comply with all conditions attached to the approved development permit.

#### **4.8 CONDITIONS OF APPROVAL BY THE MUNICIPAL PLANNING COMMISSION**

- 4.8.1 The Municipal Planning Commission shall consider and decide on applications for development permits:
- a. which are listed as discretionary uses by this Bylaw, except such discretionary uses as are assigned to the Development Officer for decision, pursuant to Section 4.6.10; or
  - b. which the Development Officer has referred to it.
- 4.8.2 The Municipal Planning Commission, at its discretion, may approve the application for a discretionary use subject to the following conditions:
- a. in consultation with town Administration, arrangements for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of these, including payment of the cost of installation or construction of any such utility or facility by the applicant;
  - b. in consultation with town Administration, arrangements for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
  - c. that the developer enters into a development agreement or an interim agreement, with the town as per Section 4.11.
  - d. that the developer pays an off-site levy or redevelopment levy imposed by a

bylaw adopted pursuant to the MGA;

- e. that the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit, cash, certified cheque, or charge against the title to the parcel;
- f. that the developer pays for oversize improvement costs pursuant to Section 651 of the MGA;
- g. any conditions that the Municipal Planning Commission may deem appropriate to ensure that the development is orderly; compatibility with the amenities of the neighbourhood; and the use, enjoyment, and value of neighbouring parcels of land, including but not limited to, the following:
  - i. a condition designed to bring a proposed development into conformity with this Bylaw, statutory plan or policy adopted by Council;
  - ii. a condition requiring that the applicant enter into an agreement with the town in respect of payment or provision by the applicant of dust control measures and/or surfacing on municipal roads used by the applicant for the purpose of obtaining access to or egress from the site of the development;
  - iii. a condition related to the handling and removal of garbage or refuse created during the construction of the proposed development and the ongoing removal of garbage and refuse created after the completion of the proposed development;
  - iv. a condition limiting the time of operation including hours of the day, days of the week, and parts of the year;
  - v. a condition requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
  - vi. a condition regarding the design, character, appearance, size, height, location, position of buildings, vehicle and pedestrian accessibility, landscaping, lighting, and servicing of the proposed use or development; location, character, and appearance of buildings;
  - vii. a condition limiting the amount and kind of advertising in respect of the proposed development that may be carried out on the site of the development;
  - viii. a condition requiring that the safety and free movement of pedestrians and vehicular traffic on adjacent public roadways is not prejudiced; or
  - ix. the Municipal Planning Commission, in its discretion, may refuse an application for a discretionary use permit giving reasons for its refusal.

4.8.3 The Municipal Planning Commission may issue a development permit for a limited time period:

- a. specified in the development permit, and subject to:



- i. the condition that the town shall not be liable for any costs involved in the cessation or removal of any use or development upon the expiry of the permit;
  - ii. at the discretion of the Municipal Planning Commission, the condition that the applicant provide security, which may include, but is not limited to, an irrevocable letter of credit, cash, or certified cheque guaranteeing the cessation or removal of the use or development at the end of the specified period of time; and
  - iii. any additional conditions of approval.
- b. after the expiration of which the applicant shall:
- i. cease or remove the use or development; or
  - ii. request that the Municipal Planning Commission extend the validity of the development permit for a specified time period.

4.8.4 The applicant for a development permit and the applicant's personal representative, successors, and assigns shall comply with all conditions attached to the approved development permit.

4.8.5 Where a proposed specific use of land or a building is not provided for in a district, the Municipal Planning Commission may determine that the use is similar in character and purpose to another use of land or building that is included in the list of permitted or discretionary uses prescribed for in that district.

## **4.9 DIRECT CONTROL DISTRICT DEVELOPMENT PERMIT APPLICATION**

4.9.1 Upon receipt of an application for a development permit in a direct control district, Council shall:

- a. unless, in its opinion, the interests of the general public would not be prejudiced by the absence thereof, publicize a notice of the receipt of the application and the steps to be taken to comment thereon in any or all of the forms described as follows:
  - i. mail the notice to all persons who, in its opinion, may be affected; and/or
  - ii. post the notice conspicuously on the property for which the application has been made; and/or
  - iii. publish the notice in a newspaper circulating in the Town.
  - iv. post the notice on its website or other social media.
- b. provide an opportunity for comments upon the application to be made in response to the notice publicized under Section 4.9.1.i.

4.9.2 When reviewing and deciding upon a development permit application, Council shall consider the following:

- a. the existing and future land use of neighbouring properties;
- b. the suitability of the site for the proposed use;

- c. the provision of municipal services such as water and sewer;
  - d. the provision of access to the subject site; and
  - e. any considerations unique to the proposed development.
- 4.9.3 Council may approve, with or without conditions, or may refuse an application for a development permit in a direct control district.
- 4.9.4 The Council's decision upon an application for a development permit in a direct control district shall be final and binding on all parties.

#### **4.10 DECISIONS OF THE REGIONAL SDAB**

- 4.10.1 If an application for a development permit for a permitted or a discretionary use does not conform to the requirements of this Bylaw, the *MGA*, the *Subdivision and Development Regulation* and any plan or policy affecting the land, the Regional SDAB:
- a. may refuse the application, giving reasons for the refusal;
  - b. may approve the application subject to conditions to ensure that the application conforms to the requirements of this Bylaw the *MGA* and the *Subdivision and Development Regulation* and any statutory plan or other plan adopted by Council;
  - c. may approve the application pursuant to the *MGA*, and such a development application shall be deemed to be subject to those regulations of this Bylaw that pertain to an application for a discretionary use permit, excepting Section 4.8.2.vii.
  - d. may approve an application for a development permit:
    - i. with or without conditions;
    - ii. based on the merits of the proposed development including its conformity to any approved statutory plan or approved policy affecting the site; and
    - iii. where the proposed development conforms in every respect to this Bylaw;

#### **4.11 DEVELOPMENT AGREEMENT**

- 4.11.1 The development authority may require with respect to a development, that as a condition of issuing a development permit, the applicant submit a real property report to the satisfaction of the development authority and enter into an agreement with the town to do all or any of the following:
- a. to construct or pay for the construction of a road required to give access to the development;
  - b. to construct or pay for the construction of:
    - i. a pedestrian walkway system to serve the development; or

- ii. pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - c. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - d. to construct or pay for the construction of:
    - i. off-street or other parking facilities; and
    - ii. loading and unloading facilities.
  - e. to pay an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to *the MGA*;
  - f. to carry out landscaping of the site which may include the retention and/or planting of trees, the construction of an earth berm, or other form of screening;
  - g. such other work or things as the development authority considers necessary or advisable having regard to the nature of the proposed development; or
  - h. that the developer pays for oversize improvement costs pursuant to Section 651 of the *MGA*.
- 4.11.2 An irrevocable letter of credit, cash, certified cheque, or other security may be required in such sum specified, as the development authority deems appropriate to ensure the applicant complies with the terms and conditions of a Development Agreement.
- 4.11.3 The approved plans and specifications shall not be changed or modified without written authorization from the development authority and all work shall be done in accordance with the approved plans.
- 4.11.4 The applicant may be required to pay to the town the costs incurred, by the town, to any engineer or other person for materials testing, inspections, monitoring of construction and review of construction drawings, and legal costs and expenses to which the town is put in connection with the Development Agreement and how the Agreement relates.
- 4.11.5 To ensure compliance with a Development Agreement, the town may register a caveat, pursuant to the provisions of the *Land Titles Act* and the *MGA*, against the Certificate of Title of the property that is being developed. This caveat shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.

## **4.12 DEVELOPMENT PERMITS AND NOTIFICATION OF DECISION**

- 4.12.1 A development permit issued pursuant to this Bylaw is not a building permit, and work or construction of any buildings related to the development shall neither commence nor proceed until a building permit has been issued, pursuant to applicable bylaws and regulations.

development permit shall be given in writing to the applicant and to the landowner, where the landowner is not the applicant.

- 4.12.3 An application for a development permit shall be deemed to be refused when a decision thereon is not made within forty (40) days of receipt of application. This clause shall not apply if an applicant for a development permit enters into an agreement with the development authority to extend the forty (40) day time period.
- 4.12.4 In the case where an application for a development permit is refused pursuant to Section 4, a subsequent application on the same property and for the same or similar use shall not be permitted until a period of six (6) months has passed from the date of the final decision, unless the reasons for the refusal have been addressed. circumstances of the application have changed significantly.
- 4.12.5 A development permit for any discretionary use or any permitted use for which a variance or relaxation was granted by the Development Officer or the Municipal Planning Commission, does not come into effect until twenty-one (21) days on which the decision was made or within twenty-one (21) days of the date the forty (40) day review period expires or within any extension of that period. Any work proceeding before the twenty-one (21) days expires, is done solely at the risk of the applicant.
- 4.12.6 The date of issue of a permit for any permitted use that conforms in all respects to the requirements of this Bylaw and was approved with or without conditions pursuant to Section 4 comes into effect immediately upon approval by the Development Officer.
- 4.12.7 Where a decision of the Regional SDAB has been appealed to the Court of Appeal in accordance with the MGA, an approved development permit shall not be issued until the Court of Appeal has finally disposed of the appeal.
- 4.12.8 Notice of Decision shall be given for all development permits that have been issued in the following forms:
  - a. send the Notice of Decision by ordinary and/or electronic mail to the applicant;
  - b. publish the Notice of Decision in a newspaper circulating in the Town stating the legal description and the civic address of the lot of the development and identifying the use which has been approved for such lot; and/or
  - c. send the Notice of Decision for discretionary uses by ordinary mail to adjacent landowners, authorities, agencies, or persons it deems necessary; and/or
  - d. post the notice of the decision conspicuously on the property for which the application has been made, stating the legal description and the civic address, and identifying the use which has been approved for such lot.
- 4.12.9 When an application for a development permit is refused, the Notification of Decision, with reasons for refusal, shall be sent by ordinary and/or electronic mail to the applicant.
- 4.12.10 For purposes of this Bylaw, Notification of Decision of approval on an application for a development permit of the development authority, pursuant to Section

4.12.8 is deemed to have been given and to have been received on the date that the Notice of Decision appears in the newspaper.

- 4.12.11 A development permit shall cease to be valid twelve (12) months after the date on which it was issued unless, prior to the expiry of that time, the applicant has commenced development or the development authority grants an extension of time, except as provided for in Section 4.12.13.
- 4.12.12 The applicant, in writing, may apply to the development authority who approved the development permit for an extension. The development authority may grant an extension of a development permit for a period of not more than, two (2) consecutive one (1) year extensions beyond the expiry date of the initial permit, provided that the proposed development still complies with the provisions of this Bylaw. If the applicant has not commenced development within the extended time period, the development permit ceases to be valid.
- 4.12.13 Once work has been initiated in connection with a project approved by a development permit, the permit remains valid until the work is completed, provided that the project is substantially completed within two (2) years of the date the permit was initially issued or within two (2) years of the date that any extension of the permit is granted. If the work is not substantially completed within that time, the permit shall be deemed to have expired.
- 4.12.14 The Development Officer shall:
  - a. Determine within twenty (20) days whether the application is complete. An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20-day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.
  - b. Issue a letter to the applicant if the Development Officer deems a development permit application to be complete. The letter shall indicate:
    - i. The date the application was received and deemed complete;
    - ii. Confirmation the Development Officer will begin processing the application; and
    - iii. The date the 40 days to process the application expires.
  - c. The development authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

#### **4.13 SUBDIVISION APPLICATIONS & APPROVALS**

- 4.13.1 Upon receipt of an application, the development authority shall, within twenty (20) days of its receipt determine whether the application is complete. An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application. The 20-day timeline may be extended if agreed upon in writing between the applicant and the development authority.

- 4.13.2 If the development authority deems a subdivision application to be complete, the subdivision authority shall issue a letter to the applicant indicating:
- a. The date the application was received and deemed complete.
  - b. Confirmation the subdivision authority will begin processing the application, and
  - c. The date the sixty (60) days to process the application expires.
- 4.13.3 If the subdivision authority determines an application is incomplete, the subdivision authority shall issue a notice in writing to the applicant, indicating the following:
- a. The application is considered incomplete;
  - b. A detailed list of the outstanding documents and/or information required by the subdivision authority to deem the application is deemed complete.
  - c. The date which the required outstanding documents and/or information must be submitted to the subdivision authority in order, as either set out in the notice, or as agreed upon between the applicant and subdivision authority.
  - d. Prior to the expiry of the twenty (20) day review period.
- 4.13.4 If the subdivision authority determines that the information and documents submitted by the applicant at the request of the subdivision authority are complete, the subdivision authority shall issue a letter to the applicant indicating:
- a. The application is complete;
  - b. Confirmation the subdivision authority will begin processing the application, and;
  - c. The date the sixty (60) days to process the application expires.
- 4.13.5 If the applicant fails to submit the outstanding information and documents requested by the subdivision authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.
- 4.13.6 If the application is deemed refused because the applicant failed to provide the subdivision authority with the requested information, the subdivision authority shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within seven (7) days of the expiry date.
- 4.13.7 Despite the subdivision authority issuing a letter acknowledging an application as complete, in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application.
- 4.13.8 If the subdivision authority fails to decide on an application's completeness within twenty (20) days of receiving the application, or within an alternative timeline agreed upon between the applicant and the subdivision authority, the application is deemed to be complete.
- 4.13.9 The subdivision authority must give a copy of the application to government

departments, persons and local authorities required by the subdivision and development regulations and give notice to adjacent landowners.

- 4.13.10 Notwithstanding clause 4.13.9, the subdivision authority is not required to give notice to owners of adjacent lands if the land that is the subject of the application is contained within an area structure plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme.
- 4.13.11 In the event the plan or other instrument is not registered in a land titles office within one year after the date it was endorsed, or within an extended period prescribed, the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
- 4.13.12 Notwithstanding clauses 4.13.10 and 4.13.11, Town Council may extend:
  - a. the one-year period for subdivision approval, or
  - b. the one-year period for registration of a plan or instrument at Land Titles Office.

#### **4.14 SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT**

- 4.14.1 The development authority may suspend or cancel a development permit, if following its issuance, the development authority determines that:
  - a. the requirements or conditions of the development permit have not been complied with;
  - b. the development permit was issued in error; or
  - c. the development permit has been obtained by fraud or misrepresentation, or by failure to disclose pertinent information at the time of application.
- 4.14.2 If the development authority suspends or cancels a development permit, the development authority must provide a written notification to the applicant.
- 4.14.3 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.
- 4.14.4 A person whose development permit is suspended or cancelled under this section may appeal within fourteen (14) days of the notice of cancellation or suspension as provided for in Section 5.

# 5 DEVELOPMENT AND SUBDIVISION APPEALS

## 5.1 APPEAL PROCEDURE

- 5.1.1 An appeal against a decision of the development authority or the subdivision authority must be made within the time periods outlined in the MGA.
- 5.1.2 An appeal lies with the Municipal Government Board for:
  - a. Lands within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site; or
  - b. Any other circumstances described within the MGA;
  - c. Or with the Regional SDAB for all other cases.
- 5.1.3 An appeal for a development decision must be made within 21 days after the date on which the decision is made under the MGA.
- 5.1.4 An appeal for a subdivision decision must be made within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority if a decision is not rendered within 60 days.
- 5.1.5 Within thirty (30) days of receiving a notice of appeal, the Regional SDAB shall hold a hearing.
- 5.1.6 The Secretary of the Regional SDAB shall give at least 5 days' notice in writing of the appeal hearing to:
  - a. The appellant;
  - b. The applicant for the development permit if not the appellant;
  - c. The owners of all adjacent lands when an appeal is made by the applicant;
  - d. The Development Officer;
  - e. The MPC, and
  - f. Any other person that the Regional SDAB considers to be affected by the appeal.
- 5.1.7 The Regional SDAB shall make available for public inspection before the hearing all relevant documents respecting the appeal including:
  - a. The application for the development permit, the notice of decision, and the appeal therefrom; or,
  - b. The order of the Development Officer issued for contravention of this Bylaw.
- 5.1.8 At the hearing, the Regional SDAB shall hear:
  - a. The appellant;
  - b. The Development Officer;



- c. Any person who was served with notice of the hearing and who wishes to be heard;
- d. Any other person who claims to be affected by the decision or order, and that the Regional SDAB agrees to hear; and,
- e. Any person acting on behalf of these persons.

## 5.2 DECISION

- 5.2.1 The Regional SDAB shall consider each appeal having due regard to the circumstances and merits of the case.
- 5.2.2 In determining an appeal, the Regional SDAB:
  - a. Shall comply with adopted statutory plans, concept plans, outline plans affecting the land and, subject to subsection iii., this Bylaw and the MGA.
  - b. Must have regard to, but is not bound by, the Subdivision and Development Regulation;
  - c. May confirm, reverse or vary the order or decision, and may impose such conditions as it considers proper and desirable for the circumstances;
  - d. May make an order or decision for issue a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in its opinion:
    - i. the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or effect the use, enjoyment or value of neighbouring properties; and,
    - ii. The proposed development conforms with the uses prescribed for the land or building in this Bylaw; and
    - iii. In addition to its own powers, may exercise the powers of the Development Authority in the matter of orders, decisions, or the issuance of development permits and conditions thereto.
- 5.2.3 After hearing all submissions, the Regional SDAB may deliberate and reach its decision in private. In arriving at a decision, the majority vote of those members present shall constitute the decision of the Regional SDAB. If the vote results in a tie, the appeal is lost.
- 5.2.4 The Regional SDAB shall give its decision and reasons in accordance with the MGA to the applicant, the appellant, and those affected persons who gave their name and address to the Secretary during the hearing.
- 5.2.5 A written decision of the Regional SDAB must be given within fifteen (15) days after concluding a hearing.
- 5.2.6 The decision of the Regional SDAB is final and binding on all parties subject only to an appeal upon a question of jurisdiction or law pursuant to the MGA.
- 5.2.7 An application for leave to appeal must be made to a judge of the Court of Appeal within 30 days after the issue of the decision or order that is being appealed.

# 6 ADMINISTRATION AND ENFORCEMENT

## 6.1 PROCEDURE TO AMEND THE LAND USE BYLAW

- 6.1.1 The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
- 6.1.2 A person may make application to the Development Officer for amendment to this Bylaw. The application shall include:
  - a. a statement of the specific amendment requested;
  - b. the purpose and reasons for the application;
  - c. if the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - d. the applicant's interest in the lands; and
  - e. the applicable application fee.
- 6.1.3 If the amendment is for a re-designation of land, the Development Officer may require:
  - a. an outline plan for the area to be re-designated to the level of detail specified by the Development Officer; and
  - b. payment of a fee to the Town equal to the costs incurred by it to retain an engineering and planning company to evaluate the proposal or create an outline plan when necessary.
- 6.1.4 The Development Officer shall determine if an application can be deemed to be complete or if additional information is required from the applicant or agent.
- 6.1.5 An application for amendment shall be placed before Town Council within sixty (60) days of its receipt by the Development Officer.
- 6.1.6 The Development Officer shall ensure the applicant is notified in writing not less than five (5) days before First Reading of a bylaw to be considered by Town Council.
- 6.1.7 Town Council may at its sole discretion:
  - a. refuse the application; or
  - b. refer the application for further information; or
  - c. pass first reading to a bylaw to amend this Bylaw, with or without conditions or amendments; or
  - d. defeat First Reading of a bylaw to amend this Bylaw; or
  - e. pass First Reading of an alternative amendment to this Bylaw, with or without conditions.
- 6.1.8 Following First Reading to an amending bylaw, the Council shall establish the

- date, time and place for a public hearing on the proposed bylaw.
- 6.1.9 Following First Reading of an amendment bylaw, the Development Officer must give notice of a public hearing in compliance with the MGA.
- 6.1.10 Notwithstanding clauses 6.1.7, 6.1.8 and 6.1.9, this Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect it in principle or substance.
- 6.1.11 Council shall hear any person, group of persons or persons representing them during the Public Hearing who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and this Bylaw.
- 6.1.12 Council may hear any other person who wishes to make representations and whom the Council agrees to hear.
- 6.1.13 After considering the representations made to it about the proposed bylaw at the Public Hearing and after considering any other matter it considers appropriate, the Council may:
- a. pass the Bylaw;
  - b. refer it for further information or comment; and
  - c. make any amendment to the Bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
  - d. defeat the Bylaw.
- 6.1.14 In this section only, the following words "adjacent land" and owner" shall mean the following:
- i. "adjacent land" means land that is contiguous to the parcel of land that is being re-designated and includes:
  - ii. land that would be contiguous if not for a highway, road, river, or stream, and
  - iii. any additional land identified by the development authority.
  - iv. "owner" means the person shown as the owner of land on the assessment roll prepared pursuant to the MGA.
- 6.1.15 Prior to Third Reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- 6.1.16 After Third Reading of the proposed bylaw, the Development Officer shall send a copy to:
- a. the applicant;
  - b. the registered owner of the land if not the applicant;
  - c. government agency contacted during the circulation period
  - d. school boards contacted during the circulation period.

- 6.1.17 The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by the Council, for a period of six (6) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

## 6.2 ENFORCEMENT

- 6.2.1 If the development authority finds that a development, land use or use of a building is not in conformity with this Bylaw; Part 17 of the MGA; the Subdivision and Development Regulation; a development permit or subdivision approval, or a condition therein; or an order of the Regional SDAB, the development authority may do any of the following it deems necessary to correct the noncompliance by:
- a. Issuing a warning letter to the applicant and/or the landowner;
  - b. suspending or revoking a development permit which has not been complied with;
  - c. issuing a violation ticket; or
  - d. issuing a stop order.
- 6.2.2 Any notice or order issued under clause 6.2.1 shall direct the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to
- a. stop the development or use of the land or building in whole or in part as directed by the notice;
  - b. demolish, remove, or replace the development, or
  - c. carry out other actions required by the notice or stop order so that the development or use of the land or building complies.
- 6.2.3 If a person fails or refuses to comply with a notice or a stop order issued by the development authority under clause 6.2.1 or an order of the Regional SDAB made pursuant to the MGA, Town officials may enter on the land or building and take any action necessary to carry out the notice or order. The owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, must receive written notice in accordance with the MGA.
- 6.2.4 The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in clause 6.2.1 against the certificate of title for the land that is the subject of the order, but if it does so, the Town must discharged the caveat when the order has been complied with.

## **6.3 OFFENCES AND PENALTIES**

- 6.3.1 Any person who contravenes or fails to comply with:
- a. any provision of this Bylaw;
  - b. Part 17 of the MGA;
  - c. the Subdivision and Development Regulation;
  - d. a Stop Order;
  - e. a development permit or subdivision approval, or a condition therein,
  - f. a decision of the Regional SDAB, or
  - g. a person who obstructs or hinders any person in the exercise or performance of their powers or duties under this Bylaw,
- is guilty of an offence.
- 6.3.2 A person shall be considered to be guilty of an additional offence if the offence referred to in clause 6.3.1 continues or is allowed to continue fourteen (14) days past summary conviction thereof or if the offence referred to in clause 6.3.1 continues or is allowed to continue fourteen (14) days past payment of a violation tag.

## **6.4 CONTRAVENTION**

- 6.4.1 When an offence has been or is being committed, the Development Authority may:
- a. suspend or revoke a development permit which has not been complied with;
  - b. issue a violation ticket; or
  - c. issue a stop order.

## **6.5 ENFORCEMENT FINES**

- 6.5.1 A person who is guilty of an offence referred to in clause 6.3.1 shall be liable upon summary conviction thereof, to a fine of not less than \$2,500.00 and, in addition thereto, to a fine of not less than \$500.00 and not more than \$2,500.00 for every day that the offence continues, plus costs and damages and in default thereof to imprisonment for a period not exceeding sixty (60) days unless the fine and costs, including the costs of committal, are sooner paid.

## **6.6 VIOLATION TICKETS**

- 6.6.1 A violation ticket may be issued by the CAO to a person who is believed to be guilty of an offence referred to in clause 6.3.1 and the said violation tag shall provide for payment within seven (7) days from the date of issue to the Town in the amount of not less than \$250.00. If payment is made within the time limit,

- then such payment shall be accepted in lieu of prosecution of the same offence;
- 6.6.2 The violation ticket shall be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender.
- 6.6.3 If a violation ticket is issued pursuant to clause 6.3.1 above, and if the amount that is specified upon the violation tag is not paid within thirty (30) days from the date of issue of the violation ticket, then an information shall be laid before a Provincial Judge, and prosecution for the alleged offence shall proceed as though no violation ticket had ever been issued;
- 6.6.4 Any person who is issued a violation ticket under the provisions of this Bylaw shall immediately cease and desist the offence for which the violation tag was issued.
- 6.6.5 The ticket must specify:
- a. the name of the person;
  - b. the offence;
  - c. the specified penalty established by this Bylaw for the offence;
  - d. that the penalty shall be paid within twenty-one (21) days from the date of issue of the fine; and
  - e. the date and time that the property must be brought into conformity with this Bylaw.

## 6.7 ORDERS AND STOP ORDERS

- 6.7.1 The CAO, when issuing a written notice must order the landowner, the person in possession of the land or building, the person responsible for the contravention, or all of them to:
- a. stop the development or use of the land that is contrary to the Bylaw;
  - b. demolish, remove, or bring the development into compliance with the Bylaw;
  - c. carry out any other actions required by the notice so that the development complies with the provisions of the Bylaw;
  - d. complete the actions in the notice before the date set in the notice; and
  - e. provide the option to register an appeal to the Subdivision and Development Appeal Board.
- 6.7.2 If the person fails or refuses to comply with the order or an order of the Subdivision and Development Appeal Board, the Development Authority may:
- a. obtain an injunction from an Alberta court to enforce the Bylaw;
  - b. register a caveat under the *Land Titles Act* in respect to the order;
  - c. enter into or upon the land or building and take any action necessary to carry out the order; and
  - d. the cost action or measure will be charged to the registered owner of the

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land and added to the tax roll of the lands owned by the registered owner and collected in like manner as taxes owing against the property.

- 6.7.3 The Development Authority is authorized and directed to take whatever action is required to collect fines levied for offences of this Bylaw.
- 6.7.4 After reasonable notice (generally means forty-eight (48) hours' notice) to the owner or occupant in accordance with the MGA, the CAO of the Town may enter the property at a reasonable time (generally 7:30 a.m.-10:00 p.m.) to ascertain if Bylaw requirements are being met.

# 7 GENERAL LAND USE REGULATIONS

## 7.1 GENERAL LAND USE REGULATIONS

- 7.1.1 Rules and standards regarding the use and development of land or buildings are hereby established and described in this part of the Bylaw and apply to all the districts shown on the Land Use District Map as being Schedule A hereto.

## 7.2 ACCESSORY BUILDINGS

- 7.2.1 General regulations applicable to all land use districts.
- a. The Municipal Planning Commission may exercise discretionary power with respect to type, placement, appearance, and number of accessory buildings within the boundaries of a parcel.
  - b. Where an accessory building is approved to be located over a sewer or water line it shall be a condition of such approval that:
    - i. the owner provides at their expense an agreement registered by caveat on title to the parcel, releasing the Town from, and agreeing to indemnify the Town of, any damage to such service lines or buildings on or adjacent to the parcel; and
    - ii. an accessory building shall not enclose the service valves or shut off valves of that line.
- 7.2.2 Regulations in residential districts
- a. Notwithstanding the district regulations in effect on a parcel, the following general regulations shall apply to all accessory buildings within residential districts, which may include, but are not limited to decks, garden sheds, portable garages, carport, greenhouses, gazebos, and play structures.
  - b. Sheds are an accessory building used for storage having a floor area of not more than 9.29 m<sup>2</sup> (100 ft<sup>2</sup>) and is not connected to any utilities. For the purposes of this Bylaw, shed also means a garden shed that can be located in the rear yard of a residential lot, obeying the setback requirements, and does not need a development permit or a building permit.
  - c. Where an accessory building is attached to the principal building on the same site by a breezeway, roofed structure, open or enclosed structure above grade the accessory structure shall be deemed to be part of the principal use and shall maintain the setback requirements of the principal building.
  - d. No accessory buildings shall be permitted within the required front yard of the appropriate district.
  - e. No person shall use or permit an accessory building to be used for human



- occupancy, except those approved for use as a garage suite or garden suite.
- f. On an interior lot, the accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft) from the side and rear boundaries of the parcel.
  - g. All roof drainage shall be directed by means of eaves troughs, drain spouts, or such other suitable means onto the property where the accessory building is located.
  - h. No person shall construct or permit the construction of an accessory building, or group of accessory buildings, such that, individually or collectively, they would not:
    - i. along with the principal building, exceed the maximum site coverage;
    - ii. exceed the gross floor area of the principal building on the lot; or
    - iii. exceed 15% of the site coverage.
  - i. An accessory building shall not be more than 4.5 m (15 ft) in height and shall not exceed the height of the principal building on the same site except as provided for in Section **7.28 GARAGE SUITE**.
  - j. Notwithstanding Section 7.2.2.i., the Municipal Planning Commission may permit:
    - i. a two (2) storey detached garage only if the principal building is two (2) storeyed, and the detached garage shall not exceed the height of the principal building; and
    - ii. the two (2) storey detached garage shall be consistent with the massing and architectural elements of the principal building, including but not limited to height, roof slope, materials, and any aesthetic architectural details, if any; and
    - iii. the two (2) storey detached garage with due regard to amenities such as daylight, sunlight, and privacy.
  - k. Where a site requires vehicular access to an accessory building from the front street to the rear of the property, one (1) side yard setback to the dwelling must be a minimum of 3.2 m (10 ft).
  - l. An accessory building may have a greater setback to protect utilities and utility rights-of-ways as may be required by the Municipal Planning Commission.
  - m. Accessory buildings which have a building area greater than 100ft<sup>2</sup> shall require a building permit and shall have an exterior finish to match the principal building.
  - n. Accessory buildings which have a building area greater than 55 m<sup>2</sup> (592 ft<sup>2</sup>) shall have foundation walls and footings a minimum of 1.2 m (3.9 ft) below grade around the perimeter, or the foundation design must be engineered.

### 7.2.3 Regulations in all other districts

- a. Where an accessory building is attached to the principal building by an open or enclosed roofed structure it is to be considered a part of the principal building and subject to the setbacks required for the principal building.
- b. Accessory buildings shall have the same height and setback requirements as the principal building.
- c. Notwithstanding the above, accessory buildings shall not be located in front of the principal building.

### **7.3 AIR SUPPORTED AND FABRIC COVERED STRUCTURES**

#### **7.3.1 Air supported and fabric covered structures:**

- a. may be permitted in industrial land use districts and C1 – Commercial General and C5 - Commercial Industrial District;
- b. shall require a development permit;
- c. shall be of new construction;
- d. shall not exceed the maximum height requirement for that land use district;
- e. shall be located on a permanent foundation; and
- f. if no principal building is located on the site at the time of development permit application the air supported and fabric covered structure shall be deemed the principal building and shall be required to meet all siting requirements of the land use district in which it is located.

### **7.4 ALTERNATIVE ENERGY COLLECTING AND STORING DEVICES**

#### **7.4.1 Solar energy devices attached to a principal or accessory building shall require a building permit and:**

- a. be integrated to mimic the roof or wall/structure. The mounted panel shall project no more than 0.15 m (6.0 in) from the surface of the building;
- b. where located on buildings with flat roofs, not project vertically more than 1.0 m (3.28 ft) above the roof line in residential districts and not more than 1.8 m (6.0 ft) above the roof line in all other districts; and
- c. not extend beyond the outermost edge of the roof or wall to which it is mounted.

#### **7.4.2 Solar energy devices not attached to a building shall:**

- a. be located in a side or rear yard only.
- b. not exceed 1.8 m (6.0 ft) in height above the ground; and be screened from adjacent properties with a fence or landscaping, to the satisfaction of the development authority.

**Figure 17: Solar Energy Devices**



- 7.4.3 Wind energy devices shall require a building permit and shall:
- a. have a combined building height and wind energy device height which is no higher in height than what is permitted in the land use district in which it is located;
  - b. when mounted to the roof, not extend beyond the outermost edge of the roof.
  - c. when mounted to the wall of a building, be located on the building wall facing the rear yard.
  - d. where located on residential lots be designed specifically to be for such use; and
  - e. not generate any noise that extends beyond the property boundary in a residential district.

**Figure 18: Wind Energy Device**



- 7.4.4 The development authority may require provision of a visual and noise impact statement including steps proposed to mitigate such impacts.

## **7.5 BALCONIES**

- 7.5.1 A balcony attached to and projecting from the face of a building above the first storey, with or without a supporting structure, and surrounded by a balustrade or railing and can be used as an outdoor porch or sundeck, shall have access only from within the building.
- 7.5.2 Balconies constructed after the initial build shall be approved by the Municipal Planning Commission.

## **7.6 BED AND BREAKFAST ESTABLISHMENTS**

- 7.6.1 Bed and breakfast establishments shall not interfere with the quiet enjoyment of a residential neighbourhood.
- 7.6.2 Bed and breakfast establishments shall only be allowed in a single detached dwelling in those districts where it is listed as a discretionary use, and:

- a. shall have no exterior signage, display or advertising other than one (1) non-illuminated business identification plaque or sign with a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). This sign may be either:
  - i. affixed to the principal building;
  - ii. painted onto a window; or
  - iii. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- b. notwithstanding Section 7.7.2., a bed and breakfast located on a corner lot shall have no exterior signage, display or advertising other than two (2) non-illuminated business identification plaques or signs each having a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). Each frontage is permitted one (1) sign. This sign may be either:
  - i. affixed to the principal building;
  - ii. painted onto a window; or
  - iii. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- c. roof signs shall not be permitted for a bed and breakfast;
- d. minimal exterior modification of the structure or grounds may be made only if such changes are compatible with the character of the area or of the neighbourhood, and only if they are in accordance with an approved development permit;
- e. an approved development permit will remain in effect, provided the intensity of use does not increase and all requirements of the development permit have been satisfied;
- f. the granting of a development permit does not exempt compliance with any provincial regulations, health regulations, or other permit requirements for a bed and breakfast establishment;
- g. the number of guest rooms shall be limited to four (4) and a maximum of eight (8) guests. The rooms shall have access from within the dwelling. The rooms shall not be dwelling units as defined in this Bylaw;
- h. in addition to the number of off-street parking spaces required for the residential use, a minimum of one (1) additional off-street parking space is to be provided for each bed and breakfast guest room; and
- i. a bed and breakfast shall not be allowed on the same parcel as a secondary suite.

## **7.7 BUILDING DEMOLITION**

- 7.7.1 Any person wishing to demolish a building is required, in addition to the requirements contained in Section 4.6, to submit a completed demolition permit application, and a plan to the Development Officer.

- 7.7.2 The applicant will be responsible for:
- a. The replacement of any boulevard trees that are damaged or cut down to affect the demolition or removal of a structure or building from the site.
  - b. Removal of all building, structural, and foundation materials or debris from the site to a suitable landfill. The applicant shall keep sidewalks and public roadways clear of dirt and debris.
  - c. Fencing of the demolition site and excavation area to protect against any safety hazard on the site until the excavation is filled in and the site is properly levelled.
  - d. Dust mitigation resulting from demolition and excavation activities.
  - e. Filling in of the excavation area with suitable fill material within thirty (30) days contingent upon weather conditions.
  - f. Levelling of site to provide for proper drainage.
  - g. Replacement, at the applicant's expense, of any sidewalk, curb and gutter, fire hydrants, and water and sewer lines damaged as a result of the said demolition or removal of the building or structure from the site.
  - h. Notification to public utility authorities (Alberta One-Call, Telus, ATCO Electric, AltaGas Utilities, Harvest Hills Gas Co-op Ltd., the operator of the cable television system, and the Town of Three Hills' Utilities Department), so they may disconnect said utilities from the structure or building prior to its demolition or removal and to assist with moving the utility service to help effect the demolition or removal of the structure or building.
  - i. The Development Officer shall refer all applications for building demolition to an accredited Safety Codes Officer so all work related to this permit is carried out in accordance with the *National Building Code - 2019 Alberta Edition* and the *Safety Codes Act*.
  - j. It is the responsibility of the applicant to apply for a final inspection after the work is complete. All sidewalks, curbs, gutters, lanes, and other surface utilities must be completely clear of snow, soil, mud, or other debris prior to the inspection.
  - k. Where a development permit is to be approved for the demolition of a building, the Development Officer may require the applicant to provide surety in an amount set by Council to cover costs of reclamation and damage to public and quasi-public utilities, public roadways, and sidewalks, and to carry sufficient comprehensive liability insurance naming the town as an insured party in all public liability policies.
  - l. All pre-conditions, as determined by the Town for a demolition permit must be satisfied prior to an application being made and be carried out to the satisfaction of the Development Officer.

## 7.8 BUILDING IDENTIFICATION

- 7.8.1 The owner of a property on which a structure has been constructed shall cause

the correct municipal address identification (i.e. house number) to be displayed, at a location plainly visible at all times from the road to which the property is addressed.

- 7.8.2 The owner of a property on which a structure has been constructed which also has access to an alley or lane shall, in addition to the requirements of Section 7.7.1 shall also cause the correct municipal address identification (i.e. house number) to be displayed, at a location plainly visible at all times from the lane.
- 7.8.3 Each municipal address identification number and/or letter shall be of a contrasting color to the building face, structure, or facade of which it is affixed and shall be clearly legible.

## **7.9 BUILDING ORIENTATION AND DESIGN**

- 7.9.1 The architectural design, character, appearance, and landscaping of any building or attachment thereto, including any accessory buildings or structures or series of buildings, any reconstruction or sign proposed to be erected or located in any district must be acceptable to the development authority having due regard to:
- a. amenities such as daylight, sunlight, and privacy;
  - b. the character of existing development in the district;
  - c. the effect on adjacent parcels;
  - d. architectural controls in place for the area being developed; and
  - e. the use of architectural features like recesses, massing, palette, or distinctive designs incorporating all of these.

## **7.10 CANNABIS PRODUCTION FACILITY**

- 7.10.1 An application for a Cannabis Production Facility Development Permit shall include the following:
- a. demonstrated compliance with the Federal and Provincial Legislation;
  - b. a detailed description of the facility, including the proposed building/structures, types of production/cultivation, distribution and shipping methods, employee numbers, parking, etc.
  - c. a detailed site sketch showing elevations of the existing or proposed building, floor plan that shows what renovations are required to make an existing building compliant or the construction detail of a new building, treatment of façade, access and egress points from the parcel, security fencing detail, setbacks from property lines or other information the development authority deems necessary to render a decision.
  - d. existing or proposed servicing arrangements (water and sewer and stormwater management), which include water conservation methods;

- e. the anticipated facility traffic generation to the property including employee traffic;
- f. landscaping, signage, and lighting plans that are compliant with this Bylaw;
- g. mitigation measures to reduce negative impacts on adjoining parcels; and
- h. any supplementary information and/or studies the development authority may require as part of the application. Additional information and studies will be determined on a case-by-case basis.

## **7.11 CANNABIS RETAIL SALES STORE**

- 7.11.1 An application for a Cannabis Retail Sales Store shall include the following:
  - a. demonstrated compliance with the Federal and Provincial Legislation;
- 7.11.2 Supplementary information and/or studies may be required. Additional information and studies will be determined on a case-by-case basis.
- 7.11.3 Cannabis Retail Sales Stores shall be limited to the C2-Commercial Central District, I1-Industrial General District and C3-Commercial Highway District.
- 7.11.4 Any new development containing cannabis sales, must follow all mandates and regulations set out by the Alberta Gaming, Liquor and Cannabis Commission (AGLC).
- 7.11.5 The development authority at its discretion may require lighting, signage, or screening measures that make the proposed development compatible with adjacent or nearby residential, mixed use, or commercial development.

## **7.12 CHILDCARE SERVICE & DAY HOME**

- 7.12.1 Childcare service includes, day care facilities, play schools, and pre-schools. A childcare service shall comply with the following:
  - a. All applicable provincial regulations.
- 7.12.2 The provision of any outdoor play space shall be the responsibility of the applicant and the outdoor play space shall:
  - a. be located on the same lot on which the childcare service is located; and
  - b. be designed and secured to provincial standards.
- 7.12.3 One (1) on-site parking space per employee is required.
- 7.12.4 A childcare service, when located in a residential district, shall have no exterior signage, display, or advertising other than one (1) non-illuminated business identification plaque or sign with a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). This sign may be either:
  - a. affixed to the principal building;
  - b. painted onto a window; or

- c. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- 7.12.5 Notwithstanding Section 7.11.i., a childcare service, located in a residential district on a corner lot shall have no exterior signage, display or advertising other than two (2) non-illuminated business identification plaques or signs each having a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). Each frontage is permitted one (1) sign. This sign may be either:
  - a. affixed to the principal building;
  - b. painted onto a window; or
  - c. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- 7.12.6 Roof signs shall not be permitted for a childcare service in a residential district.
- 7.12.7 Refuse shall be stored in appropriate containers which shall be located to the satisfaction of the approving development authority.
- 7.12.8 The location of passenger loading spaces for a childcare service may be specified by condition of a development permit.
- 7.12.9 A childcare service shall be located on a street which permits on-street parking.
- 7.12.10 The Developing Authority shall, in deciding on an application for a childcare service, consider the following:
  - a. potential traffic generation;
  - b. isolation of the proposed site from other residential uses;
  - c. buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents; and
  - d. consistency in terms of intensity of use with other development in the area.
- 7.12.11 Day homes shall comply with the following:
  - a. Day homes shall comply with home occupations Sections 7.31.2 and 7.31.3.
  - b. A maximum of six (6) children shall be cared for at one time, excluding children resident on the property.
  - c. Shall adhere to applicable provincial regulations.

## **7.13 CONDOMINIUM PLANS**

- 7.13.1 In the event of subdivision by a condominium plan, development shall be treated as a multi-unit and shall comply with development setbacks for the front, rear, and side yards as specified in the appropriate land use district.
  - a. The Developer and the Condominium Corporation shall ensure that adequate fire access, legal road access, and municipal servicing are provided and maintained to the satisfaction of the Municipal Planning Commission; and
  - b. the developer and the condominium corporation shall be responsible for the construction, maintenance, repair, and replacement of all such roads and



utility services within the condominium plan.

c. Bare land condominium plans will not be permitted within the Town.

## **7.14 CONSTRUCTION GUIDELINES**

- 7.14.1 A person to whom a development permit is issued shall, during construction, keep posted in a conspicuous place on the site, a copy of the development permit or placard in lieu thereof and a copy of the approved drawings and specifications to which the permit pertains.
- 7.14.2 The development authority may require that the applicant arrange for an on-site inspection before commencing construction.
- 7.14.3 If applicable, a person to whom a development permit has been issued shall obtain from the appropriate authority permits relating to building, grades, sewers, water mains, electricity, and highways, and any other permits required in connection with the proposed development.
- 7.14.4 The applicant shall be responsible for ensuring that all required municipal inspections are undertaken and approved prior to the commencement of the next phase of construction.
- 7.14.5 If a temporary means of heating is required during construction:
  - a. the applicant shall obtain the appropriate permits as per the *Safety Codes Act*; and
  - b. the maximum size of any individual above-ground fuel tank shall be 450 litres.
- 7.14.6 During construction, the applicant shall be financially responsible for any damage by himself, his servants, suppliers, agents, or contractors, to any public property.
- 7.14.7 The applicant shall prevent excess soil or debris from being spilled on public streets, lanes, and sidewalks, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- 7.14.8 All construction waste shall be stored in on-site temporary garbage containers until transferred to a permanent waste disposal site. The temporary containers shall be located a minimum of 1.2 m (4.0 ft) from the building under construction or any adjacent buildings and shall not block public sidewalks or streets.
- 7.14.9 Any material, apparatus, or structure temporarily occupying public property, which is deemed to be hazardous by the development authority, including fences and walkways, shall be adequately lit between sunset and sunrise.

## **7.15 CONTAINERS, SHIPPING CONTAINERS, SEA CAN OR DRY BOX**

- 7.15.1 Containers, shipping containers, sea can or dry box shall:
  - a. be permitted within any residential district and shall be considered an accessory building and shall comply with Section 7.2 of this Bylaw;

- b. be limited to one within any residential district;
- c. not display any advertising, company logos, names or other marketing;
- d. large containers shall require a development permit for parcels of land located on the east side of the railway tracks;
- e. not be connected to any utilities;
- f. not be stacked;
- g. be used for storage purposes only, excluding any dangerous or hazardous materials;
- h. have an exterior finish that matches or compliments the exterior finish of the principal building;
- i. not eliminate or interfere with parking, loading, or the maneuvering of vehicles or pedestrians on the site; and
- j. not interfere with vehicle or pedestrian sight lines.

7.15.2 Temporary large containers in residential districts

- a. The Development Officer may issue up to a six (6) month period, a permit for a large temporary container to be placed in a residential district:
  - i. during renovations or construction on the property for which a valid building permit has been issued; and
  - ii. during the period of a residential move if such a container is part of a moving van system.

7.15.3 The temporary permit may be extended an additional three (3) months if necessary.

7.15.4 The temporary container may be placed in the front, side, or rear yard, and must be neatly placed on the property according to a site plan that is approved by the development authority, provided that the container is located within the required accessory building setbacks;

7.15.5 The quality and appearance of the container shall be tidy and well kept.

**7.16 DANGEROUS GOODS**

7.16.1 Prior to making any decision on a development application that involves dangerous goods, or development on adjacent land, or in proximity to any known dangerous goods, the development authority shall refer the development proposal to the appropriate regulatory authority for comment.

**7.17 DATE OF OCCUPANCY**

7.17.1 No building shall be occupied, or use occur, and no change in the existing occupancy classification of a building shall be made until:

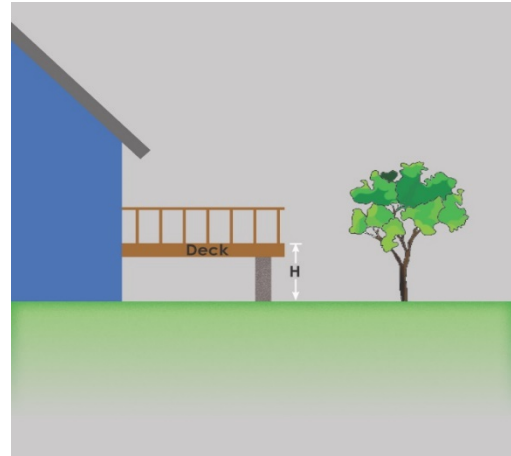
- a. substantial completion of the building has been undertaken as determined by the development authority; and
- b. a final inspection of the building and all other applicable inspections are completed to the satisfaction of the Safety Codes Officer.

## 7.18 DECKS

7.18.1 A deck shall meet the following requirements:

- a. a building permit is required if the elevation above grade is in excess of 0.61 m (2.0 ft), and must comply with the *National Building Code - 2019 Alberta Edition*;
- b. a covered or enclosed deck constructed on foundation walls and footings shall be considered an addition to the principal building and is required to meet the required front, side, and rear yard setbacks of the principal building and shall be included in the calculation of site coverage;
- c. a deck shall be limited in height to no more than the main floor level of the principal building; and
- d. when constructing an attached or unattached deck to the principal building, consideration must be given to the location of the deck, to preserve the privacy of adjacent properties.
- e. Development permits for decks shall be approved by the Development Officer.

**Figure 19: Deck**



## 7.19 DEVELOPMENT IN PROXIMITY TO OIL AND GAS WELLS

7.19.1 All construction and development shall comply with the provincial *Subdivision and Development Regulation* and the minimum requirements of the Alberta Energy Regulator (AER) regarding the proximity of a development to a gas or oil well or sour gas facility regulated by the AER.

## 7.20 DEVELOPMENT ON LAND TO BE SUBDIVIDED

7.20.1 A development requiring subdivision of land shall not be issued a development permit until such time as subdivision approval has been received from the subdivision authority, or upon appeal, the Regional SDAB.

## **7.21 DEVELOPMENTS ENCROACHING ON TOWN PROPERTY**

- 7.21.1 No permanent structure or improvement other than a utility or municipal structure shall be built on or over Town property excepting:
  - a. approved private driveways and sidewalks; and
  - b. private landscaping, which is reasonable, in the opinion of Town Administration.
- 7.21.2 The owner of said encroaching structure or improvement shall be solely responsible for repairs and/or replacement necessitated due to utility or municipal operations.
- 7.21.3 The owner of any encroaching structure shall maintain the said structure in a reasonable state of repair at all times.
- 7.21.4 In determining reasonable encroachments, Town Administration shall have due regard to policies and procedures as adopted by resolution of Council.
- 7.21.5 The owner of such encroaching structures or improvements may be required to enter into an encroachment agreement in a form satisfactory to Town Administration, respecting the said encroachment.
- 7.21.6 The owner of such encroaching structure must obtain approval from the Town prior to installing any improvement.

## **7.22 DRAINAGE STANDARDS**

- 7.22.1 A master or lot drainage plan, when the subdivision authority or Municipal Planning Commission requires one, shall be prepared to the satisfaction of the subdivision authority or Municipal Planning Commission, in consultation with Town Administration.
- 7.22.2 Any area requiring landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage on adjoining land unless approved by the Municipal Planning Commission in consultation with Town Administration.
- 7.22.3 The storm water run-off and sub-surface drainage of all development shall be in a manner acceptable to the Municipal Planning Commission in consultation with Town Administration.
- 7.22.4 The storm water run-off and sub-surface drainage, including the discharge of sump pumps, of all new development and existing development shall not directly discharge or cause any flows across a sidewalk or into the Town's sanitary sewer system, and shall not discharge into an adjacent property.
- 7.22.5 All roof drainage from any building shall be directed onto the front or rear of the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Municipal Planning Commission in consultation with Town Administration.
- 7.22.6 Where the final site grades have been established through a development agreement or engineered drawings, the Municipal Planning Commission may

require the applicant to provide a grading and location certificate indicating the final elevations of the corners of the property and the front and rear elevations and locations for all buildings.

- 7.22.7 The owner of a site shall be responsible to ensure that grading is maintained to continue to provide effective site drainage.
- 7.22.8 Where maintenance of a common drainage path at property line is required, the responsibility for maintenance lies with the owners of both sites.
- 7.22.9 Where a drainage swale is established within an easement/right-of-way on a site, swale grades shall be maintained, and the swale shall be kept free from any obstructions by the owner of the site.
- 7.22.10 Retaining walls shall be designed and constructed to:
  - a. maintain positive overland drainage on all portions of the site;
  - b. respect overland drainage patterns established for the lot at the time the lot was created; and
  - c. not divert overland drainage onto adjacent properties.

## **7.23 DRIVE-IN BUSINESS**

- 7.23.1 Drive-in businesses, including gas bars and carwashes, shall be located only where the development authority is satisfied that the development and resulting vehicle circulation patterns will not adversely affect the function of public roadways, internal roadways, or internal vehicle circulation routes.
- 7.23.2 Queuing space shall be provided on the same site as the development as follows:
  - a. For drive-in food services and other development having a service window or automated machine, a minimum of five (5) inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space shall be provided on the exit side of the service window or automated machine.
  - b. For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting onto a public roadway.
  - c. Each queuing space shall be a minimum of 5.5 m (18 ft) long and 3.05 m (10 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

## **7.24 EASEMENTS**

- 7.24.1 Subject to the terms in a utility easement, no structure other than a fence shall be constructed or placed on that utility easement unless:
  - a. written consent has been obtained from the owner for whose use the easement has been granted; and

- b. the proposed structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility in the opinion of Town Administration.

## **7.25 ENVIRONMENTAL PROTECTION STANDARDS**

- 7.25.1 Every new use or alteration to an existing development of land or building shall comply with all regulations in this section regarding the acceptable levels of nuisance that may be created.
- a. No operation or activity in any commercial or industrial district shall emit air and water contaminants in excess of the standards prescribed by the Province of Alberta pursuant to the *Environmental Protection and Enhancement Act* and regulations pertaining thereto.
  - b. All uses and operations which store, manufacture, or utilize materials or products which may be hazardous due to their flammable or explosive characteristics shall comply with the regulations of the senior government authority having jurisdiction.
  - c. All operations involving the following hazardous materials shall submit a written description to the approving development authority of the materials and the operations being undertaken on the property:
    - i. poisonous and infectious agents;
    - ii. pesticides;
    - iii. herbicides;
    - iv. corrosives and explosives; or
    - v. flammable and combustible liquids.
  - d. No use or operation shall discharge toxic or noxious materials, in amounts or quantities that exceed the levels prescribed by the Province of Alberta within the *Environmental Protection and Enhancement Act* and regulations pursuant thereto:
    - i. across the boundaries of a site;
    - ii. through infiltration into the subsoil; or
    - iii. into the sewage disposal system, except as otherwise approved by town Administration.
  - e. No activity may be undertaken in any district which, in the opinion of the development authority, constitutes a nuisance on a private or public site.
  - f. Sites and buildings in all districts shall be maintained in a clean and tidy condition, free from all rubbish and debris.

## **7.26 EXTERIOR DISPLAYS ON ADJACENT MUNICIPAL PROPERTY IN COMMERCIAL DISTRICTS**

- 7.26.1 Exterior displays located on municipal property must be associated with the directly abutting business and are permitted only in the commercial land use districts. Examples of appropriate displays may include a portable clothing rack, benches, small café-style tables and chairs, tables displaying goods such as house wares or art, etc.
- 7.26.2 Exterior displays include displays of information and/or or goods on directly adjacent municipal property by an abutting private business and is considered incidental and subordinate to the principal commercial use.
- 7.26.3 All signage shall comply with **Section 8 SIGN REGULATIONS**.
- 7.26.4 Pursuant to Section 7.26, the following are prohibited:
- a. exterior displays by third parties on municipal property; and
  - b. installation of fencing, either permanent or temporary, as part of a display.
- 7.26.5 Non-profit or philanthropic organizations that are affiliated with a directly abutting private business shall be exempt from 7.26.4 (e.g.: Girl Guides of Canada or Alberta Heart and Stroke Foundation).
- 7.26.6 Mobile vending on municipal property, such as food carts, food trucks or sidewalk cafes, shall not be considered an exterior display pursuant to Section 7.26.
- 7.26.7 All displays are considered temporary and shall:
- a. not encroach beyond that portion of sidewalk or boulevard located directly in front of the associated business;
  - b. not encroach into any parking stall; and
  - c. leave sufficient space between the display and the edge of the sidewalk for two-way, barrier-free movement of pedestrians, wheelchairs, strollers, etc.
- 7.26.8 Approaches to alleys, parking lots, and driveways must not be restricted or obstructed by exterior displays.
- 7.26.9 Displays shall not obstruct access to fire hydrants or fire protection appliances.
- 7.26.10 Displays shall be weighted or otherwise secured so as not to pose a hazard in the case of extreme or unexpected weather events.
- 7.26.11 Pursuant to this Section, exterior displays shall not be permitted prior to compliance with the following:
- a. the business has obtained a valid Town business license;
  - b. the business has obtained and keeps in effect a commercial general liability insurance policy in the amount of not less than two (2) million dollars inclusive of bodily injury and property damage covering the proprietor of the business and naming the Town as an additional insured and with a cross liability clause;
  - c. the business must provide the town with a copy of insurance policy annually as stated in Section 7.26.11.ii.; and
  - d. the business must be in full conformity with all other applicable municipal,

provincial, and federal regulations including but not limited to the *Alberta Food Regulation Act* and the Alberta Gaming, Liquor and Cannabis Commission.

## **7.27 GARAGE**

7.27.1 Garage exteriors shall relate to the principal dwelling exterior by utilizing similar design elements, colours, and finish materials.

7.27.2 Attached Garages:

a. Unless otherwise approved by the Municipal Planning Commission, an attached garage may not exceed 50% of the dwelling gross floor area to a maximum of 75m<sup>2</sup> (800 sq. ft.), whichever is the lesser. Attached garages shall not exceed 1 ½ stories or the height of the principal structure, whichever is the lesser.

7.27.3. Detached Garages:

a. The garage shall not exceed a maximum one storey or 5.00 meters in height, measured to the peak of the roof.

b. Garages shall be located no closer than 1.50 meters from the side lot line unless it is a mutual garage erected on the common property line. In the case of a mutual garage the wall erected on the property line shall be constructed of brick, stone, or equivalent fire resistant material. A party wall agreement, satisfactory to the Development Authority, shall be signed by both owners and registered against both property titles at the Land Titles Office.

c. Where a lane is provided, access to the garage must be off the lane or flanking roadway.

d. When located on a corner lot, a minimum setback of 4.00 meters is required from the property line to the entrance of the garage and a minimum setback of 1.50 meters is required from the side wall of the garage to the rear property line. Where a right-of-way exists along the rear property line, the garage setback requirement may increase to ensure that the structure does not encroach upon the right-of-way.

e. When the garage door is to face the lane, a minimum setback of 1.5 meters is required between the entrance of the garage and the rear lot line. Where a right-of-way exists along the rear property line, the garage setback requirement may increase to ensure that the structure does not encroach upon the right-of-way.

f. When the garage door is to face a side lot line, a minimum setback of 6 meters is required between the entrance of the garage and the side lot line, together with a setback of 1.50 meters required between the side wall of the garage and the rear lot line. Where a right-of-way exists along the rear property line, the garage setback requirement may increase to ensure that the structure does not encroach upon the right-of-way. The separation distance between the entrance of the garage and the side lot line may be extended at the discretion of the Development Officer, to ensure that



vehicles may maneuver adequately to enter and leave the site.

- g. In the case of an interior lot with no rear lane or flanking roadway, the garage is to be set back a minimum 1.5 meters from the side property. Where a right-of-way exists along the rear or side property line, the garage setback requirement may increase to ensure that the structure does not encroach upon the right-of-way. Where a site requires vehicular access to a garage from the front street, one side yard setback for the principal building must be a minimum of 3 meters.

## 7.28 GARAGE SUITE

- 7.28.1 A maximum of one (1) garage suite shall be restricted to a site occupied by a single detached dwelling. A parcel containing a garage suite dwelling shall not be allowed to have a secondary suite dwelling or garden suite dwelling.
- 7.28.2 A garage suite is an accessory building and shall be considered a discretionary use requiring a development permit.
- 7.28.3 The maximum building height for an accessory building containing a garage suite is 7.5 m (25 ft) and shall not exceed the height of the principal building.
- 7.28.4 A garage suite developed on a second floor, integral to a detached garage, shall be situated so the location of the exterior walls complies with the regulations of the land use district in which the garage suite is located.
- 7.28.5 The garage suite dwelling shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.
- 7.28.6 In addition to the parking requirements for the principal use, or detached dwelling, one (1) parking stall shall be required for a garage suite.
- 7.28.7 Garage suite exteriors shall relate to the principal dwelling exterior by utilizing similar design elements, colours, and finish materials.
- 7.28.8 Windows shall primarily be located to face the interior of the lot or the lane so as to protect the privacy of the neighbouring properties.
- 7.28.9 All construction for a garage suite dwelling must be in accordance with the National Building Code - 2019 Alberta Edition, the Fire Code, and all Municipal and Provincial regulations.
- 7.28.10 Garage suite dwellings are prohibited on a parcel containing multi-family dwellings, including semi-detached, duplex, and row house dwellings.

**Figure 20: Garage Suite**



- 7.28.11 A garage suite dwelling shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

## 7.29 GARDEN SUITE

- 7.29.1 A maximum of one (1) garden suite shall be restricted to a site occupied by a single detached dwelling. A parcel containing a garden suite dwelling shall not be allowed to have a secondary suite dwelling or garage suite dwelling.
- 7.29.2 A garden suite is an accessory building and shall be considered a discretionary use requiring a development permit.
- 7.29.3 A garden suite shall not exceed one (1) storey nor 5.0 m (16 ft) in height.
- 7.29.4 A garden suite shall be placed to the rear of the principal building with a minimum separation distance of 2.4 m (8 ft) from the principal building
- 7.29.5 A garden suite shall be situated so that it is at least 1.5 m (5.0 ft) from the side property boundary except that on a corner parcel, the garden suite shall be no closer to the street or avenue than the primary dwelling.
- 7.29.6 A garden suite shall be 1.5 m (5.0 ft) from the rear property boundary.
- 7.29.7 The garden suite exterior shall relate to the principal dwelling exterior by utilizing similar design elements, colours, and finish materials.
- 7.29.8 In addition to the parking requirements for the principal use, or detached dwelling, one (1) parking stall shall be required.
- 7.29.9 All construction for a garden suite dwelling must be in accordance with the National Building Code - 2019 Alberta Edition, the Fire Code, and all Municipal and Provincial regulations.
- 7.29.10 Garden suite dwellings are prohibited on parcels containing multi-family dwellings, including semi-detached, duplex, and row house dwellings.
- 7.29.11 A garden suite dwelling shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

## 7.30 GATES, WALLS, FENCES, HEDGES, OR OTHER MEANS OF ENCLOSURE

- 7.30.1 No person shall construct a fence or wall or permit a hedge to grow on or over public property.
- 7.30.2 In addition to the requirements of **Section 7.52 SITE LINE CONTROL**, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of a corner site, or on that part of a highway intersection, including the intersection of two (2) lanes, a lane and a street or two (2) streets, which lies within a triangle formed by a straight line drawn between two (2) points on the exterior boundaries of said site, 3.0 m (10 ft) from the point where they intersect, whether planted before or after the date of the passing of this Bylaw to ensure good visibility for safe traffic flow.

- 7.30.3 No person shall construct a fence or wall, or permit a hedge to grow, or combination thereof, in the front yard in a residential district higher than:
- a. **For internal lots** 1.8 m (6.0 ft) in height for that portion of the fence or hedge that does not extend beyond the foremost portion of the principal building and 1.0 m (3.0 ft) for that portion of the fence or hedge that does extend beyond the foremost portion of the principal building on the lot.
  - b. **For corner lots** 1.8 m (6.0 ft) for that portion of fence or hedge that does not extend beyond the foremost portion of the principal building and 1.0 m (3.0 ft) for that portion of the fence that does extend beyond the foremost portion of the principal building on the lot or on that part of a corner site, or on that part of a highway intersection which lies within a triangle formed by a straight line drawn between two points on the exterior boundaries of said site, 3.0 m (10 ft) from the point where they intersect and shall comply with **Section 7.52 SITE LINE CONTROL**.
- 7.30.4 Fences and hedges on corner lots can be placed on the property line and shall comply with **Section 7.52 SITE LINE CONTROL**.
- 7.30.5 No person shall construct a fence or wall or permit a hedge to grow or combination thereof in the side or rear yard in a residential district, higher than 1.8 m (6.0 ft).
- 7.30.6 Where a property is located in any district other than a residential district:
- a. the height of the fence shall be as approved by the development authority; and
  - b. barbed wire shall only be permitted above 1.8 m (6.0 ft) on a fence at the discretion of the Municipal Planning Commission.
- 7.30.7 Notwithstanding Section 7.30.5, where a property has a boundary adjacent to a residential district that boundary shall comply with the applicable residential regulations within Section 7.30.
- 7.30.8 Barbed wire and electric fences are prohibited in residential districts.
- 7.30.9 The height of fences and hedges shall be measured from grade.
- 7.30.10 The approving development authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are adjacent to a residential use or are adjacent to lanes or roads that abut a neighbouring residential parcel.

## 7.31 HOME OCCUPATIONS

- 7.31.1 General Standards for Home Occupations
- a. A home occupation, notwithstanding its inclusion in any land use district as a permitted or discretionary use, constitutes a conditional right to use property, provided that such use is in accordance with the regulations contained in this section.

- b. All home occupations shall comply with the following:
  - i. no person shall operate or permit or allow the operation of a home occupation without being the holder of a valid or approved home occupation permit;
  - ii. an application for a development permit for a home occupation shall be made by submitting to the Development Officer on the prescribed form which shall, among other things include:
  - iii. a detailed description of the home-based business including the materials and equipment proposed to be stored on site;
  - iv. the number of vehicles related to the business;
  - v. the amount of client contact proposed at the site; and
  - vi. the hours of operation.
- c. where the applicant for the home occupation is not the registered owner of the land, the applicant shall provide the Development Officer with written authorization for the home occupation application from the registered owner(s);
- d. the Development Officer shall consider and decide on all home occupation permit applications.
- e. a home occupation permit will remain in effect, provided the home-based business does not change and all requirements and conditions of the development permit have been satisfied;
- f. a development permit is based solely on the location of the use. If a permit holder relocates within the town, the permit holder must apply for a development permit to continue the use from the new location;
- g. a home occupation may not result in a disturbance to the peace and quiet or other amenities of the neighbourhood, nor may it cause the emission of dust, noise, odour, smoke, electronic interference, bright lights, or other nuisance;
- h. a home occupation may be accommodated in a private garage, provided however, that it does not prevent the continued use of the garage for the intended purpose of parking motor vehicles and that the parking requirements of any bylaw continue to be met;
- i. an approval of a home occupation use does not exempt the applicant from compliance with any of the following:
  - i. federal or provincial regulation, including but not limited to *Daycare Regulation* and the *Public Health Act*; and
  - ii. municipal bylaws or regulations, including but not limited to the Town Business License Bylaw.
- l. exterior alterations, additions, or renovations relating to the home-based business are prohibited;
- m. interior alterations, additions, or renovations relating to the home-based

business may be allowed, provided they comply with the town's bylaws and the *National Building Code - 2019 Alberta Edition*;

- n. there shall be no storage or use of hazardous, noxious or dangerous goods in connection with any home occupation;
- o. no commodity other than the product or service of the home occupation shall be sold on the premises;
- p. applications for development permits for home occupations may be refused, if in the Development Officer's or the Municipal Planning Commission's opinion, such use is more appropriately and compatibly located in a non-residential district.
- q. a home occupation shall have no exterior signage, display, or advertising other than one (1) non-illuminated business identification plaque or sign with a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). This sign may be either:
  - i. affixed to the principal building;
  - ii. painted onto a window; or
  - iii. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- r. Notwithstanding Section 7.31.3.ii.g., a home occupation located on a corner lot shall have no exterior signage, display or advertising other than two (2) non-illuminated business identification plaques or signs each having a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). Each frontage is permitted one (1) sign. This sign may be either:
  - i. affixed to the principal building;
  - ii. painted onto a window; or
  - iii. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- s. Roof signs shall not be permitted for a home occupation.

#### 7.31.2 Home Occupation – Class 1

- a. To receive approval as a home occupation – class 1, a home occupation must comply with the following:
  - i. the home occupation shall be an incidental and subordinate use to the principal residence and shall be contained within an area or room designated as an office within the principal building;
  - ii. the home occupation involves a limited volume of on-premise sales;
  - iii. the home occupation does not involve the outdoor storage of materials, goods, or equipment related to the business on the site;
  - iv. the home occupation does not involve the display of goods on the site; and
  - v. the operation of a home occupation – class 1 shall not:
    - 1) increase the need for parking or result in any traffic generation;

- 2) require alterations to the principal building; or
  - 3) include the direct sale of goods to walk-in clientele.
- b. Employees working at the home-based business location (on-site) shall be limited to those living in the residence.

### 7.31.3 Home Occupation – Class 2

- a. A home occupation – Class 2 is allowed in several land use districts to provide for the potential of operating more intensive home-based businesses than home occupation – Class 1 operations.
- b. To receive approval as a home occupation – Class 2, a home occupation must comply with any or all of the following:
- i. involves the use of equipment or tools in addition to what is permitted for a home occupation Class 1, or that the home occupation use occurs in more than one room within the dwelling unit or within an accessory building located on the same parcel as the dwelling unit;
  - ii. involves a limited volume of on-premise sales;
  - iii. involves storage of materials or equipment related to the business not exposed to public view;
  - iv. involves limited display of goods inside the dwelling or an accessory building on the parcel;
  - v. a home occupation – Class 2 may involve any of the following:
    - 1) producing and selling of a commodity;
    - 2) repair and/or maintenance services;
    - 3) instruction of a maximum of five (5) students at one time;
    - 4) any personal services;
    - 5) pet care service; or
    - 6) day home
  - iv. a home occupation – Class 2 results in a limited increase in traffic to the residential neighbourhood;
  - v. a home occupation – Class 2 shall not have more than one (1) commercial vehicle used in the operation of the home-based business, and shall be parked on site and must comply with the following:
    - 1) the one (1) commercial vehicle used in the operation of the home-based business shall conform to the Town Traffic Bylaw;
    - 2) in a residential district, the one (1) commercial vehicle shall be restricted to a maximum gross vehicle weight of 7,500 kg (20,938 lbs.);
    - 3) the home-based business shall not create a level of additional

traffic or parking in the opinion of the Development Officer, which will be detrimental to the amenities and safety of residents in the vicinity of the parcel; and

- 4) these restrictions do not apply to holiday trailers, motor homes, or campers which are subject to the provisions of Section 7.51.
- vi. a home occupation – class 2 shall not employ more than one (1) paid full time equivalent employee who does not reside on the site.

## 7.32 KENNEL

- 7.32.1 A kennel is a use within the I1 – Industrial General District and I3 – Industrial Light District of this Bylaw.
- 7.32.2 A kennel may provide for the incidental sale of products relating to the services provided by the use.
- 7.32.3 A kennel may include outside enclosures, pens, runs, or exercise areas.
- 7.32.4 A kennel must be a minimum distance of 150 m (492 ft) from a residential district, which must be measured from the property line of the use to the nearest property line of a parcel designated as a residential district.
- 7.32.5 Any person wishing to operate a kennel must obtain a development permit from the Town which shall be issued upon payment of the specified fee, provided that the proposed kennel meets the requirements of all applicable laws governing kennels, including compliance with the town's current Business License Bylaw and Animal Control Bylaw.

## 7.33 LANDSCAPING

- 7.33.1 The purpose of this Section is to enhance the visual appearance of any new development or when an existing development is changed.
- 7.33.2 General Landscaping Regulations
  - a. All new development, or existing development that are substantially altered, shall be required to follow the landscaping requirements as set out in Section 7.33.
  - b. Unless otherwise specified in Section 9, the areas of the site subject to the landscaping requirements include all areas of a site not covered by buildings, driveways, parking areas, storage, and display areas.
- 7.33.3 For any new development consisting of single detached dwellings, semi-detached dwellings, or duplex dwellings landscaping requirements shall be provided within the front yard only and consist of the following:

**Figure 21: General Landscaping**



provided within the front yard only and consist of the following:

- a. A minimum of one (1) tree.
- b. Poplar and Willow trees shall not be permitted.

7.33.4 With the exception of Section 7.33.3, a minimum overall density of one tree per 50 m<sup>2</sup> (538 ft<sup>2</sup>) of the required landscaped area (10% of the site area) shall be required in the applicable district. The following conditions shall apply:

- a. A minimum of 33% coniferous trees.
- b. A minimum height of 1.5 m (5.0 ft) for deciduous trees and 1.2 m (4.0 ft) for coniferous trees.
- c. all soft surfaced landscaped areas must be irrigated by some means (manual irrigation or an underground irrigation system).
- d. Trees shall be located in the front of the site in commercial and industrial districts whenever possible.

7.33.5 A maximum of 15% of the required landscaped area may be hard landscaped in residential and commercial districts and a maximum of 30% of the required landscaped area may be hard landscaped in industrial districts, or at the discretion of the development authority.

- a. Existing trees and large shrubs should be preserved, protected, or replaced.
- b. Trees removed or damaged by development activities on municipal property may be required to be replaced, at the discretion of the town.
- c. An area required to be landscaped may, at the discretion of the development authority, be left in its natural state or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof which enhance the appearance of the site and which complement the development thereon.
- d. At the discretion of the development authority, all landscaping shall be protected by concrete curbs or other approved barriers having a minimum height of 140 mm (6 in) or separated from the street or parking area by a paved curbed sidewalk.
- e. All boulevards shall be seeded or sodded, excepting those ditch areas required for drainage. Any surface treatment other than grass or any tree planting on the boulevards shall require prior approval of the town.
- f. Appropriate screening shall be provided, through use of vegetation, of outside storage areas, parking facilities, and loading areas from adjacent buildings and public roadways, and where space permits, trees and shrubs shall be planted in groups.
- g. At the discretion of the development authority, existing soft landscaping retained on site may be considered in the fulfilment of the total landscaping requirement.
- h. The use of native drought resistant plant materials shall be encouraged where possible.



- i. The planting of trees or other plant material shall not be permitted within any utility right-of-way.
- j. For all multiple housing developments, including attached dwellings (e.g. row housing, fourplexes), and apartments, landscaping should be designed to encourage the protection of the privacy of residences with windows on the main floor or in basements. This may include plantings around lower level windows and the design of walkways that maintain a separated distance from such windows.
- k. A sufficient depth of topsoil to facilitate growth in the soft landscaped areas shall be provided, with areas not planted to trees and shrubs being seeded to grass, sodded, or left with its natural grass cover.
- l. Commercial and industrial developments which are adjacent to residential land use districts must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the development authority. This includes the appropriate screening of outside storage areas, parking facilities, and loading areas.
- m. In commercial and industrial districts adjacent to major roads, the development authority may require a higher standard of landscaping.
- n. Landscaping shall be completed by the end of the first full growing season following completion of construction or the commencement of the use. For phased developments, each phase of landscaping shall be completed by the end of the first full growing season following completion of that phase of development.
- o. In addition to the on-site landscaping requirements, grassed areas on Town boulevards that adjoin the site shall be landscaped and maintained by the developer and successor. Trees located on Town boulevards will be maintained by the Town.
- p. Natural drainage courses shall be retained in their natural state as part of the landscaped area, at discretion of the development authority in consultation with Town Administration.
- q. No poplar or willow shall be considered for use because of their root system's detrimental effect on municipal infrastructure.
- r. When providing plant material in the vicinity of busy roadways, salt tolerable plants shall be considered.

#### 7.33.6 Environmental Conservation and Protection of Natural Areas

- a. On-site environmental conservation and protection of natural areas shall be encouraged wherever possible in all new and existing developments. To the satisfaction of the development authority, in consultation with Town Administration, the following natural elements shall be conserved to the greatest extent possible:
  - i. swamps, and natural drainage courses;
  - ii. unstable land;
  - iii. land subject to flooding by a 1:100-year flood; and

- iv. existing trees and shrubs.
- b. Any healthy, mature tree that is required to be removed to allow for a development shall be replaced at a minimum ratio of 1:1 (new tree: existing tree), in addition to the landscaping requirements as set out in Section 7.33.

#### 7.33.7 Landscape Plan

- a. No person shall undertake any landscaping activities on public property, without prior written approval from the Town.
- b. A landscaping plan shall be required for all new development. No landscaping work shall be commenced unless the landscaping plan is approved by the Development Authority. The level of information provided in the landscaping plan shall be at the discretion of the development authority and shall include the following:
  - i. boundaries and dimensions of the site and adjacent land uses;
  - ii. location of adjacent sidewalks, trails, driveway entrances, alleys, and the location and name of adjacent streets;
  - iii. footprint and dimensions for all buildings or structures;
  - iv. location of any utility lines or rights-of-ways;
  - v. location and description or illustrations of all existing or proposed physical features, including fences, flower beds, berm contours, permanent outdoor furniture, decorative paving, water features; or
  - vi. location of all existing and proposed plant materials, with a descriptive list identifying the common and botanical name, quantity, and size at planting.

#### 7.33.8 Low Water Landscaping

- a. Aesthetic site landscaping techniques with low water and maintenance requirements is encouraged. Low water landscaped areas may be covered by a combination of sod, trees, shrubs, perennials, mulch, or other hard landscaping materials, as identified below. The following tables provide examples of low water tree, shrubs and perennials but is not exhaustive.

#### 7.33.9 Planting Guidelines

- a. To prevent the planting of tree(s) or plant material from interfering with the Town's infrastructure, such as roads, sidewalks, underground utilities, or overhead utilities, all new development, or when existing development is substantially altered shall take into consideration the planting guidelines in accordance with the standards of the Town.

### 7.34 LIGHTING

#### 7.34.1 Outdoor Lighting

- a. The intent of Section 7.34 is to encourage lighting practices and systems that minimize light pollution, glare, and light trespass into neighbouring properties,

while maintaining nighttime, on-site safety and security during evening operation hours. The intent is to ensure that all light fixtures are installed to maximize their effectiveness and to minimize their adverse impact beyond the targeted property. It is not the intent of this Section to require that complete screening of indirect light on adjacent properties or to eliminate all light trespass but to minimize light trespass and to avoid direct glare onto surrounding neighbourhoods or sites.

7.34.2 The following regulations shall apply to outdoor lighting:

- a. all developments shall use outdoor light fixtures that direct the light downward;
- b. the source of illumination shall be of a light source that the applicant can demonstrate to the satisfaction of the development authority, is required for the lot;
- c. direct glare shall not be visible to adjacent buildings or nearby land or be perceptible to persons operating motor vehicles on public roadways; and
- d. flickering and flashing lights are prohibited, excluding seasonal lighting of a temporary nature.

7.34.3 Lighting for Outdoor Recreational Facilities

- a. Lighting for outdoor recreational facilities shall be designed, installed, and operated to confine a minimum of 90% of the illumination to the recreational area. Recreational facility fixtures shall be elevated on poles or structures so that illumination is directed downward. No illumination may extend above a horizontal plane into adjacent properties from the lighting fixture. Illumination from recreational facility fixtures shall be shielded to minimize glare extending toward roadways or other places where impairment of motorists' vision might cause hazard.

7.34.4 Lot Lighting Plan

- a. As a condition of development permit approval, the development authority may require a lot lighting plan, prepared by a qualified professional, which will contain one (1) or more of the following:
  - i. a description of each proposed light fixture including details regarding lamp type reflectors, optics, angle cut off, lumen outputs, proposed installation height, and shielding accessories;
  - ii. a plan of the lot and surrounding area, which shows the location of all light fixtures;
  - iii. foundation details for light poles; or
  - iv. description of any measures taken to shield direct glare onto adjacent properties.

## **7.35 LIQUOR STORE**

- 7.35.1 An application for a Liquor Store shall include the following;
- a. demonstrated compliance with the Federal and Provincial Legislation;
- 7.35.2 Supplementary information and/or studies may be required. Additional information and studies will be determined on a case-by-case basis.
- 7.35.3 Liquor Stores shall be limited to the C2-Commercial Central District, I1-Industrial General District and C3-Commercial Highway District.
- 7.35.4 Any new development containing liquor sales, must follow all mandates and regulations set out by the Alberta Gaming, Liquor and Cannabis Commission (AGLC).
- 7.35.5 The development authority at its discretion may require lighting, signage, or screening measures that make the proposed development compatible with adjacent or nearby residential, mixed use, or commercial development.

## **7.36 MANUFACTURED HOME DESIGN**

- 7.36.1 The external appearance of manufactured homes not located in the R1 – Residential District or R3 - Residential Manufactured Home District must be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and must have:
- a. a permanent foundation consisting of a basement, crawl space or slab on grade;
  - b. a total age of no more than five (5) years at the time the manufactured home is located on the lot, unless approved by the development authority; and
  - c. meet current Canadian Standards Associated (CSA) certification at the time the manufactured home is located on a lot.
- 7.36.2 All accessory structures such as patios, porches, additions, and skirting shall be:
- a. factory prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home; and
  - b. considered as part of the main building.
- 7.36.3 The floor area of porches and additions shall not exceed the floor area of the manufactured home unit.
- 7.36.4 The design, character, and appearance of the manufactured home must:
- a. be of high quality design and relate to its surroundings;
  - b. be consistent with the purpose of the land use district in which the building is located;
  - c. be compatible with adjacent residential development in terms of massing, building envelope, proportion, height, and scale;

- d. shall be compatible with, and sensitive to the surrounding streetscape;
- e. utilize window forms, sizes, and styles which complement those on adjacent residential development; and
- f. the main entrance shall be located on the front elevation/façade and shall be visibly dominant. Emphasis of the main entrance shall be achieved through elements such as covered porches, double doors, side lights, and side windows.

### **7.37 MEDICAL MARIJUANA FACILITY**

- 7.37.1 Medical marijuana facilities shall be limited to parcels designated as I1 – Industrial General District west of the CN Railway line.
- 7.37.2 Medical marijuana facilities shall not be located closer than 150 m (492 ft) to any site being actively used for a residential dwelling, community or recreation activities, public parks, playgrounds and play areas, daytime child care services, libraries and cultural facilities, religious assemblies, or public or private education uses at the time of the application for the development permit for the medical marijuana facility. For the purposes of this subsection only:
  - a. the 150 m (492 ft) separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from district boundaries or from the edges of structures; and
  - b. the term “public or private education facilities” is limited to elementary through to high school inclusive, and does not include dance schools, driving schools, or other commercial schools.
- 7.37.3 All activities related to the medical marijuana facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of medical marijuana and any other goods, materials, and supplies.
- 7.37.4 The medical marijuana facility shall be the only use permitted on a parcel with an allowance for an accessory structure on the parcel.
- 7.37.5 There shall be no outdoor storage of goods, material, or supplies.
- 7.37.6 Garbage containers and waste material shall be contained within an enclosed building.
- 7.37.7 A copy of the current license for the medical marijuana facility as issued by Health Canada shall be provided to the development authority prior to the operation of the facility.
- 7.37.8 Performance Standards
  - a. No use or operation shall cause or create conditions that may be objectionable or dangerous beyond the building that contains it, such as the following:
    - i. noise;

- ii. odour;
- iii. environmental impacts;
- iv. heat; or
- v. brightness of light sources.

### 7.38 MOTELS

7.38.1 A person applying to develop a site as a motel where permitted under this Bylaw, shall comply with the following provisions:

a. Interpretation

- i. For the purposes of Section 7.38, a rentable unit means a separate unit on a motel site used or intended to be used for the dwelling accommodation of one or more persons.

7.38.2 Site requirements for motels are identified in the Table below:

**Table 1: Site Requirements for Motels**

Minimum Site Area/Unit	Yard	Minimum Floor Area/Unit
One Storey - 140 m <sup>2</sup> (1,597 ft <sup>2</sup> )	Front - 7.6 m (25 ft) Side - 3.0 m (10 ft) Rear - 3.0 m (10 ft)	26.5 m <sup>2</sup> (285 ft <sup>2</sup> )
Two Storey - 93 m <sup>2</sup> (1,001 ft <sup>2</sup> )	Front - 7.6 m (25 ft) Side - 3.0 m (10 ft) Rear - 3.0 m (10 ft)	26.5 m <sup>2</sup> (285 ft <sup>2</sup> )

7.38.3 Each rentable unit shall face onto or abut a driveway not less than 6.0 m (20 ft) in width and shall have unobstructed access thereto.

7.38.4 Not more than one (1) motor vehicle entrance and one (1) motor vehicle exit to a public roadway, each of a minimum width of 7.6 m (25 ft), measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.0 m (30 ft) in width.

7.38.5 Refer to Section 7.55 for parking requirements.

### 7.39 MULTIPLE UNIT DEVELOPMENT DESIGN GUIDELINES

7.39.1 Elements such as massing, materials, windows, canopies, and roof forms should be used to help ensure continuity of form between buildings having potentially different styles.

7.39.2 Buildings in view of single detached dwellings should be massed and articulated to be consistent with the single detached dwelling form. Definition of individual units, especially at the street level and in vertical direction, is encouraged.

**Figure 22: Multi Unit Development**



- 7.39.3 Building façades above the second storey should be set back from the façade of the storey below.
- 7.39.4 Sloped roofs are encouraged. Roofs should have pitches of at least 4:12 and not more than 12:12 and should reflect the roof form of single detached dwellings in the area.
- 7.39.5 Entrances to individual units should be visually prominent from the front façade or from the inner façade fronting on a common open space.
- 7.39.6 On-site exterior lighting of buildings, parking areas and amenity spaces should be shielded to prevent spill over onto neighbouring properties.
- 7.39.7 The exterior walls should have a finished surface comprised of materials representative of the local single detached dwelling neighbourhood.
- 7.39.8 For sloped sites, large expanses of wall in a single plan should be avoided. Articulated façades, upper floor setback, stepped building levels, and roof forms in response to the topography are encouraged.

## **7.40 MULTIPLE USES**

- 7.40.1 Where any land or building is used for more than one (1) purpose, all provisions of this Bylaw relating to each use shall apply. If there are conflicts between standards for individual uses, the more stringent standards shall apply.

## **7.41 NUMBER OF BUILDINGS ON A PARCEL**

- 7.41.1 A development permit shall not be issued for more than one (1) main building on an un-subdivided parcel, except where it is proposed to develop more than one (1) main building to form a single, unified group of buildings.
- 7.41.2 The number of dwelling units permitted on a parcel shall be limited to one (1), except where:
- a. in the opinion of the development authority, either:
    - i. the building is clearly designed to be divided into more than one (1) dwelling;
    - ii. the development of the parcel is clearly designed to include more than one (1) dwelling;

- iii. it is a building, as defined in the *Condominium Property Act*, that is the subject of a condominium plan to be registered in a Land Titles Office under that Act;
  - iv. it is a secondary suite that meets the regulations of Section 7.50;
  - v. it is a garage that meets the regulations of Section 7.28; or
  - vi. it is a garden suite that meets the regulations of Section 7.29.
- b. the use conforms to the uses prescribed in the specific district in which the parcel is located;
  - c. subject to Sections 4.7, 4.8, 4.9 and 4.10, the development complies with the provisions of this Bylaw; and
  - d. a development permit is issued for the use.

#### **7.42 PET CARE SERVICE**

- 7.42.1 Must not have any outside enclosures, pens, runs, or exercise areas.
- 7.42.2 Any person wishing to operate a pet care service must obtain a development permit from the Town which shall be issued upon payment of the specified fee, provided that the proposed pet care service meets the requirements of all applicable laws including compliance with applicable Town bylaws.
- 7.42.3 When located within a residential district the pet care service shall be limited to single detached dwellings and shall comply with the requirements of Sections 7.31.2 and 7.31.3.

#### **7.43 PORTABLE GARAGE**

- 7.43.1 A portable garage shall only be permitted on a parcel occupied by a single detached dwelling, semi-detached dwelling, row house dwelling, manufactured home, or manufactured home park. A portable garage shall be considered an accessory building and shall comply with the Sections 7.2.1 and 7.2.2.
- 7.43.2 Notwithstanding Section 7.2.2.(n), a portable garage shall require a development permit.
- 7.43.3 The maximum area for a portable garage on a parcel shall not exceed 26 m<sup>2</sup> (280 ft<sup>2</sup>).
- 7.43.4 There shall only be one (1) portable garage per parcel in all residential districts, excepting manufactured home parks.
- 7.43.5 A portable garage shall only be located within the rear yard setback, except for a manufactured home park where a portable garage may be located in the side yard.
- 7.43.6 Portable garages shall be prefabricated and shall consist of a tubular metal frame covered with a flame-resistant fabric or film.



- 7.43.7 A portable garage shall not be connected to any utilities.
- 7.43.8 Portable garages shall be securely anchored to the ground; and must not be fastened to any public utility equipment.
- 7.43.9 Portable garages shall be used solely for the storage of non-combustible objects.
- 7.43.10 Portable garages shall be constructed and oriented in such a manner that snow and ice is to fall, and remain, on the owner's property.
- 7.43.11 Portable garages shall be maintained in a good state of repair. Should the portable garage become torn or unsightly it shall be required to be removed from the site.

#### **7.44 PRIVATE SWIMMING POOLS, HOT TUBS AND SPAS**

- 7.44.1 Privately owned swimming pools, hot tubs, and spas shall:
  - a. require a building permit;
  - b. in ground pools require a building and development permit;
  - c. be sited as per the siting requirements for accessory buildings in Section 7.2;
  - d. be constructed in accordance with the *National Building Code - 2019 Alberta Edition* safety requirements; and
  - e. Require appropriate building, electrical, gas and plumbing permits.
- 7.44.2 The fence and gate around a swimming pool or a private swimming pool shall be constructed so that all horizontal and diagonal members are located on the swimming pool side.
- 7.44.3 Barbed wire shall not be used on or for a fence or gate around a swimming pool or private swimming pool.
- 7.44.4 No device shall be installed on or adjacent to a fence or gate around a swimming pool or a private swimming pool that could cause an electric current to pass through the fence or gate.
- 7.44.5 Swimming pools and hot tubs shall not be located within any front yard or required side yard.
- 7.44.6 Outdoor installations must satisfy minimum clearance requirements for all overhead and underground power lines.

#### **7.45 PUBLIC UTILITY**

- 7.45.1 Public utility buildings, facilities, equipment, lots, and easements are permitted uses in all districts, except as specifically regulated elsewhere in this Bylaw.
- 7.45.2 A public utility building, facility, or equipment located in any district shall:
  - a. as far as possible have the appearance and aesthetic of the uses permitted in the district;

- b. meet the setback requirements of the district or meet setback requirements that are satisfactory to the Municipal Planning Commission; and
- c. have landscaping that reflects the typical landscaping in the district.

## **7.46 RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS**

- 7.46.1 The parking of recreational vehicles on a site shall only be allowed for sites with a single detached dwelling.
- 7.46.2 Subject to Section 7.46.1, a person may park a recreational vehicle in the required front yard setback on a hard-surfaced driveway or pad from May 1 to October 20 of each calendar year providing:
  - a. all portions of the recreational vehicle are set back a minimum of 1.0 m (3.0 ft) from the back of the sidewalk or the curb, where there is no sidewalk;
  - b. the recreational vehicle shall be parked parallel to the driveway; and
  - c. no complaints are received from immediate adjoining or opposite landowners.
- 7.46.3 A person shall not park a recreational vehicle in the required front yard setback from October 21 to April 30 of each calendar year.
- 7.46.4 Notwithstanding Section 7.46.3, application may be made to the Municipal Planning Commission, for those residences existing prior to the adoption of this Bylaw, to allow for the parking of a recreational vehicle in the front yard setback from October 21 to April 30 for those parcels that are unable to park a recreational vehicle in the rear yard.
- 7.46.5 On a lot that has access to a lane, a person may park a recreational vehicle year around on a pad within the rear yard setback or on the driveway to a rear detached garage.
- 7.46.6 On a lot that has no access to a lane, where there is available space between the side property boundary and the dwelling to access the rear yard from the front roadway,
- 7.46.7 On a corner lot with no access to a lane, a recreational vehicle may be parked year-round on a pad:
  - a. in the rear yard at the discretion of the Municipal Planning Commission, taking into consideration access and adjacent properties; or
  - b. in the front flanking yard providing:
    - i. visibility when egress in a vehicle from an adjacent property is not impaired;
    - ii. vehicular visibility at an intersection is not impaired;
    - iii. sight triangles are maintained as specified in **Section 7.52 SIGHT LINE CONTROL** of this Bylaw; and
    - iv. the portion of the front flanking yard in which the recreational vehicle is located shall have a 1.8 m (6.0 ft) fence to allow for visual screening

from the adjacent roadway.

## **7.47 RELOCATION OF BUILDINGS**

- 7.47.1 Unless a development application has been approved by the Municipal Planning Commission, no person shall:
- a. move a building onto or remove a building from a parcel of land that had been previously erected or placed on a different parcel; or
  - b. alter the location on a parcel of a building which has already been constructed on that parcel.
- 7.47.2 In addition to the requirements of Section 4.6, an application for a development permit shall be accompanied with:
- a. recent colour photographs showing all sides of the building;
  - b. a statement on the age, size, and structural condition of the building prepared by a licensed building inspector that identifies improvements needed to meet current code requirements; and
  - c. a statement from the builder of proposed improvements to the building.
- 7.47.3 An application for a development permit may be approved by the Municipal Planning Commission if the proposal meets all regulations specified under the appropriate land use district in which the proposed building is to be located.
- 7.47.4 All structural and exterior renovations shall be completed within one (1) year of the date of issuance of a development permit, or as may be extended by the Municipal Planning Commission.
- 7.47.5 Where a development permit has been granted for the relocation of a building on the same site or from another site, the Town may require the applicant to provide a letter of credit in the amount of \$10,000.00 (\$1,000.00 if the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of a permit.
- 7.47.6 Relocated buildings and structures must be consistent in form and character with the predominant form and character of the structures and developments in the area which the structure is moved to.

## **7.48 SATELLITE DISH ANTENNAS AND COMMUNICATION TOWERS**

- 7.48.1 The following rules apply to satellite dish antennas:
- a. A satellite dish antenna is an accessory use, which requires an approved development permit, unless the satellite antenna has a dish diameter of less than 1.0 m (3.0 ft) and conforms with the requirements in Section 4.2.1.i.
  - b. A satellite dish antenna shall only be located in a rear yard, or a side yard that does not abut a street.
  - c. On an interior parcel, a satellite dish antenna shall be situated so that no part of it is closer than 1.0 m (3.0 ft) from the side or rear boundaries of the parcel.

- d. On a corner parcel, a satellite dish antenna shall be situated so that no part of it is closer to the street than the main building, or closer than 1.0 m (3.0 ft) from the other side parcel boundary or the rear parcel boundary.
- e. Where any part of a satellite dish antenna is more than 4.0 m (13 ft) above grade level, or when it is located other than described in Section 4.2.1.i., it shall be both screened and located to the satisfaction of the Municipal Planning Commission.
- f. A dish antenna structure less than 1.0 m (3.0 ft) in diameter may be secured to any wall or roof of a principal or accessory building.
- g. No advertising other than the manufacturer's name/logo shall be allowed on a satellite dish antenna.
- h. The illumination of a satellite dish antenna is prohibited.

7.48.2 The following rules apply to communication towers:

- a. All communication towers over 15.0 m (49.21 ft) require a letter of compliance from the Town.
- b. All communication tower permit applications shall include a site plan drawn to an appropriate scale identifying site boundaries; tower elevations; guy wire anchor locations; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and the uses and structures on the parcel and abutting parcels.
- c. Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location and height of radio communication facilities, including radio, television, and microwave transmission facilities.
- d. The participation of the Town in the consultation process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility.
- e. The Town recommends to Industry Canada that:
  - i. A communications tower and antenna shall only be located in a rear yard, or a side yard that does not abut a street.
  - ii. The height of the tower structure is limited to the maximum height limit of the respective district, but antennas may be situated above that, or at the discretion of the Development Authority.
  - iii. Unless demonstrated as impractical, communication towers shall be mounted on existing structures, including buildings or towers, or within transportation and utility corridors.
  - iv. On a corner parcel, a communications tower shall be situated so that no part of it is closer to the street than the main building.
  - v. A communications tower base shall be set back from abutting parcels and roadways by a minimum distance of 20% of the tower height or the distance between the tower base and the guy wire anchors, whichever is greater.
  - vi. The appearance of a communications tower, including but not

limited to landscaping and fencing shall be to the satisfaction of the Municipal Planning Commission.

- f. A community consultation process must be undertaken prior to an application being made to the Town.

## **7.49 SCREENING AND GARBAGE STORAGE**

- 7.49.1 Garbage and waste material must be stored in weather-proof containers and be accessible for easy pickup. All outside garbage containers and garbage areas shall be visually screened from adjacent lots and public thoroughfares, excluding lanes, using building materials and vegetation to the satisfaction of the development authority, in consultation with Town Administration.

## **7.50 SECONDARY SUITE**

- 7.50.1 Only one (1) secondary suite shall be permitted on a site occupied by a single detached dwelling. A secondary suite shall not be permitted on the same site as a garage suite, garden suite or bed and breakfast establishment.
- 7.50.2 A secondary suite shall be considered a discretionary use and shall require a development permit.
- 7.50.3 Secondary suites are prohibited in multi-family dwellings, including semi-detached, duplex, and row house dwellings.
- 7.50.4 The maximum floor area of the secondary suite shall be as follows:
  - a. in the case of a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling; or
  - b. in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40% of the total floor area above grade of the building containing the associated principal dwelling.
- 7.50.5 The minimum floor area for a secondary suite shall be not less than 30 m<sup>2</sup> (323 ft<sup>2</sup>).
- 7.50.6 All construction for secondary suites must be in accordance with the National Building Code - 2019 Alberta Edition, the Fire Code, and all Municipal and Provincial regulations.
- 7.50.7 A secondary suite must have direct access from grade and shall not be located on any front building elevation facing a public street. Notwithstanding this, a single-entry door providing access to an enclosed, shared landing area from which both the main dwelling unit and the secondary suite gain access, may be located on any front building elevation facing a public street.

- 7.50.8 In addition to the parking requirements for the principal use, or detached dwelling, one (1) parking stall shall be required for a secondary suite or at the discretion of the Municipal Planning Commission.
- 7.50.9 A principal building containing a secondary suite shall not be converted into condominiums; ownership of a property containing a secondary suite must be an undivided fee simple.
- 7.50.10 A secondary suite shall create minimal structural changes to the front exterior of the principal building, which shall appear as a single dwelling unit.
- 7.50.11 A secondary suite shall have full utility services through service connections from the principal residence.
- 7.50.12 Notwithstanding 7.50.11, the approving development authority, in consultation with Town Administration, when deciding on a development application for a secondary suite, may consider separate utility connections and/or arrangements for separating utility bills.

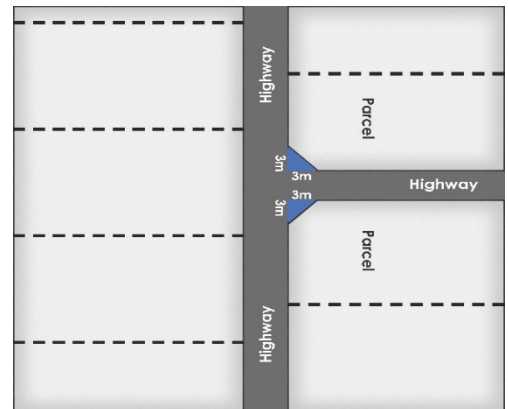
## **7.51 SERVICE STATIONS**

- 7.51.1 Service stations, where permitted by this Bylaw, shall comply with the following standards:
  - a. Minimum requirements:
    - i. the minimum site area shall be 557 m<sup>2</sup> (5,996 ft<sup>2</sup>);
    - ii. no part of a service station building, or any pump island, shall be within 6.0 m (20 ft) of side or rear property lines; and
    - iii. front yard of no less than 10.6 m (35 ft) with no pumping island closer than 4.5 m (15 ft) to the front property line.
- 7.51.2 The boundaries of a service station site, other than those fronting streets, shall be fenced at the discretion of the development authority.
- 7.51.3 Service stations that include a carwash:
  - a. Site area:
    - i. The minimum site area shall be 1,115 m<sup>2</sup> (12,002 ft<sup>2</sup>) and shall contain parking space for three (3) vehicles prior to their entry into any part of the cleaning process for which they are bound.
- 7.51.4 Site and building requirements:
  - a. The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris.
  - b. Waste receptacles for customer use for the purpose of disposing of rubbish and debris shall be provided as required by the development authority.

## 7.52 SIGHT LINE CONTROL

- 7.52.1 On corner lots in all districts, except the C2 - Central Commercial District, every development shall provide a clear line of sight for motorists approaching a highway intersection, including the intersection of two lanes, a lane, and a street or two (2) streets, in accordance with Section 7.52.2.
- 7.52.2 Within a triangle, formed by a straight line drawn between two (2) points on the exterior boundaries of said site, 3.0 m (10 ft) from the point where they intersect, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of the formed triangle, whether planted before or after the date of the passing of this Bylaw.

**Figure 24: Formed Triangle**



## 7.53 SITE DIMENSIONS

- 7.53.1 No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the approving development authority if all requirements of this Bylaw are observed.
- 7.53.2 Public lands which are described on title as Reserve (R), Municipal Reserve (MR), School Reserve (SR), Municipal School Reserve (MSR), Environmental Reserve (ER), or Public Utility Lot (PUL) are not required to conform to minimum width or area requirements of any land use district.

## 7.54 SITE SERVICING

- 7.54.1 The developer shall provide site servicing plans and as-built site servicing plans for multi-residential, commercial, and industrial sites prepared by a professional engineer licensed in that discipline by APEGA and that meets the Town Engineering Design and Construction Standards.
- 7.54.2 A surety in form of an irrevocable letter of credit or cash security is required for all developments to ensure that the infrastructure construction meets the Town's standards. In addition, the-development authority shall require:
- The developer to provide on-site servicing and internal roads constructed in accordance with the Engineering Design and Construction Standards.
  - A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewerage, and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer.
  - All shallow utility services (e.g., electrical, gas, telecommunication, and cable TV) shall be underground.

- d. The developer shall, during construction and installation of the municipal improvements, provide inspection services to the Town's satisfaction, supervised by a resident engineer. The installation of municipal improvements must meet Engineering Design and Construction Standards before a Construction Completion Certificate (CCC) will be issued by the Town. The warranty period for each improvement shall be as found in the Engineering Design and Construction Standards. The developer shall also obtain a Final Acceptance Certificate from the Town for completed on-site servicing and roads prior to the release of any security.

## **7.55 TEMPORARY BUILDING**

- 7.55.1 The development authority may approve a development permit for a temporary building to be placed on a site, and may include conditions concerning:
  - a. the size, height, appearance, and location of the building; and
  - b. the length of time within which the building may remain erected to a maximum of 12 months.
- 7.55.2 Soft-sided or fabric-covered shelters shall not be permitted on a site in a residential district, with the exception of a portable garage. A soft-sided or fabric-covered shelter may be permitted as a discretionary use in industrial and commercial districts upon the approval of the development authority where a development permit is issued as a temporary building.
- 7.55.3 The temporary building must meet National Building Code – 2019 Alberta Edition requirements.
- 7.55.4 The approving development authority may consider a renewal of the development permit upon the submission of a new development permit application being made.
- 7.55.5 A temporary building shall not exceed one (1) storey in height and shall not have a basement or a cellar.
- 7.55.6 No temporary building shall be serviced by the Town's water and/or wastewater systems.
- 7.55.7 No temporary building shall be located in a front yard.
- 7.55.8 A temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Bylaw, is to be removed within thirty (30) days of substantial completion of the development or as otherwise determined by the approving development authority.

## **7.56 VEHICLE PROVISIONS FOR SITE DEVELOPMENT**

- 7.56.1 Parking
  - a. The following minimum number of parking spaces shall be provided and



maintained upon the use of a parcel or a building in any district as described in Section 9 of this Bylaw. Any calculation of the number of parking spaces which produces a requirement for a part of a space shall be rounded up to the next highest number.

- b. Gross floor area parking calculations for all non-residential uses with basements shall be determined by the development authority.
- c. In circumstances where one (1) parking space is provided in the required front yard, a minimum of 50% of the front yard must remain as landscaped. The parking space shall be of a hard surface (i.e. concrete, asphalt, or similar material) suitable to the development authority.
- d. Notwithstanding the parking requirements outlined in Table 6: Commercial Parking Requirements, there is no requirement to provide on-site parking stalls within the C2-Central Commercial District.
- e. Notwithstanding Section 7.56.1, should the Municipal Planning Commission deem it advisable, it may increase or decrease the parking space requirements for a proposed development or redevelopment. The Municipal Planning Commission may consider the configuration of the parcel to be developed and adjacent parcels.

**Table 2: Residential Parking Requirements**

Residential Uses	Required Parking Stalls	Visitor Stalls Required
Adult Care Residence	1 stall/5 beds plus 1 stall/employee	
Bed and Breakfast Establishment	1 parking stall per unit in addition to that provided for residential use	
Dwelling, Apartment	1 parking stall per unit	1 designated visitor stall per 7 units
Dwelling, Attached	1 parking stall per unit	1 designated visitor stall per 7 units
Dwelling, Duplex	*2 parking stall per unit	
Dwelling, Garage Suite	1 parking stall in addition to that provided for residential use	
Dwelling, Garden Suite	1 parking stall in addition to that provided for the residential use	
Dwelling, Secondary Suite	1 parking stall in addition to that provided for residential use	
Dwelling, Semi-Detached	*2 parking stalls per unit	

Residential Uses	Required Parking Stalls	Visitor Stalls Required
Dwelling, Single Detached	2 parking stalls per unit	
Group Home	1 stall/5 beds plus 1 stall/employee	
Group Home, Limited	1 stall/5 beds plus 1/employee	
Home Occupations	See appropriate residential use, or at the discretion of the Development Officer	
Manufactured Home	2 parking stalls per unit	
Modular Home	2 parking stall per unit	
Ready to Move Home	2 parking stalls per unit	
Relocated Building	Parking stalls to be provided to relevant building type	
Residential Sales Centre	3 parking stalls	

**Table 3: Commercial Parking Requirements**

Commercial Uses	Required Parking Stalls
Alcohol Sale	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Animal Hospital and Shelter	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Auctioneering Establishment	Discretion of Municipal Planning Commission
Automotive and Equipment Sale, Repair, Rental, and Storage	2 stalls per 100 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Bar and Neighbourhood Pub	1 stall per 8 seats
Business Support Service	1 stall per 74 m <sup>2</sup> (796 ft <sup>2</sup> ) of gross floor area
Cannabis Sale	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Convenience Retail Store	4 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area
Custom Workshop	Discretion of Municipal Planning Commission
Child Care Service	1 stall per employee
Drive-In Business	Discretion of Municipal Planning Commission
Fuel and Chemical Sale and Storage	Discretion of Municipal Planning Commission
Funeral Home	Discretion of Municipal Planning Commission
Health Service	3 stalls per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Hotel	1 stall per guest room
Indoor Amusement Establishment	1 stall per 10 seats
Library and Cultural Facility	1 stall per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area

Commercial Uses	Required Parking Stalls
Motel	1 stall per guest room
Personal Service	2.5 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area
Private Clubs and Lodge	1 stall per 8 seats
Professional, Financial, and Administrative Office	1 stall per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area
Restaurant	1 stall per 8 seats
Retail Store	1 stall per 74 m <sup>2</sup> (796 ft <sup>2</sup> ) of gross floor area
Service Station	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Spectator Entertainment Establishment	1 stall per 10 seats
Tourist Information Centre	Discretion of the approving Development Authority
Veterinary Service	1 parking stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area

**Table 4: Industrial Parking Requirements**

Industrial Uses	Required Parking Stalls
Animal Hospital and Shelter	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Automotive and Equipment Sale, Repair, Rental, and Storage	5 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area
Farm and Industrial Machinery, Sale, Rental, and Service	5 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area
Fuel and Chemical Sale and Storage	Discretion of Municipal Planning Commission
General Contractor Service	1 stall per 74 m <sup>2</sup> of gross floor area
General Industrial	2 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area for office component and 1 stall per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area for other areas
Medical Marijuana Facility	2 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area for office component and 1 stall per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area for other areas
Natural Resource Extraction	Discretion of Municipal Planning Commission
Recycling Depot	Discretion of Municipal Planning Commission
Temporary Storage	Discretion of Municipal Planning Commission
Veterinary Service	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Warehouse Sales	Minimum provision of 4 stalls

Industrial Uses	Required Parking Stalls
	2 stalls per 100 m <sup>2</sup> (1076 ft <sup>2</sup> ) of gross floor area for office component and 7 stalls per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area for storage areas

**Table 5: Public (P1) Parking Requirements**


Public	Required Parking Stalls
Cemetery	Discretion of Municipal Planning Commission
Commercial School	Discretion of Municipal Planning Commission
Community Recreation	1 stall per 10 seats
Extended Medical Treatment Service	1 stall per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross floor area or
Health Service	3 stalls per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Indoor Participant Recreation Service	1 parking stall per 2 participants and 1 stall/10 seats for participants
Library and Cultural Facility	1 stall per 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of gross floor area
Outdoor Participant Recreation Service	Discretion of the Municipal Planning Commission
Public or Quasi-Public Building Facilities and Installation	Discretion of Municipal Planning Commission
Public Park	Discretion of the approving Development Authority

**Table 6: Other Uses Parking Requirements**

Other Uses	Required Parking Stalls
Campground	Discretion of Municipal Planning Commission
Dormitory Residence	1 stall per 4 units and 1 designated visitor stall per 10 units
Exhibition Ground	Discretion of Municipal Planning Commission
Extensive Agriculture	Discretion of the approving Development Authority
Greenhouse, Plant Nursery, and Market Garden	Discretion of Municipal Planning Commission
Other Uses	Discretion of Municipal Planning Commission
Religious Assembly	1 stall per 5 seats

- 7.56.2 When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original building or use and that of the enlarged building or changed or intensified use.
- 7.56.3 The parking space requirement on a parcel that has or is proposed to have more than one (1) use shall be the sum of the requirements for each of those uses.
- 7.56.4 Except as provided elsewhere in this Bylaw, parking spaces shall be located on the same lot as the building or the use for which they are required and shall be designed, located, and constructed to the Town's standards so that:
- each is easily accessible to the vehicle intended to be accommodated;
  - each can be properly maintained; and
  - it is satisfactory to the development authority in size, shape, location, access, grading, and construction.
- 7.56.5 Notwithstanding Section 7.56.4, subject to the approval of the authority, parking spaces may be located on another parcel within 100 m (328 ft) walking distance, provided that a restrictive covenant ensuring the use of the parcel for the required number of parking spaces is registered against the Certificate of Title of that parcel.
- 7.56.6 Concrete curb or an approved equivalent, as determined by the development authority or the Town's engineers, shall separate landscaping from driving and parking surfaces. In considering the approved equivalent, safety and durability shall be taken into consideration.
- 7.56.7 The on-site parking shall be provided as shown on the approved site plan with the entire area to be graded and surfaced to ensure that drainage will be confined to the lot and disposed of in accordance with the approved lot drainage plan.
- 7.56.8 Each parking space shall have dimensions of not less than 2.8 m (9.0 ft) by 5.5 m (18 ft). Parking spaces for disabled persons shall provide a minimum width of 3.9 m (13 ft) and minimum depth of 6.0 m (20 ft).
- 7.56.9 The dimensions of parking areas shall be as set out in Figure 25: Parking Area Dimensions.
- 7.56.10 A minimum standard of 25 m<sup>2</sup> (269 ft<sup>2</sup>) per parking space shall be used for general calculation for the areas of parking facilities or the number of parking spaces in a parking facility
- 7.56.11 Hard surfacing (i.e. concrete, pavement) of the parking area shall be required where a parking area is located within the front yard or directly accessed from a public roadway, which is paved or is intended to be paved, or where, in the opinion of the Municipal Planning Commission, it would be in the interests of the

**Figure 25: Parking Area Dimensions**



A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Maneuvering Space
30 Degrees	2.80m (9ft)	5.0m (16ft)	13.5m (44ft)	3.5m (11ft)
45 Degrees	2.80m (9ft)	5.7m (19ft)	15.4m (50ft)	4.0m (13ft)
60 Degrees	2.80m (9ft)	6m (20ft)	17.5m (57ft)	5.5m (18ft)
90 Degrees	2.80m (9ft)	5.5m (18ft)	18m (59ft)	7.0m (23ft)

amenities of the area. The surfacing shall otherwise be all-weather.

- 7.56.12 The development authority may permit the utilization of tandem parking stalls in order to achieve the required parking stalls, if they serve the same dwelling unit, building or business, or provide additional staff parking on-site, provided that the immediate area will not be adversely affected.
- 7.56.13 Signage at both the development location and the alternate parking location to direct traffic may be required.
- 7.56.14 Arrangement for alternate parking spaces in residential districts will not be permitted.
- 7.56.15 Barrier-Free Design, Universal Design and Parking Spaces
  - a. Barrier-free parking spaces for persons with physical disabilities must be provided:
    - i. in accordance with the *National Building Code - 2019 Alberta Edition* and the guidelines shown in the Table 10: Barrier-Free Design, Universal Design Parking Requirements below; and
    - ii. the current Barrier-Free Design Guide prepared by the Safety Codes Council and the requirements stated in Sections 7.63.15 below.

**Table 7: Barrier-Free Design, Universal Design Parking Requirements**

Number of Parking Spaces Required by this Bylaw	Number of Parking Spaces Required by the <i>National Building Code - 2019 Alberta Edition</i> for Persons with Physical Disabilities	Guideline	
		Number of Parking Spaces Recommended for Persons with Physical Disabilities	
		Multi-dwelling commercial, industrial, and institutional	Hospitals, medical clinics, and care centres
1 to 10	0	1 suggested	1 required
11 to 25	1	2 suggested	2 required
26 to 50	2	3 suggested	3 required
51 to 100	3		5 required
For each additional increment of 100 or part thereof	1 additional space		

- a. A barrier-free parking space in a parking lot:
  - i. must have a minimum width of 4.0 m (13 ft); and
  - ii. as far as practical, should be designed as a 90-degree parking space; be located as close to the front entrance of the building as possible; adjoin a pedestrian walkway and avoid the need to cross a drive aisle to gain access to a building.

- b. A barrier-free parallel parking space must have a minimum length of 7.6 m (24 ft) and if the barrier free space is located in a lay-by near the entrance to a building a minimum width of 3.7 m (12 ft) is required with an access aisle width of at least 1.5 m (5.0 ft).
- c. A barrier-free path consistent with the principles of universal design must be provided and maintained between the main entrance to a building and a barrier-free parking space. New development or redevelopment must provide the barrier-free path with a minimum width of 1.1 m (3.0 ft) and ramps must comply with the Barrier-Free Design Guide.
- d. A pedestrian walkway consistent with the principles of universal design is required to connect the main entrance of a development or building to a public sidewalk or a trail if the building or development requires a barrier-free parking space. The development authority may require that a pedestrian connection be provided between the entrance to a building and a public sidewalk or trail if the development does not require a barrier-free parking space.
- e. Wheel stops may be required by the development authority to ensure that barrier-free paths are maintained.

7.56.16 Loading Provisions

- a. Loading spaces shall be required for all non-residential development and apartments and such spaces shall be reserved for loading and unloading and shall not be used for the parking of other vehicles
- b. Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a public roadway.
- c. Loading spaces shall be located in rear and side yards only.
- d. A loading space shall be at least 3.5 m (11 ft) x 8.0 m (26 ft) with an overhead clearance of at least 4.6 m (15 ft).
- e. Hard surfacing of the loading space shall be required where a loading space is directly accessed from a public roadway, which is paved or is intended to be paved or where, in the opinion of the approving Development Authority, it would be in the interests of the amenities of the area. The surfacing shall otherwise be all-weather.
- f. Industrial and commercial developments shall have the following specific requirements:

**Table 8: Industrial and Commercial Loading Space Requirements**

Use	Gross Floor Area of Building	Loading Spaces
Retail, Industry, Warehouse, or similar	Less than 464.5 m <sup>2</sup> (5,000 ft <sup>2</sup> )	1
	464.5 m <sup>2</sup> (5,000 ft <sup>2</sup> ) to 2,322.5 m <sup>2</sup> (25,000 ft <sup>2</sup> )	2

Use	Gross Floor Area of Building	Loading Spaces
	Each additional 322.5 m <sup>2</sup> (3,471 ft <sup>2</sup> ) or fraction thereof	1
Office, extended medical treatment services, public educational services, or similar use	Up to 2,782 m <sup>2</sup> (29,946 ft <sup>2</sup> )	1
	Each additional 2,787 m <sup>2</sup> (29,946 ft <sup>2</sup> ) or fraction thereof	1

#### 7.56.17 Driveways

- a. At street intersections, driveways shall be set back from the back of the public sidewalk/curb where there is no public sidewalk) not less than:
  - i. 6.0 m (20 ft) where the driveway serves not more than four (4) dwelling units;
  - ii. 15 m (50 ft) for all other uses; or
  - iii. except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency at the discretion of the Municipal Planning Commission.
- b. In residential districts the minimum and maximum width of a driveway shall be as specified in the table below:

**Table 9: Residential Districts Driveway Widths**

Lot Frontage	Driveway Minimum Width	Driveway Maximum Width
12.5 m (41 ft) or less	3.0 m (10 ft)	7.0 m (23 ft) or 60 % of lot frontage, whichever is less
12.6 m (41.3 ft) to 18 m (59 ft)	3.0 m (10 ft)	10 m (33 ft) or 60 % of lot frontage, whichever is less
greater than 18 m (59 ft)	3.0 m (10 ft)	10 m (33 ft)

- c. In all districts, excluding residential districts, the minimum width of a driveway shall be determined by the development authority.
- d. In all districts, excluding residential districts, unless otherwise permitted by the development authority, the maximum width of a driveway shall be 12 m (39 ft).
- e. The minimum distance between driveways shall be:
  - i. nil, where the driveways serve single dwelling units;

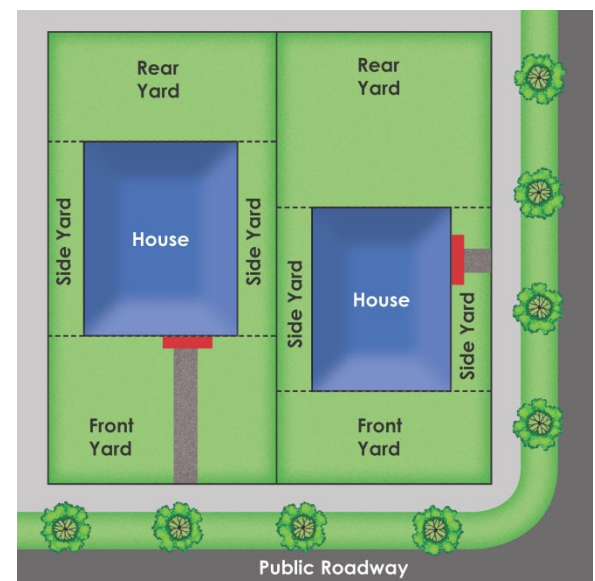


- ii. 6.0 m (20 ft) where the driveways serve any other use; or
  - iii. except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency at the discretion of the Municipal Planning Commission.
- f. The maximum angle for a driveway to a use that generates high traffic volumes shall be 70 degrees.
- g. Hard surfacing (i.e. concrete, asphalt, paving stones, or similar material suitable to the development authority) of a driveway shall be required in all districts if access is gained directly from or to a hard-surfaced public road.
- h. Notwithstanding Section 7.56.17.vii, the continued use and maintenance of a gravel driveway existing prior to the adoption of this Bylaw shall be permitted. Should substantial changes such as, but not limited, widening or realignment of the driveway be undertaken the hard surfacing of the driveway shall be required as specified in Section 7.56.17.vii.
- i. In circumstances where the length of a driveway, measured from the highway boundary, exceeds 9.0 m (30 ft), permission may be granted, at the sole discretion of the development authority for the use of all-weather surfacing, for the remainder of the driveway length.

## 7.57 YARDS AND RELATED RULES GOVERNING THEIR USE

- 7.57.1 Building projections constructed on and/or attached to foundation walls and footings shall be deemed to be part of the building and shall not be considered a projection over a yard. These structures are part of the overall site coverage which may not exceed the maximum site coverage and front, rear, or side yard setbacks, for the respective land use district.
- 7.57.2 Except as provided for in Section 7.57, no development on a lot shall reduce the minimum setbacks established for the land use district in which the lot is located.
- 7.57.3 Subject to the requirements of the National Building Code - 2019 Alberta Edition and this Bylaw, that portion of and attachments to a main or accessory building which may project over or on a minimum yard are required to meet all setback regulations.

**Figure 23: Front, Rear and Side Yards**



- a. The minimum distances required for yards do not apply to construction wholly beneath the surface of the ground or for patios, raised platforms, sidewalks and steps which do not rise more than 0.6 m (2.0 ft) above the finished ground elevation.

emergency access to the rear yard.

- 7.57.4 Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projections except for eaves.
- 7.57.5 Where a site is to be developed for semi-detached or row housing dwelling complexes, the following exceptions apply:
- a. where each half of a semi-detached dwelling is to be contained on a separate parcel or title, no side yard shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit by means of a fire wall;
  - b. where the dwelling units of a row house building are to be contained on separate parcels or titles; no side yards shall be required on either side in the case of an internal dwelling unit and no side yard shall be required on the interior side of the end dwelling unit when the abutting dwelling units have a fire separation. This exception shall not apply for any portion of a dwelling that is not connected to the firewall.
- 7.57.6 No portion of a building other than eaves, signs or canopies shall project into a public or private right-of-way, and to do so may require an encroachment agreement with the town or owner of the public right-of-way.
- 7.57.7 The following objects are prohibited or restricted in yards:
- a. No person shall allow a motor vehicle that is in a dilapidated or unsightly condition, or a derelict vehicle, to remain or be parked on a parcel in a residential district, unless it is suitably covered, housed or screened to the satisfaction of the development authority, and it shall not be located within the front yard.
  - b. No person shall allow no more than one (1) unregistered/uninsured vehicle on a residential parcel and it shall not be located within the front yard.
  - c. No person shall allow all terrain vehicles, boats, snow mobiles, dirt bike, to be located in the front yard of any residential district. This list is not inclusive.
  - d. No person shall allow any object or chattel that is unsightly or tends to affect adversely the amenities of the district. In accordance with the MGA, the CAO, may order the owner to remedy unsightly or dangerous structures or property.
  - e. No person shall allow any excavation or any storage or piling up of materials required during the construction stage, unless all necessary safety measures are undertaken, and a development permit has been issued by the development authority. The owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than necessary to complete each stage of construction work and:
    - i. a temporary fence shall be erected around all excavations which in the opinion of the development authority may be dangerous to public safety;
    - ii. it shall be the responsibility of the applicant to restore the worked area to a level and condition as required by the development authority;

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and

- iii. all topsoil shall be retained on the parcel, except where it must be removed for building purposes.

7.57.8 No person shall allow a portable garage with damage to its factory-made tubular metal frame, waterproof sheeting, synthetic, or plastic film to remain on site in a residential district.

7.57.9 No person shall have exterior storage of piles of wood or metal, or other salvage materials that are in an unsightly condition on a parcel in any district, unless it is suitably housed or screened to the satisfaction of the development authority.

# 8 SIGNS

## 8.1 PURPOSE

Section 8 of the Land Use Bylaw provides the planning regulation for all signs including, but not limited to, the type, location, number, size, design, and character of signs in relation to their surroundings.

## 8.2 SIGN REGULATION DEFINITIONS

Notwithstanding Section 2 of this Bylaw, the following definitions that relate to signs are included in this Section.

- 8.2.1 **A-BOARD SIGN** means a self-supporting A-shaped local advertising sign which is set upon the ground and has no external supporting structure.
- 8.2.2 **ALTERATION** means a structural modification of a sign but does not include routine maintenance, painting, or change in face, copy, or lettering.
- 8.2.3 **ANIMATED SIGN** means a sign that uses movement or change of lighting to depict action or create special effects or a pictorial scene but does not include a clock.
- 8.2.4 **AWNING SIGN** means a shelter projecting from and supported by the exterior wall of a building and designed to be collapsible, retractable, and generally constructed of fabric or similar non-rigid mater which incorporates a sign.
- 8.2.5 **BANNER** means a sign of lightweight, flexible fabric or material mounted to a pole, structure, or building and does not include national, provincial, or municipal flags.
- 8.2.6 **BILLBOARD SIGN** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located, and may be changed from time to time.
- 8.2.7 **BOARD SIGN** means a flat board which is typically painted or made of a material including but not limited to wood, metal, or vinyl and is attached to the side of the building, most commonly next to the entry.
- 8.2.8 **CANOPY SIGN** means a non-retractable covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of a building, which may be located above an entrance into a building which incorporates a sign, but does not include any structure over petroleum pumps.
- 8.2.9 **CHANGEABLE MESSAGE SIGN** means a sign which provides for a changeable message through the uses of an electronically displayed message or other similar means and which forms an integral part of the sign which advertises events related to the principal building and may be used for sponsor recognition.

- 8.2.10 **COMMUNITY IDENTIFICATION SIGN** means a sign which states the name of a community area and may contain a logo or graphic which is related to the community name.
- 8.2.11 **CONSTRUCTION SIGN** means a temporary sign erected by an individual or a firm on the premises undergoing construction, for which the sign user is advertising or furnishing such items as labour, service, materials, or financing; or which identifies the future use on the site and information pertaining to it.
- 8.2.12 **DIRECTIONAL SIGN** means
- a. a sign which directs the public to or denotes the name of any thoroughfare, route, educational institution, public building, or historical site;
  - b. a sign which directs and regulates traffic;
  - c. a sign which denotes any public or transportation facility; or
  - d. a sign located on the lot which gives direction to a private-premises or its vehicular use area.
- 8.2.13 **ELECTRIC SIGN** means a sign which utilizes an electrical source.
- 8.2.14 **FASCIA SIGN** means a sign attached to, marked, or inscribed on and parallel to the face of a building wall, so that no part projects more than 0.30 m (1.0 ft) from the building wall, but does not include a billboard, an awning, or canopy sign, a projecting sign, or a mural.
- 8.2.15 **FLASHING SIGN** means a sign which contains an intermittent or flashing light source but does not include an electronic message centre.
- 8.2.16 **FREE-STANDING SIGN** means a self-supporting sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure.
- 8.2.17 **IDENTIFICATION SIGN** means a sign which identifies by name or symbol the occupant, the business, or the site on which the sign is placed.
- 8.2.18 **GARAGE SALE SIGN** means a temporary sign advertising the event.
- 8.2.19 **ILLUMINATION** means the lighting of a sign by artificial means.
- 8.2.20 **MURAL** means a sign that is painted or sculpted onto a building wall and is considered artistic rather than advertising and does not contain any product advertising.
- 8.2.21 **PORTABLE SIGN** means any sign which is specifically designed or intended to be readily moved from one location to another and can be temporarily set up and removed from a site, and which does not rely on a building or fixed foundation for its structural support, including but not limited to balloons and inflatable devices used as signs, banners and signs attached to or painted on vehicles parked and visible from a public right-of-way unless said vehicles are used in the normal day-to-day operation of a business. A portable sign does not include an A-Board sign.
- 8.2.22 **POST SIGN** means a sign which is hung from a decorative post, typically made of metal or wood, designed to be decorative in nature and displays local advertising only.

- 8.2.23 **PROJECTING SIGN** means a sign which is attached to a building or structure so that part of the sign projects more than 0.30 m (1.0 ft) from the face of the building or structure, but does not include a canopy sign or an awning sign.
- 8.2.24 **REAL ESTATE SIGN** means a temporary sign advertising real estate that is for sale, lease, or rent, or real estate that has been sold.
- 8.2.25 **ROOF SIGN** means any sign on or attached to a building that extends in whole or in part above the roofline of the building.
- 8.2.26 **SIGN** means an object, fixture, or device for providing direction or providing information or the calling of attention to any person, matter, object, event, or activity.
- 8.2.27 **SIGN AREA** means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area of signs.
- 8.2.28 **TEMPORARY SIGN** means a sign which is not in a permanently installed or affixed position, advertising a location, product, event, or activity on a limited time basis. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, sign identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of permanent sign. For the purpose of this Bylaw, temporary signs shall not include portable signs, or A-board signs or balloon, banner, pennant, or poster signs.
- 8.2.29 **WINDOW SIGN** means a sign that is painted on, attached to, or installed on a window for the purpose of being viewed from outside the premises.

### 8.3 DEVELOPMENT PERMIT REQUIREMENTS

- 8.3.1 Unless specifically exempted under Section 8.4.1 of this Bylaw, all signs shall be reviewed by the Development Officer who will:
- a. Render a decision where an application meets the requirements of this Bylaw;
  - b. The Development Officer believes the application warrants review by the Municipal Planning Commission.
- 8.3.2 An application for a development permit for a sign shall be made to the development authority and shall be accompanied by the following:
- a. a completed development permit application form;
  - b. application fee as prescribed by resolution of Council;
  - c. a letter of authorization from the owner of the property or the owner's authorized agent;
  - d. a replica of the proposed sign, drawn to scale showing:

- i. all dimensions of the sign structure, including the height and projection of the signs attached to buildings;
  - ii. the area of the sign and the copy face(s);
  - iii. the design of the copy face;
  - iv. the manner of all sign illumination;
  - v. the type of construction and finish to be utilized;
  - vi. the method of supporting or attaching the sign; and
  - vii. in the case of a freestanding sign, a site plan showing the sign location in relationship to property lines and utility and overland drainage rights-of-way, parking and buildings and an elevation plan showing the height of the sign in relation to the height of the principal building; and
- e. such additional information as the development authority deems necessary, including but not necessarily limited to a current certificate of title; and a real property report to verify the location of an existing building and improvements on the property.

8.3.3 An application for a development permit for signs shall not be considered complete and final and received for processing by the Town until the development authority determines that all the requirements of Section 8.3 have been satisfied.

## 8.4 SIGN PERMIT NOT REQUIRED

8.4.1 No development permit is required for the following signs, providing the sign complies with all other regulations of this Bylaw:

- a. The placement of signs:
  - i. that relate to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club, or similar institution, not exceeding 1.0 m<sup>2</sup> (11 ft<sup>2</sup>) in area, and limited to one (1) sign per parcel;
  - ii. that relate to the function of Local Authorities and Utilities Boards;
  - iii. that are temporary signs as defined in this Bylaw;
  - iv. that are an official notice, sign, placard, or bulletin required to be displayed pursuant to provisions of Federal, Provincial, or Municipal legislation;
  - v. A-frame and window signs, provided the sign complies with the regulations in Section 8.7;
  - vi. displaying a yard or garage sale sign provided that:
    - 1) all signs are self-supporting. Signs shall not be placed on municipal poles, or any other freestanding structure;

- 2) signs do not exceed a size of 0.37 m<sup>2</sup> (2 ft x 2 ft);
  - 3) each sign contains the address where the sale is taking place and the date(s) of the sale;
  - 4) the signs are posted no earlier than seventy-two (72) hours prior to the event; and
  - 5) the signs are removed no later than twenty-four (24) hours following the garage sale event.
- vii. signs authorized and/or erected by the Town on any streets, sidewalks, or other public property;
  - viii. that identify a construction or demolition project for which a permit has been issued; or
  - ix. copy inserts being changed in existing fascia signs. This applies to existing fascia signage where no structural components are being modified or added (this includes illumination) and the size and location of the sign remains the same.

## **8.5 PROCEDURES REGULATING SIGNS**

- 8.5.1 Signs shall comply with the provisions of this Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations, and bylaws.
- 8.5.2 Signs shall not contain statements, words or pictures that are undesirable, offensive, or contrary to the amenities of the neighbourhood in which they are located. The sign owner shall be responsible to remove the copy of any sign deemed to be inappropriate or offensive by the town or be subject to the cancellation of the Development Permit for the sign.
- 8.5.3 Except as otherwise provided in this Bylaw no signs or advertising structures of a commercial, directional, or information nature, other than those specified under Section 8.4.1.i. shall be erected or placed on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- 8.5.4 In addition to meeting the requirements of this Bylaw, an applicant wishing to erect a sign or make sign notification changes within 300 m (984 ft) of a provincial highway right-of-way boundary, or within 800 m (2,624 ft) of the centre point of an intersection of a provincial highway with another public road, shall be responsible for notifying Alberta Transportation and where Alberta Transportation requires having a valid permit for the subject sign prior to the approving development authority issuing a development permit.
- 8.5.5 No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- 8.5.6 No signs, billboards, advertising structures, or signboards shall be attached to trees, public benches, or any utility pole or erected on or affixed to public property without the prior consent of the appropriate public body.



- 8.5.7 A sign shall not be erected, operated, used, or maintained:
- a. If its position, shape, colour, format, or illumination obstructs the view of, or may be confused with an official traffic sign, signal, or device or other official sign; or
  - b. If it displays light(s) that may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, ambulance, or other emergency vehicles.
- 8.5.8 All advertisements shall be kept in a safe, clean, and tidy condition and may, by resolution of the development authority, be required to be renovated, repaired, or removed.
- 8.5.9 In a residential district no signs or advertising structures shall be permitted other than those:
- a. specified under Section 8.4.1.i.d.,
  - b. relating to a religious assembly, educational, cultural, recreational, or similar institution, located on an interior lot, one (1) non-illuminated identification sign with a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). This sign may be either:
    - i. affixed to the principal building;
    - ii. painted onto a window; or
    - iii. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
  - c. relating to a religious assembly, educational, cultural, recreational, or similar institution, where located on a corner lot, two (2) non-illuminated identification signs each having a maximum face area of 0.37 m<sup>2</sup> (4.0 ft<sup>2</sup>). Each frontage is permitted one (1) sign. This sign may be either:
    - i. affixed to the principal building;
    - ii. painted onto a window; or
    - iii. a freestanding sign located a minimum of 1.5 m (5.0 ft) from the lot line
- 8.5.10 Roof signs shall not be permitted.
- 8.5.11 For any sign which will overhang a sidewalk or other Town property, the owner of the sign shall enter into an agreement with the Town to indemnify against and to hold harmless the Town from any and all liability resulting from injury to person or damage to the property which results from the presence, construction, maintenance, collapse, or failure of the sign.
- 8.5.12 No sign shall project over the boundary of a site unless permitted by this Bylaw.
- 8.5.13 Any permitted sign shall be placed so as not to obstruct or impair vision or hinder or interfere with pedestrian or vehicular traffic on abutting roads or walkways.
- 8.5.14 Any sign placed in or on a required parking area or loading space shall be placed so as not to reduce the number of parking stalls or loading spaces required pursuant to the requirements of this Bylaw.

- 8.5.15 No electrical cord for a temporary sign shall pass over a sidewalk, pedestrian walkway, roadway, driveway, aisle, or parking space.
- 8.5.16 All attaching and support structures for signs shall be safe, structurally sound, and shall be concealed or form an integral part of the sign design.
- 8.5.17 The development authority may require a sign to be enhanced with landscaping or architectural features to improve the sign's aesthetics.
- 8.5.18 A sign located on or at the rear or side of any building shall not be illuminated if such sign is adjacent to any residential district.
- 8.5.19 Sign illumination or signs with animation or an electronic message component are not allowed in any residential district.
- 8.5.20 The illumination for any permanent sign shall not create a direct glare upon the surrounding site, road or lane, or residential development.
- 8.5.21 No one shall erect or permit to be erected or remain on town property, any temporary sign other than in accordance with this Bylaw.
- 8.5.22 Electrical power supply to signs or base landscaping shall be underground.

## **8.6 ADMINISTRATION AND ENFORCEMENT OF SIGNS**

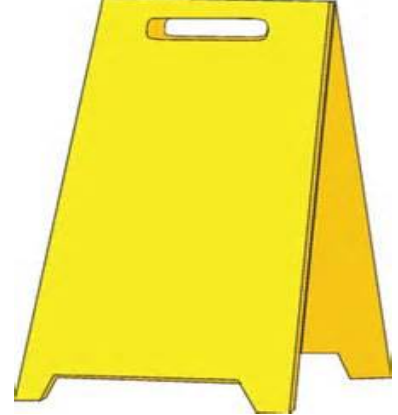
- 8.6.1 When a sign no longer fulfills its function under the terms of the development permit, the Development Officer shall notify the landowner and may order the removal of the sign, and the owner of the sign shall:
  - a. remove the sign and all related structural components including removing or screening exposed base and foundations to the satisfaction of the Development Officer within a specified time period from receipt of such a removal notice;
  - b. restore the immediate area around the sign to the satisfaction of the Development Officer, including the ground or any building to which the sign was attached, as close as possible to its original form prior to the installation of the sign; or
  - c. bear all costs related to such removal or restoration.
- 8.6.2 In the case of temporary signs, where in the opinion of the Development Officer, a violation of the sign provisions exists; the Development Officer shall issue a written notice for the removal of such a sign.
- 8.6.3 Persons affected by stop orders may appeal to the Regional SDAB in accordance with the MGA.
- 8.6.4 Where a person fails or refuses to comply with an order directed to them within the time specified, the CAO may in accordance with the, enter upon the land or building and take such action as is necessary to carry out the order.
- 8.6.5 Expenses and costs incurred by the Town carrying out an order in accordance with the, will be added to the tax roll of the subject lands.

## 8.7 SPECIFIC SIGN REGULATIONS

### 8.7.1 A-Board Signs

- a. Subject to the provisions of Section 8, A-board signs shall be permitted on all properties containing approved commercial uses excepting home occupations Class 1 and Class 2.
- b. A-board signs shall not be permitted on a site that also contains a portable sign.
- c. Only one (1) sign per business per street frontage shall be displayed.
- d. For businesses with zero (0) front setbacks, one (1) sign may be placed on Town property adjacent the front property boundary provided that:
  - i. the sign is placed wholly within 1.0 m (3.0 ft) of the curb; and
  - ii. the sign shall be placed as close as practical to any street tree, garbage bin, or other piece of street furniture where available in front of the business in order to maintain the maximum area possible for pedestrian passage.
- e. A-board signs shall:
  - i. be on display only during those hours that the business is open;
  - ii. only display local and cooperative advertising;
  - iii. be of a size not exceeding 0.61 m (2.0 ft) wide by 0.92 m (3.0 ft) high;
  - iv. be of a painted finish, be neat and clean, and be maintained in such condition;
- f. Notwithstanding Section 8.7.1.v.a., A-board signs displaying a sporting or community event shall be permitted to be on display for a period of not more than forty-eight (48) hours preceding the event and shall be removed twenty-four (24) hours after the conclusion of the event. Up to a maximum of four (4) a-board signs may be displayed within town boundaries.
- g. Notwithstanding Sections 8.7.1.v. through to Section 8.7.1.vii. inclusive, A-board signs owned by the Town shall not be required to comply with the regulations of Section 8.7.1.

**Figure 26: A-board Sign**



### 8.7.2 Awning or Canopy Signs

- a. An awning (or canopy) sign may be permitted in any land use district, excepting residential districts, provided that:
- a minimum height clearance of 2.7 m (9.0 ft) be provided from grade;
  - it does not extend above the building roof line;
  - where a portion of a building extends to the property line, the awning sign shall not project more than 2.0 m (7.0 ft) over the public sidewalk, and in no case shall any support pillar/pole forming part of the awning sign project beyond the property line;
  - the print or lettering of an awning sign shall be restricted to identification of the name and nature of the occupancy for all tenants in the development;
  - on an interior lot, only one (1) awning sign indicating the name and nature of the occupancy for all tenants in the development will be permitted for the primary building face of the building;
  - on a corner lot, two (2) awning signs, one (1) on each frontage, may be permitted, indicating the name and nature of the occupancy for all tenants in the development.

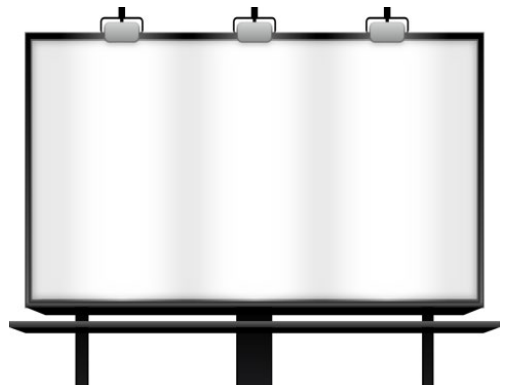
**Figure 27: Awning or Canopy Sign**



### 8.7.3 Billboard Signs

- a. Subject to the provisions of this part, billboard signs may be permitted in C3 - Commercial Highway District and industrial districts.
- b. The maximum dimensions of a billboard shall not exceed 3.0 m (10 ft high) by 6.0 m (20 ft long);
- c. The maximum height shall not exceed 6.0 m (20 ft) above the average grade of the site; and
- d. Illumination of billboards shall be restricted to gooseneck type lighting that directs light downward toward the sign.

**Figure 28: Billboard Sign**



#### 8.7.4 Fascia Signs

- a. A fascia sign may be permitted in any land use district, excepting residential districts, provided that:
- i. fascia signs shall not project above the roof or marquee by more than 1.0 m (3.0 ft);
  - ii. a minimum height clearance of 2.7 m (9.0 ft) be provided from grade;
  - iii. the maximum sign area does not exceed 7.43 m<sup>2</sup> (80 ft<sup>2</sup>);
  - iv. the fascia sign does not project more than 0.3 m (1.0 ft) from the wall face to which it is attached;
  - v. on an interior lot, only one (1) fascia sign indicating the name and nature of the occupancy for each tenant in a development will be permitted for the primary building face of the building; and
  - vi. on a corner lot, two (2) fascia signs, one (1) on each frontage, may be permitted, indicating the name and nature of the occupancy for all tenants in the development.

**Figure 29: Fascia Sign**



#### 8.7.5 Community Identification Signs

- a. Community identification signs shall only be located at the entrance locations of a neighbourhood, as approved by the development authority;
- b. The overall design, aesthetic character, dimensions, materials, and finishing of the community identification signs shall be approved by the development authority and must be consistent in overall design with other neighbourhood signs.
- c. The number of community identification signs for a neighbourhood shall be approved by the development authority.
- d. The applicant may be required to enter into an agreement with the Town to maintain and update the sign.
- e. In residential districts:
- i. community identification signs shall only display the name of the subdivision; and
  - ii. community identification signs shall not exceed 2.44 m (8.0 ft) in height to top of the sign

### 8.7.6 Free-standing Signs

- a. A free-standing sign (directional, advertising, or identification) may be permitted in any land use district, excepting residential districts, provided that:
- only one (1) free-standing sign shall be permitted on a site, single parcel;
  - the maximum height shall be 7.5 m (25 ft);
  - the maximum sign area shall be 9.0 m<sup>2</sup> (97 ft<sup>2</sup>) per face with a maximum of two (2) faces per sign;
  - the free-standing sign shall be set back 2.0 m (7.0 ft) from an abutting property line;
  - the free-standing sign does not block natural light to a window of a building behind it;
  - the lighting of a free-standing sign does not adversely affect residential sites and/or traffic lights; and
  - the electrical power supply for a free-standing sign is located underground.
- b. For freestanding signs in commercial and industrial districts where the purpose is to identify multiple tenants on a single parcel:
- only one (1) freestanding sign per street frontage shall be permitted;
  - the maximum height shall be 9.1 m (30 ft); and
  - the maximum area shall be 15 m<sup>2</sup> (160 ft<sup>2</sup>) per face with a maximum of two faces per sign.

**Figure 31: Free-standing Sign**



### 8.7.7 Portable Signs

- a. A portable sign may be permitted in any land use district, excepting residential districts, provided that:
- only one (1) portable sign shall be permitted on a parcel at any one time;
  - the maximum sign area shall not exceed 10 m<sup>2</sup> (108 ft<sup>2</sup>);
  - the maximum height shall not exceed 2.5 m (8.0 ft);
  - the sign is not located in the sight triangle formed on a corner site by the two (2) street property lines and a straight line which intersects them 5.0 m (16 ft) from the corner

**Figure 32: Portable Sign**



- where they meet;
- v. the lighting of a portable sign does not adversely affect residential sites and/or traffic lights;
  - vi. the use of a portable sign on a site shall be limited to a maximum of sixty (60) days following which time the sign shall be removed from the parcel.
  - vii. A minimum of thirty (30) days shall elapse between the removal of one (1) portable sign and the erection of another on the same parcel
  - viii. Notwithstanding Section 8.7.8.i.f., the development authority at its discretion, may approve a development permit for a portable sign to be placed on a site, to a maximum of twelve (12) months;
  - ix. a portable sign must be stabilized but shall not use unsightly or potentially hazardous methods. The means by which stability is to be provided shall be included as part of the permit application. An inflatable sign may, however, use guy wires; and
  - x. a portable sign shall at all times be maintained in good condition and, specifically, shall contain lettering and signage which is secure and complete. Any damaged or missing signage must be repaired within two (2) weeks of coming to the attention of the permit holder.

**Figure 33: Inflatable Sign**



- b. In addition to the regulations pertaining to portable signs, inflatable signs shall not exceed the maximum free-standing sign height allowable for the district, measured from grade to the top of the inflatable sign.
- c. In addition to the regulations pertaining to portable signs, banner signs shall:
  - i. only be attached to a permanent structure located on the site;
  - ii. not exceed 10% of the gross area of the face of the structure to which it is attached;
  - iii. not obscure any significant architectural features or windows of the structure to which it is attached; and
  - iv. be maintained in good condition and promptly removed if damaged.

### 8.7.8 Projecting Signs

- a. A projecting sign may be permitted in any land use district, excepting residential districts, provided that:
  - i. a minimum height clearance of 2.7 m (9.0 ft) be provided from grade. However, a projecting sign may not project above the eave line of a building;
  - ii. the sign does not project more than 2.5 m (8 ft) from the face of the building and is a minimum of 0.5 m (1.6 ft) from the road carriageway, whichever of the two (2) distances is less;
- b. the maximum size for projecting signs shall be 1.5 m<sup>2</sup> (16 ft<sup>2</sup>);
- c. only one (1) projecting sign per street frontage per business may be erected and have a minimum 1.5 m (5.0 ft) setback from an adjacent business;
- d. on a corner lot, two (2) projecting signs, one (1) on each frontage, may be permitted, indicating the name and nature of the occupancy for all tenants in the development. Each sign shall have a minimum 1.5 m (5.0 ft) setback from an adjacent business; and
- e. back-lighting or the incorporation of flashing or intermittent lighting with projecting signs is prohibited. Instead, gooseneck style lighting angled down onto the sign face may be used.

**Figure 34: Projecting Sign**



### 8.7.9 Roof Signs

- a. A roof sign may be permitted in any land use district, excepting residential districts, provided that:
  - i. roof signs shall not exceed 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) in area, and no portion of the sign shall extend beyond the property of the roof on which it is located;
  - ii. no supporting structures for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner at the discretion of the approving Development Authority; and
  - iii. roof signs shall not exceed the maximum height allowable for buildings within the district.

**Figure 35: Roof Sign**





#### 8.7.10 Temporary Signs

- a. Temporary signs may be permitted provided that:
  - i. in a commercial district one (1) sign may be located immediately outside a business premises provided that:
  - ii. the sign does not disrupt pedestrian traffic on the sidewalk;
  - iii. the area of the sign does not exceed 0.6 m (2.0 ft wide) by 0.9 m (3.0 ft high); and
  - iv. the sign is removed on a nightly basis.
  - v. no temporary sign shall be permitted within roadway rights-of-way or on other public property, except where such roadway right-of-way or public property has been designated for such purposes by town Council;
  - vi. no temporary sign shall have a flashing device, animator, or flashing beacon attached to or operating in connection with it;
  - vii. signs shall be secured to prevent public hazard; and
  - viii. signs must be constructed of a material such that a rigid frame is provided.

**Figure 36: Temporary Sign**



#### 8.7.11 Window Signs

- a. A window sign includes any sign that is painted on, attached to, or installed on a window for the purpose of being viewed from outside the premises and shall be permitted in commercial and industrial districts.
- b. A development permit shall not be required for window signs.
- c. Window signs shall be maintained in good condition and promptly removed if damaged.
- d. Notwithstanding Sections 8.7.12.i. above, home occupation window signs shall comply with **Section 7.32 HOME OCCUPATIONS** of this Bylaw.

# 9 LAND USE DISTRICTS

## 9.1 ESTABLISHMENT OF LAND USE DISTRICTS

Land Use District Regulations as set forth in Section 9 hereto, are hereby adopted by reference to be part of this Bylaw and to be amended in the same manner as any other part of this Bylaw.

9.1.1 For the purposes of this Bylaw, the Town is divided into the following Districts:

R1	Residential District
R2	Residential Mixed High-Density District
R3	Residential Manufactured Home District
C1	Commercial General District
C2	Commercial Central District
C3	Commercial Highway District
C4	Commercial Industrial District
I1	Industrial General District
I2	Industrial Railway District
COL	College
P1	Public Community Service District
UR	Urban Reserve District
DC	Direct Control District

9.1.2 Except for direct control districts, this Bylaw has defined uses of land or buildings in each district, which are classified as either:

- a. Permitted uses; or
- b. Discretionary uses.

9.1.3 District Maps

- a. The boundaries of the districts listed in Section 9.1.1 are as delineated on the Land Use District Map being Schedule A, hereto.

9.1.4 Interpretation of District Boundaries

- a. Where the location of district boundaries on the Land Use District Map is not clearly understood, the following rules shall apply:
  - i. *Rule 1:* Where a boundary is shown as approximately following a road, lane, stream, canal, railway, pipeline, powerline, utility right-of-way, or

easement, it shall be deemed to follow the centre line thereof.

- ii. *Rule 2:* Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- iii. *Rule 3:* Where a boundary which does not follow a parcel boundary shall be located by measurement of the Land Use District Map.
- iv. *Rule 4:* In the event that a dispute should arise over the precise boundary location of any district as shown on the Land Use Map, Council shall decide thereon.

9.1.5 Where the exact location of the boundary of a land use district cannot be determined using the rules in Section 9.1.4, Council, on its own motion or on a written request, shall fix the location:

- a. in a manner consistent with the provisions of this Bylaw; and
- b. with the appropriate degree of detail required.

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

9.1.7 The following regulations must be read in conjunction with Section 7 and Section 8 which establishes the general rules for all districts. Please refer to Schedule A – Land Use District Map which identifies the boundaries of the districts.

## 9.2 R1 – RESIDENTIAL DISTRICT

### 9.2.1 Purpose

The purpose of this district is to provide for low-density single-unit residential development, in the form of single detached dwellings, semi-detached dwellings and compatible uses, herein listed, which are connected to the municipal sewer and water systems.

### 9.2.2 Permitted Uses

- a. Accessory Building
- b. Day Home
- c. Dwelling, Single Detached
- d. Dwelling, Semi-detached
- e. Dwelling, Secondary Suite
- f. Dwelling, Garage Suite
- g. Dwelling, Garden Suite
- h. Home Occupation Class 1
- i. Home Occupation Class 2
- j. Public or Quasi-Public Use
- k. Public Park
- l. Public Utility Building
- m. Ready to Move Home
- n. Signs
- o. Temporary Container

### 9.2.3 Discretionary Uses

- a. Bed and Breakfast Establishment
- b. Child Care Service
- c. Communication Tower
- d. Dwelling, Attached
- e. Dwelling, Duplex
- f. Group Home, Limited
- g. Manufactured Home
- h. Portable Garage
- i. Religious Assembly
- j. Relocated Building
- k. Residential Sales Centre

## 9.2.4 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
Single detached dwelling	305	3,283	92.9	1,000	10	33
Semi-detached dwelling	278.7	3,000	92.9	1,000	7.6	25
Manufactured home	439	4,725	92.9	1,000	10	33
Duplex dwelling	557.4	6,000	92.9	1,000	15.2	50

Use	Front Setback		Side Setback		Side Setback (Corner lot)		Rear Setback	
	m	ft	m	ft	m	ft	m	ft
All Residential	4.9	16	1.2	4.0	3.1	10	7.6	25
Accessory building	4.9	16	0.9	3.0	3.1	10	0.9	3.0

a. In laneless subdivisions one (1) 3.1 m (10 ft) side yard setback is required to provide alternate access to the rear of the buildings.

b. Where the principal entrance for the home is on the side yard the side setback must be 2.8m (6.0ft).

## 9.2.5 Height

a. The maximum height shall not exceed 10.6 m (35 ft) for principal buildings.

b. The maximum height shall not exceed 4.5 m (15 ft) for accessory buildings.

## 9.2.6 Site Coverage

a. Total site coverage including accessory buildings shall not exceed 55%.

## 9.2.7 Supplementary Regulations

a. All uses must also comply with the requirements of Section 7 and Section 8.

## 9.2.8 Additional Development Regulations – Manufactured homes

a. Each manufactured home shall be located on a lot registered in the Land Titles Office.

b. All manufactured homes shall have CSA (Canadian Standards Association) certification. Manufactured homes shall not be older than five (5) years of age when located within the subdivision, unless approved by the approving Development Authority.

- c. Each lot shall contain a permanent foundation that is capable of supporting the maximum anticipated load of a manufactured home in accordance with the requirements of the National Building Code - 2019 Alberta Edition. Skirting is to be completed within thirty (30) days of the manufactured home being placed on the lot.
- d. All accessory structures, additions, porches, skirting and storage facilities shall be of a quality and appearance equivalent to the manufactured home and shall match and complement the manufactured home.
- e. The trailer hardware (axles, wheels) shall be removed from the manufactured home.
- f. Each manufactured home shall be connected to and serviced by the Town's sanitary and storm sewers and water supply, electric power systems, and shall be serviced by natural gas.

## 9.3 R2 – RESIDENTIAL HIGH-DENSITY MIXED DISTRICT

### 9.3.1 Purpose

The purpose of this district is to provide for variety of multi-family dwelling types at a moderate to high residential density in the form of single, two dwelling, and multi-family unit residential development, duplex dwellings, attached dwellings, apartment dwellings and compatible uses, herein listed, which are connected to the municipal sewer and water systems.

### 9.3.2 Permitted Uses

- a. Accessory Building
- b. Day Home
- c. Dwelling, Apartment
- d. Dwelling, Attached
- e. Dwelling, Duplex
- f. Dwelling, Garage Suite
- g. Dwelling, Garden Suite
- h. Dwelling, Semi-detached
- i. Dwelling, Single Detached
- j. Home Occupation – Class 1
- k. Home Occupation – Class 2
- l. Public or Quasi-Public Use
- m. Public Park
- n. Public Utility
- o. Public Utility Building
- p. Ready to Move Home
- q. Signs
- r. Temporary Container

### 9.4.3 Discretionary Uses

- a. Adult Care Residence
- b. Bed and Breakfast Establishment
- c. Child Care Service
- d. Communication Tower
- e. Dwelling, Secondary Suite
- f. Group Home
- g. Group Home, Limited

- h. Manufactured Home
- i. Portable Garage
- j. Religious Assembly
- k. Relocated Building
- l. Residential Sales Centre

9.3.3 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
Single detached dwelling	305	3,283	83.6	900	10	33
Duplex dwelling	464.5	5,000	56	603	15.2	50
Semi-detached dwelling (per unit)	232.3	2,501	56	603	7.6	25
Apartment dwelling	696.8	7,501	56	603	22.9	75

Use	Front Setback		Side Setback		Side Setback (Corner lot)		Rear Setback	
	m	ft	m	ft	m	ft	m	ft
All residential	4.9	16	1.2	4.0	3.1	10	7.6	25
Accessory buildings	4.9	16	0.9	3.0	3.1	10	0.9	3.0

- a. In laneless subdivisions one (1) 3.1 m (10 ft) side yard setback is required to provide alternate access to the rear of the buildings.
- b. A minimum of 1.2 m (4.0 ft) except those buildings having the principal entrance provided from a side yard. The minimum side yard shall then be 2.13 m (7.0 ft).

9.3.4 Height

- a. The maximum height shall not exceed 10.6 m (35 ft) for single detached, semi-detached, duplex, row house, and attached dwellings.
- b. The maximum height shall not exceed 4.5 m (15 ft) for accessory buildings.
- c. The maximum height shall not exceed 13.7 m (45 ft) for other developments. At the discretion of the approving Development Authority an apartment dwelling may have a maximum height of 18.3 m (60 ft). Where building height exceeds 13.7 m (45 ft) a sprinkler system shall be required.



9.3.5 Site Coverage

- a. The total for single detached, semi-detached, and duplex dwellings including accessory buildings shall not exceed 70%.

9.3.6 Special Requirements

- a. For attached dwelling developments that do not have a lane or other form of direct access to the rear yard, a 3.0 m (10 ft) access easement connecting to a street, lane or walkway shall be granted in favour of the adjoining row house unit owners.

9.3.7 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

## 9.4 R3 – RESIDENTIAL MANUFACTURED HOME DISTRICT

### 9.4.1 Purpose

To provide areas for and to regulate the development and use of land for manufactured homes, and compatible uses, herein listed, either on separately registered parcels or within comprehensively designed multiple site parks, wherein sites are rented or owned as part of a condominium, and which are connected to the municipal sewer and water systems, and shall be serviced by natural gas.

### 9.4.2 Permitted Uses

- a. Accessory Building
- b. Accessory Use
- c. Day Home
- d. Home Occupation – Class 1
- e. Home Occupation – Class 2
- f. Manufactured Home
- g. Manufactured Home Park
- h. Modular Home (must meet requirements of CSA A277)
- i. Ready to Move Home
- j. Public Park
- k. Signs

### 9.4.3 Discretionary Uses

- a. Child Care Service
- b. Communication Tower
- c. Group Home, Limited
- d. Portable Garage
- e. Residential Sales Centre
- f. Temporary Container

### 9.4.4 In this District

- a. "Lot" means the total area of land reserved for the placement of a manufactured home and for the exclusive use of its occupant(s).
- b. "Structure" means a subordinate building which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, storage structures, carports, porches, and skirting.

### 9.4.5 Manufactured Home Park Standards

- a. Comprehensive Site Development and Servicing Plan:

- i. A comprehensive site development and servicing plan for the manufactured home park must be accepted and approved by the approving Development Authority prior to issuance of any development permit.
- ii. The comprehensive site development and servicing plan shall identify and provide detail regarding dimensions and treatments for the following:
  - 1) entire site and individual lots;
  - 2) vehicular access and egress from the manufactured home park and internal roadway system;
  - 3) walkways;
  - 4) recreation areas;
  - 5) storage areas;
  - 6) parking areas;
  - 7) perimeter landscape area;
  - 8) municipal servicing; and
  - 9) any other information that the approving Development Authority deems necessary.

9.4.6 Maximum Gross Density

- a. Thirteen (13) manufactured homes per hectare (6 per acre)
- b. Notwithstanding Section 9.4.6.a., the maximum gross density for a manufactured home park existing prior to the adoption of this Bylaw shall be twenty (20) manufacture homes per hectare.

9.4.7 Minimum Park Area

- a. 2 ha (5 ac)

9.4.8 Recreation Area

- a. A minimum of 10% of the total area of a manufactured home park shall be set aside in a suitable location as a recreation area.
- b. This recreational area and associated facilities will be approved in a location of the park to the satisfaction of the Development Authority.

9.4.9 Roads

- a. All manufactured home park roads shall be paved and constructed to town standards as approved by the approving Development authority and/or the town; and will include appropriate drainage.

9.4.10 Walkways

- a. Internal pedestrian walkways shall have a minimum width of 1.5 m (5.0 ft) and be surfaced to the satisfaction of the Development Authority.

#### 9.4.11 Storage Areas

- a. Common storage areas, separate from the manufactured home lot, shall be provided for storage of seasonal recreational equipment not capable of storage on the manufactured home lot.
- b. Such storage areas shall be screened.
- c. Such storage areas shall have an area of not less than 20 m<sup>2</sup> (215 ft<sup>2</sup>) per manufactured home lot.

#### 9.4.12 Utilities

- a. All utility services and all utility wires and conduits shall be installed underground.

#### 9.4.13 Fences and Lot Lines

- a. The boundary of a manufactured home park must be enclosed by a privacy fence 2.0 m (6.0 ft) in height and shall be maintained by the manufactured home park operator to a uniform standard throughout the manufactured home park.
- b. All lot lines shall be clearly defined on the ground by permanent flush stakes or markers with a lot number or other address system.

#### 9.4.14 Minimum Yard Requirements

- a. Manufactured homes and their attached structures shall be at least:
  - i. 7.0 m (23 ft) from any park boundary, with exception of a manufactured home park existing prior to the adoption of this Bylaw whereby the 7.0 m setback from any park boundary shall not apply.
  - ii. 3.1 m (10 ft) from any side lot line, with the exception of manufactured homes and their attached structures, located within existing manufactured home parks prior to the adoption of this Bylaw, whereby the minimum setback from any side lot line shall be 1.2 m (3.9 ft).
  - iii. 3.1 m (10 ft) from a side internal access road.
  - iv. 0.9 m (3.0 ft) from the side and rear lot lines for accessory buildings and a minimum of 3.1 m (10 ft) for accessory buildings adjacent to side internal access roads.

#### 9.4.15 Building Design

- a. All manufactured homes shall be factory built.
- b. Skirting or any attached structure shall have a matching exterior finish or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home development.
- c. Each manufactured home shall be levelled, blocked, and skirted, and the

hitch skirted within thirty (30) days of being placed on a lot.

9.4.16 Manufactured Home Design

- a. The external appearance of manufactured homes must be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and must have:
  - i. a minimum roof pitch of 4:12, with variation in roof line; flat roofs will be prohibited;
  - ii. a roof surface of wood or asphalt shingles, clay or concrete tiles, slates, metal, or wood shakes;
  - iii. a minimum roof overhang or eaves of 0.45 m (1.5 ft) from each external wall;
  - iv. a maximum length to width ratio of 3:1;
  - v. a minimum width of 4.25 m (14 ft);
  - vi. site preparation;
  - vii. a total age of no more than five (5) years at the time the manufactured home is located in the manufactured home park, unless approved by the Municipal Planning Commission; and
  - viii. meet current Canadian Standards Associated (CSA) certification at the time the manufactured home is located in the manufactured home park.

9.4.17 Manufactured Home Subdivision Standards

- a. The following regulations apply to manufactured homes:

Use	Lot Area (Interior)		Lot Area (Corner)		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
Manufactured Homes	420	4,521	464.5	5,000	65	700	10	33

Use	Front Setback		Side Setback		Side Setback (Corner lot)		Rear Setback	
	m	ft	m	ft	m	ft	m	ft
Manufactured Homes	4.9	16	0.9	3.0	3.1	10	4.6	15
Accessory buildings	4.9	16	0.9	3.0	3.1	10	4.6	15

- i. 1.5m (5.0 ft) side setback except on a corner lot where the side setback abutting a road shall be at least 3.1 m (10 ft). Notwithstanding the aforementioned, manufactured homes and their attached structures, located within existing manufactured home subdivisions prior to the adoption of this Bylaw, shall have a minimum side setback of 1.2 m (3.9 ft), except on a corner lot where the side setback abutting a road shall be at least 3.1 m (10 ft).

- ii. The minimum lot area requirements shall not apply to the manufactured home parks existing prior to the adoption of this Bylaw, provided the minimum setback requirements are complied with.
- iii. The minimum lot width for lots located within a manufactured home subdivision existing prior to the adoption of this Bylaw shall be 9.1 m (30 ft).

9.4.18 Maximum Site Coverage

- a. The total site coverage including accessory buildings shall not exceed 55% for individual lots.

9.4.19 Maximum Height

- a. 10.6 m (33 ft) for principal buildings.
- b. 4.5m (15 ft for accessory buildings.

9.4.20 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

9.4.21 Other Requirements for Manufactured Home Parks

- a. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- b. Hard surfacing of all driveways, parking pads, and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

## 9.5 C1 – COMMERCIAL GENERAL DISTRICT

### 9.5.1 Purpose

The purpose of this district is to provide a variety of retail and office commercial as well as public and private service uses outside of the downtown core.

### 9.5.2 Permitted Uses

- a. Accessory Building
- b. Accessory Use
- c. Health Service
- d. Personal Service
- e. Pet Care Service
- f. Professional and Administrative Office
- g. Restaurant
- h. Retail Store
- i. Specialty Food Service
- j. Public Utility Buildings
- k. Public and Quasi Public Use
- l. Automotive and Equipment Sale, Repair, Rental, and Storage
- m. Drive-In Business
- n. Equipment Rentals
- o. General Contractor Service
- p. Mini-Storage
- q. Public Utility Building
- r. Indoor Participant Recreation
- s. Signs

### 9.5.3 Discretionary Uses

- a. Air Supported and Fabric Covered Structures
- b. Auctioneering Establishment
- c. Business Support Service
- d. Child Care Service
- e. Communication Tower
- f. Container, Shipping Container, Sea Can or Dry Box
- g. Convenience Retail Store
- h. Custom Workshop

- i. Drinking Establishment
- j. Hotel
- k. Liquor Store
- l. Motel
- m. Outside Sale and Storage
- n. Religious Assembly
- o. Relocated Building
- p. Service Station
- q. Temporary Building
- r. Vehicle and Equipment Storage
- s. Veterinary Service
- t. Warehouse Sales
- u. Micro-Brewery

9.5.4 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
All Uses	557	5,996			15	50

Use	Front Setback		Side Setback		Rear Setback	
	m	ft	m	ft	m	ft
All Uses	6.0	20	1.5	5.0	6.0	20

9.5.5 Height

- a. The maximum height shall not exceed 13.7 m (45 ft) unless otherwise approved by the Municipal Planning Commission. Developments over 13.7 m (45 ft) shall require a sprinkler system.

9.5.6 Site Coverage

- a. The maximum site coverage is 80%.

9.5.7 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

9.5.8 Additional Parking and Loading Regulations

- a. Parking and loading requirements for permitted and discretionary uses are subject to Section 7.56. in addition to the requirements found within this district.
- b. Notwithstanding the off-street parking requirements identified in Section 7.56,



should the approving Development Authority deem it advisable, it may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the C1 - Commercial General Land Use District:

- i. where the configuration of the buildings to be developed and those adjacent buildings are such that the provision of a required parking is not practical; or
- ii. where the dimensions or site area are inadequate to reasonably accommodate the proposed development and required parking.
- iii. No parking, loading, storage, trash collection, outdoor service, or display area shall be permitted within a required setback. Vehicular parking, loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and/or public roadways in accordance with the provisions of **Section 7.49 SCREENING AND GARBAGE STORAGE** of this Bylaw. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a residential district or a lane serving a residential district, such areas shall be screened in accordance with the provisions of Section 7.54 of this Bylaw.

#### 9.5.9 Additional Landscaping Regulations

- a. Landscaping requirements for permitted and discretionary uses are subject to Section 7.33 in addition to requirements found within this district.
- b. Landscaping and screening shall be provided as follows:
- c. any trees or shrubs which die, that were planted under the approved landscaping plan, must be replaced in the next planting season; and
- d. outside sale and storage uses shall be screened from adjacent sites and public thoroughfares by fencing and vegetative screening.

#### 9.5.10 Additional Development Regulations for Permitted and Discretionary Uses

- a. Any business premises or multiple occupancy building having a floor area greater than 1,500 m<sup>2</sup> (16,146 ft<sup>2</sup>) or a single wall length greater than 25 m (82 ft) visible from a public road shall comply with the following:
  - i. the roof line and the building façade shall include design elements that reduce the perceived mass of the building; and
  - ii. landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.
- b. All exposed building faces shall have consistent and harmonious exterior finishing materials.
- c. In reviewing an application for a discretionary use, the Municipal Planning Commission shall consider the design, siting, landscaping, and screening of the proposed development to minimize potential impacts such as traffic and patrons using the site, increased noise, dust, odours, or refuse, and other factors which would interfere with or affect the use and enjoyment of

would interfere with or affect the use and enjoyment of adjacent land uses.

9.5.11 Additional Rules Governing Yards

- a. Rules governing yards and their use for permitted and discretionary uses are subject to Section 7.57 in addition to any requirements found within this district.

## 9.6 C2 – COMMERCIAL CENTRAL DISTRICT

### 9.6.1 Purpose

The purpose and intent of this district is to provide for pedestrian-oriented commercial developments offering a wide variety of goods and services, and other uses, herein listed, which will create an attractive environment for pedestrians, and promote the downtown core of the Town, but which will be accessible to motor vehicles.

### 9.6.2 Permitted Uses

- a. Convenience Retail Store
- b. Financial Institution
- c. Government Service
- d. Health Service
- e. Personal Service
- f. Post Office
- g. Professional and Administrative Office
- h. Restaurant
- i. Retail Store
- j. Specialty Food Service
- k. Signs
- l. Accessory Building
- m. Accessory Use
- n. Business Support Service
- o. Child Care Service
- p. Commercial School
- q. Drinking Establishment
- r. Funeral Home
- s. Indoor Amusement Establishment
- t. Indoor Participant Recreation
- u. Library and Cultural Facility
- v. Liquor Store
- w. Pet Care Service
- x. Private Club and Lodge
- y. Shopping Centre
- z. Spectator Entertainment Establishment

- 9.6.3 Discretionary Uses
- a. Automotive and Equipment Sale, Repair Rental, and Storage
  - b. Communication Tower
  - c. Container, Shipping Container, Sea Can or Dry Box
  - d. Dwelling, Apartment
  - e. Equipment Rentals
  - f. Hotel
  - g. Non-accessory Parking
  - h. Public Park
  - i. Religious Assembly
  - j. Relocated Building
  - k. Temporary Building
  - l. Micro-Brewery
  - m. Cannabis Retail Sales Store

9.6.4 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
All Uses			2,500	26,911		

Use	Front Setback		Side Setback		Rear Setback	
	m	ft	m	ft	m	ft
All Uses	Property Line		1.5	5.0	6.0	20

- 9.6.5 Height
- a. The maximum height shall not exceed 13.7 m (45 ft) unless otherwise approved by the Development Authority. Developments over 13.7 m (45 ft) shall require a sprinkler system.

- 9.6.6 Supplementary Regulations
- a. All uses must also comply with the requirements of Section 7 and Section 8.

- 9.6.7 Additional Development Regulations for Permitted and Discretionary Uses
- a. Any business premises or multiple occupancy building having a floor area greater than 1,500 m<sup>2</sup> (16,146 ft<sup>2</sup>) or a single wall length greater than 25 m (82 ft) visible from a public road shall comply with the following:
    - i. the roof line and the building façade shall include design elements that

- reduce the perceived mass of the building and add architectural interest; and
  - ii. landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.
- b. Where the site is part of a pedestrian-oriented shopping street, the architectural treatment of the building may include features such as those listed below:
  - i. placement of windows to allow for viewing in the building by pedestrians;
  - ii. entrance features;
  - iii. canopies;
  - iv. features that lend visual interest and create a human scale; and
  - v. on corner sites, the façade treatment shall wrap around the side of the building to provide a consistent profile to both abutting roadways.
- c. All exposed building faces shall have consistent and harmonious exterior finishing materials.
- d. In reviewing an application consideration shall be given to the design, siting, landscaping, and screening of the proposed development to minimize any potential impacts such as: traffic and patrons using the site, increased noise, dust, odours, or refuse, and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses.
- e. The following regulations shall apply to dwelling unit developments that have frontage on to Main Street:
  - i. dwelling units shall be permitted only in buildings where the first storey is used for commercial purposes;
  - ii. dwelling units may be allowed when attached to a C2 - Central Commercial building;
  - iii. dwelling units shall have access at grade, which is separate from the access for the commercial premises; and
  - iv. amenity area per dwelling unit is required, in accordance Section 7.6 of this Bylaw.
- f. the parcel of land legally described as Lot 38 and 39, Block 26, Plan 4304AH shall be permitted to have a dwelling unit in the first storey of the building when the below grade portion of the building is used for commercial purposes. In the event that the site is redeveloped is shall be required to comply with this bylaw.
- g. The following regulations apply to apartment dwelling unit development located in the downtown not having frontage onto Main Street:
  - i. where dwelling units are located within the same building as a commercial use the dwelling units shall have access at grade, which is separate from the access for the commercial premises; and

- ii. amenity area per dwelling unit is required, in accordance Section 7.6 of this Bylaw.

9.6.8 Additional Parking and Loading Regulations

- a. Parking and loading requirements for permitted and discretionary uses are subject to Section 7.56 in addition to the requirements found within this district.
- b. Notwithstanding the off-street parking requirements identified in Section 7.56, should the approving development authority deem it advisable, it may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the C2 - Commercial Central District:
- c. where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
- d. where the dimensions or site area are inadequate to reasonably accommodate the proposed development and required parking.
- e. No parking, loading, storage, trash collection, outdoor service, or display area shall be permitted within a required front setback. Vehicular parking, loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and/or public roadways in accordance with the provisions of **Section 7.49 SCREENING AND GARBAGE STORAGE** of this Bylaw. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a residential district or a lane serving a residential district, such areas shall be screened in accordance with the provisions of Subsection 7.49 of this Bylaw.

9.6.9 Additional Landscaping Regulations

- a. Landscaping requirements for permitted and discretionary uses are subject to, Section 7.33 in addition to the requirements found within this district.
- b. Any trees or shrubs which die, that were planted under the approved landscaping plan, must be replaced in the next planting season.

9.6.10 Additional Rules Governing Yards

- a. Rules governing yards and their use for permitted and discretionary uses are subject to Section 7.33 in addition to any requirements found within this district.
- b. No person shall keep in any part of a yard any inoperable or unregistered vehicle or any vehicle that is in a dilapidated or unsightly condition unless it is suitably housed or screened to the sole satisfaction of the development authority
- c. All exterior storage shall be adequately screened from adjacent parcels to the sole satisfaction of the development authority.

## 9.7 C3 – COMMERCIAL HIGHWAY DISTRICT

### 9.7.1 Purpose

- a. The purpose and intent of this district is to provide an area for commercial uses and other uses, herein listed, which are compatible with the area, adjacent to a highway which requires large open areas for parking by clientele, for display of merchandise, or both, which will create an attractive environment to serve the public.

### 9.7.2 Permitted Uses

- a. Automotive and Equipment Sales
- b. Convenience Retail Store
- c. Drive-In Business
- d. Hotel
- e. Motel
- f. Restaurant
- g. Service Station
- h. Tourist Information Centre
- i. Accessory Building
- j. Accessory Use
- k. Custom Workshop
- l. Drinking Establishment
- m. Equipment Rentals
- n. General Contractor Service
- o. Liquor Store
- p. Outside Sale and Storage
- q. Personal Service
- r. Professional, Financial, and Administrative Office
- s. Public or Quasi-public Use
- t. Public Utility Building
- u. Signs
- v. Retail Store
- w. Shopping Centre
- x. Warehouse Sales
- y. Micro-brewery

9.7.3 Discretionary Uses

- a. Air Supported Fabric Covered Structures
- b. Automotive and Equipment Sale, Repair, Rental, and Storage
- c. Campground
- d. Communication Tower
- e. Container, Shipping Container, Sea Can or Dry Box
- f. Library and Cultural Facility
- g. Outdoor Participant Recreation Service
- h. Religious Assembly, limited to religious assembly uses located at the following locations legally described as: Lot 3, Block 10, Plan 0813003; Block A, Plan 8153FO; and Lot 2, Plan 9912141.
- i. Relocated Building
- j. Temporary Building
- k. Cannabis Retail Sales Store
- l. Truck or Car Wash

9.7.4 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width		Lot Depth	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft	m	ft
All Uses	464	5,000			15.2	50	45	148
Hotels & Motels	1,858	20,000			15.2	50	45	148

Use	Front Setback		Side Setback		Rear Setback	
	m	ft	m	ft	m	ft
All Uses	6.0	20	1.5	5.0	6.0	20
All Uses (adjacent to primary highway)	40	131	1.5	5.0	6.0	20
All Uses (abutting residential)	6.0	20	3.1	10	7.5	25

9.7.5 Height

- a. The maximum height shall not exceed 13.7 m (45 ft) unless otherwise approved by the Development Authority. Developments over 13.7 m (45 ft) shall require a sprinkler system.

9.7.6 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.



9.7.7 Additional Development Regulations for Permitted and Discretionary Uses

- a. Religious assembly uses shall be limited to the locations legally described as: Lot 3, Block 10, Plan 0813003; Block A, Plan 8153FO; and Lot 2, Plan 9912141.
- b. Any business premises or multiple occupancy building having a floor area greater than 1,500 m<sup>2</sup> (16,146 ft<sup>2</sup>) or a single wall length greater than 25 m (82 ft) visible from a public road shall comply with the following:
  - i. the roof line and the building façade shall include design elements that reduce the perceived mass of the building; and
  - ii. landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.
- c. All exposed building faces shall have consistent and harmonious exterior finishing materials.
- d. In reviewing an application consideration shall be given to the design, siting, landscaping, and screening of the proposed development to minimize any potential impacts such as: traffic and patrons using the site, increased noise, dust, odours, or refuse, and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses.
- e. A permit for development in this district must also be granted by the appropriate Provincial department (when the site is adjacent to a controlled highway).

9.7.8 Additional Landscaping Regulations

- a. Landscaping requirements for permitted and discretionary uses are subject to Section 7.33 in addition to the requirements found within this district.
- b. Any trees or shrubs which die, that were planted under the approved landscaping plan, must be replaced in the next planting season.

9.7.9 Additional Rules Governing Yards

- a. Rules governing yards and their use for permitted and discretionary uses are subject to Section 7.57 in addition to any requirements found within this district.
- b. All exterior storage shall be adequately screened from adjacent parcels to the sole satisfaction of the development authority.

## 9.8 C4-COMMERCIAL INDUSTRIAL DISTRICT

### 9.8.1 Purpose

The purpose of this District is to accommodate a broad range of commercial services and a limited range of light industrial, warehousing, storage, and industrial support services that do not cause any external, objectionable or dangerous conditions beyond the parcel boundary; are adjacent to a major thoroughfare; require large open areas either for parking by clientele or display of merchandise, or both; and are primarily accessible to motor vehicles. This District is intended to promote flexibility in small-to-medium scale employment uses.

### 9.8.2 Permitted Uses

- a. Accessory Buildings
- b. Accessory Uses
- c. Automotive Equipment Repair and Equipment Sale, Repair, Rental and Storage
- d. Building Supply Store
- e. Business Support Services
- f. Car and Truck Wash
- g. Drive-in Business
- h. Equipment Rentals
- i. General Contractor Service
- j. Industrial Light
- k. Manufacturing (Small Scale)
- l. Personal Service
- m. Public Utility Use/Building
- n. Repair Facility (With or without an outdoor storage yard)
- o. Restaurant
- p. Retail Store
- q. Service Station
- r. Shopping Centre
- s. Signs (No Variances Required)
- t. Temporary Building
- u. Tourist Information Centre
- v. Warehouses
- w. Warehousing

- x. Warehouse Sales
- 9.8.3 Discretionary Uses
- a. Air Supported and Fabric Covered Structures
  - b. Commercial Recreation and Entertainment Facility
  - c. Communication Tower
  - d. Dealership/Rental Agency, Implement and Equipment
  - e. Dealership/Rental Agency, Recreational Vehicles
  - f. Indoor Participation Recreation Service
  - g. Micro-Breweries with Retail Sales
  - h. Outside Sale and Storage
  - i. Outdoor Participation Recreation Service
  - j. Self-Storage Facility
  - k. Signs (Variances Required)
  - l. Veterinary Service
  - m. Hotels

Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

9.8.4 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width		Lot Depth	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft	m	ft
All Uses	464	5,000			15.2	50	45	148
Hotels & Motels	1,858	20,000			15.2	50	45	148

Use	Front Setback		Side Setback		Rear Setback	
	m	ft	m	ft	m	ft
All Uses	6.0	20	1.5	5.0	6.0	20
All Uses (adjacent to primary highway)	40	131	1.5	5.0	6.0	20
All Uses (abutting residential)	6.0	20	3.1	10	7.5	25

9.8.5 Height

- a. The maximum height shall not exceed 13.7 m (45 ft) unless otherwise approved by the Development Authority.
- b. Developments over 13.7 m (45 ft) shall require a sprinkler system.

9.13.5 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

9.13.6 Additional Development Regulations for Permitted and Discretionary Uses

- a. Notwithstanding any other regulations in this Land Use Bylaw, the Development Authority should assess the size, location, design, character and appearance of any building, series of buildings, structure or sign proposed to be installed or constructed to determine the compatibility with the character of development on adjacent lands including, but not necessarily limited to, facing materials, roof pitches, eave depth, building mass and architectural detailing.
- b. Rooflines and facades of large buildings with a single wall greater than 30 m (98.42 ft) fronting onto a street shall be designed to reduce the visual massing with architectural elements or changes in building finish to create an identifiable pattern.
- c. Facades fronting onto a street should have a recognizable base and top consisting of, but not limited to, cornice treatments, other than just coloured stripes or bands, with integrally textured materials such as stone or other masonry or differently coloured materials.
- d. The façade treatment shall wrap around the side of the building a minimum of 1.0 m (3.28 ft) to provide a consistent profile to the front and side of the building. The Development Authority may require the treatment to be extended beyond 1.0 m (3.28 ft) where the facades are visible from more than one public street.
- e. Where a building is located on a corner lot, with frontage on two or more streets, the building's architectural style shall address both streets. Wrap around architectural features are encouraged.
- f. In addition to the landscape regulations contained in **Section 7.33 LANDSCAPING** of this Bylaw, landscaping shall be concentrated around entrances and include boulevard trees and flower or shrub beds at the base of buildings.
- g. In addition to the regulations contained in **Section 8 SIGNS** of this Bylaw, signage shall be sensitive to the architecture of the building on site, adjacent buildings and uses as well as the function of the area.
- h. Loading and storage shall be located at the rear or side of the building.
- i. Garbage and waste material shall be stored in weather and animal proof containers and located in the rear or side yard.
- j. No development permit shall be issued if the Development Authority deems the development will not comply with the environmental protection standards in Section 7.25 of this Bylaw.
- k. All container, shipping container, sea-can or dry box developments shall be in accordance with the regulations in Section 7.14 of this Bylaw and are deemed to be an accessory building to the principal building to be used only for storage. The containers shall not be stacked.
  - l. Air supported and fabric covered structures will only be permitted as an accessory.

## 9.9 I1 – INDUSTRIAL GENERAL DISTRICT

### 9.9.1 Purpose

The purpose of this district is to provide for a variety of general industrial uses including warehousing, manufacturing, assembling and fabricating activities, and other industrial land uses which may require an outside storage component necessary to the operation of the business. This district may also contain large scale or specialized operations, where there are no significant external, objectionable, or dangerous conditions beyond the outer limits of the site.

### 9.9.2 Permitted Uses

- a. Accessory Building
- b. Accessory Use
- c. Air Supported and Fabric Covered Structures
- d. Auctioneering Establishment
- e. Container, Shipping Container, Sea Can or Dry Box
- f. Custom Workshop
- g. Farm and Industrial Machinery Sale, Rental, and Service
- h. Fertilizer Blending System
- i. Fuels and Chemicals Sale and Storage
- j. General Contractor Service
- k. Automotive and Equipment Sale, Repair, Rental, and Storage
- l. Business Support Service
- m. Manufacturing, Small Scale
- n. Mini-Storage
- o. Municipal Shop and Storage Yard
- p. Signs
- q. Outside Sale and Storage
- r. Professional and/or Administrative Offices, which provide a direct service to the industrial uses within this area
- s. Public or Quasi-public Use
- t. Public Utility Building
- u. Recycling Depot
- v. Seed Cleaning Plant
- w. Vehicle and Equipment Storage
- x. Warehouse Sales

- 9.9.3 Discretionary Uses
- a. Communication Tower
  - b. Custodial Quarters
  - c. Drive-In Business
  - d. Animal Hospital and Shelter
  - e. General Industrial
  - f. Kennel
  - g. Manufacturing, Large Scale
  - h. Medical Marijuana Facility
  - i. Pet Care Service
  - j. Relocated Building
  - k. Temporary Building
  - l. Temporary Storage
  - m. Veterinary Service

9.9.4 Development Regulations for Permitted and Discretionary Use

Use	Lot Area		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
All Uses	557	5,996			18	60

Use	Front Setback		Side Setback		Rear Setback	
	m	ft	m	ft	m	ft
All Uses	6.0	20	1.5	5	6.0	20
All Uses (abutting residential)	6.0	20	6.0	20	6.0	20

- a. One (1) minimum 4.5 m (15 ft) side setback to provide alternate access to the rear of buildings in a laneless subdivision.

9.9.5 Height

- a. The maximum height shall not exceed 13.7 m (45 ft) unless otherwise approved by the development authority. Developments over 13.7 m (45 ft) shall require a sprinkler system.

9.9.6 Development Standards:

- a. The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the development authority believes a proposed use may conflict with these standards, they shall refer the application to the appropriate Provincial Department for clarification prior to issuing a development permit.

9.9.7 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

9.9.8 Additional Development Regulations for Permitted and Discretionary Uses

a. Adverse Effects or Nuisances for Proposed Development

- i. In determining the significance of adverse effects or nuisances of a proposed development on adjacent or nearby sites, the development authority can consider the following:
  - 1) The magnitude of the adverse effect or nuisance;
  - 2) The extent, frequency, and duration of exposure to the adverse effect or nuisance; and
  - 3) The use and sensitivity of adjacent or nearby sites relative to the adverse effect or nuisance.
- b. Industrial developments shall not create significant adverse effect or nuisance such as noise, effluent, odour, or emissions beyond their I1 Industrial General land use district.
- c. No development permit shall be issued if the development will not comply with the environmental protection standards in Section 7.25.
- d. Buildings that have been brought to the site prebuilt shall be visually compatible with the site and shall require a development permit.

9.9.9 Additional Parking and Loading Regulations

- a. Parking and loading requirements for permitted and discretionary uses are subject to Section 7.56 in addition to the requirements of this district
- b. Notwithstanding the off-street parking requirements identified in Section 7.56, should the development authority deem it advisable it may reduce or waive the parking space requirements for proposed development or redevelopment of an industrial site within the I1 - Industrial General District:
  - i. where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
  - ii. where the dimensions or site area are inadequate to reasonably accommodate the proposed development and required parking; and
  - iii. An applicant wishing to access a site located adjacent to any provincial highway, shall be responsible for obtaining approval from the Provincial Highway Authority prior to the development authority making a decision on a site access.

9.9.10 Additional Landscaping Regulations

- a. Landscaping requirements for permitted and discretionary uses are subject to Section 7.33, in addition to the requirements found within this district.

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uses which involve the storage of goods, machinery, vehicles, building materials, waste materials, and other items.

- c. Outside sale and storage uses shall be screened from adjacent sites and public thoroughfares by fencing and vegetative screening.

9.9.11 Additional Container, Shipping Container, Sea Can and Dry Box Regulations

- a. All container, shipping container, sea can and dry box developments shall be in accordance with the regulations in Section 7.14 and will be permitted as an accessory building to the principal building for storage only. The containers shall not be stacked. The exterior finish shall match or compliment the exterior finish of the principal building.

9.9.12 Additional Air Supported and Fabric Covered Structures Regulations

- a. Air supported and fabric covered structures will only be permitted as an accessory building, in accordance with the regulations in Section 7.3.



## 9.10 I2 – INDUSTRIAL RAILWAY DISTRICT

### 9.10.1 Purpose

The purpose and intent of this district is to provide for industrial uses, which may require access to railway facilities.

### 9.10.2 Permitted Uses

- a. Nil

### 9.10.3 Discretionary Uses

- a. Air Supported and Fabric Covered Structures
- b. Communication Tower
- c. Container, Shipping Container, Sea Can or Dry Box
- d. Custodial Quarters
- e. Fuel and Chemical Sale and Storage
- f. General Industrial
- g. Kennel
- h. Manufacturing, Small Scale
- i. Mini-Storage
- j. Open Storage Yard
- k. Outside Sale and Storage
- l. Public or Quasi-public Use
- m. Public Utility Building
- n. Relocated Building
- o. Signs
- p. Temporary Building
- q. Temporary Storage
- r. Warehouse Sales
- s. Grain Elevators

### 9.10.4 Development Regulations for Permitted and Discretionary Uses

Use	Lot Area		Floor Area		Lot Width	
	m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	ft <sup>2</sup>	m	ft
All Uses	464	4,995			15.2	50

Use	Front Setback		Side Setback		Rear Setback	
	m	ft	m	ft	m	ft
All Uses	5.0	16	1.5	5.0	6.0	20

- a. The minimum side setback for fuels and chemicals sales and storage uses shall be provided in accordance with the *Fire Prevention Act*.

9.10.5 Height

- a. The maximum height shall not exceed 13.7 m (45 ft) unless otherwise approved by the development authority. Developments over 13.7 m (45 ft) shall require a sprinkler system.

9.10.6 Development Standards:

- a. The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the development authority believes a proposed use may conflict with these standards, they shall refer the application to the appropriate Provincial Department for clarification prior to issuing a development permit.

9.10.7 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

9.10.8 Additional Development Regulations for Permitted and Discretionary Uses

- a. Adverse Effects or Nuisances for Proposed Development: In determining the significance of adverse effects or nuisances of a proposed development on adjacent or nearby sites, the development authority can consider the following:
  - i. the magnitude of the adverse effect or nuisance;
  - ii. the extent, frequency, and duration of exposure to the adverse effect or nuisance; and
  - iii. the use and sensitivity of adjacent or nearby sites relative to the adverse effect or nuisance.
  - iv. Industrial developments shall not create significant adverse effect or nuisance such as noise, effluent, odour or emissions beyond their I2 - Industrial Railway District.
  - v. No development permit shall be issued if the development will not comply with the environmental protection standards in Section 7.25.
  - vi. Buildings that have been brought to the site prebuilt shall be visually compatible with the site and shall require a development permit.

9.10.9 Additional Landscaping Regulations

- a. Landscaping requirements for permitted and discretionary uses are subject to Section 7.33 in addition to the requirements found within this district.
- b. Landscaping and screening shall be provided as follows:
  - i. the boulevard, where existing, and a minimum of 5% of the site area should be landscaped in accordance with the plan approved by the

development authority;

- ii. any trees or shrubs which die, that were planted under the approved landscaping plan, must be replaced in the next planting season; and
- iii. outside sale and storage uses shall be screened from adjacent sites and public thoroughfares by fencing and vegetative screening.

9.10.10 Additional Container, Shipping Container, Sea Can, or Dry Box Regulations

- a. All container, shipping container, sea can, and dry box developments shall be in accordance with the regulations in Section 7.14 and shall be permitted as an accessory building to the principal building for storage only. The containers shall not be stacked. The exterior finish shall match or compliment the exterior finish of the principal building.

9.10.11 Additional Air Supported and Fabric Covered Structures Regulations

- a. Air supported and fabric covered structures shall only be permitted as an accessory building, in accordance with the regulations in Section 7.3.

## 9.11 COL – COLLEGE DISTRICT

### 9.11.1 Purpose

The purpose and intent of this district is to provide for College educational service facilities, both publicly and privately owned.

### 9.11.2 Permitted Uses

- a. Accessory Building
- b. Accessory Use
- c. Signs
- d. Public Education Service
- e. Home Occupation – Class 1

### 9.11.3 Discretionary Uses

- a. Child Care Service
- b. Commercial and Industrial buildings and uses associated with the Prairie Bible Institute (for Institute use only)
- c. Commercial School
- d. Communication Tower
- e. Container, Shipping Container, Sea Can or Dry Box
- f. Dormitory Residence
- g. Dwelling, Apartment
- h. Dwelling, Attached
- i. Dwelling, Duplex
- j. Dwelling, Semi-detached
- k. Dwelling, Single Detached
- l. Home Occupation Class – 2
- m. Indoor Participant Recreation Service
- n. Manufactured Home
- o. Public Park
- p. Religious Assembly
- q. Relocated Building
- r. Restaurant

### 9.11.4 Development Regulations for Permitted and Discretionary Uses

- a. All developments associated with the College shall comply with the development standards as set out in Table 10 (below). Accessory buildings shall be sited in accordance with Section 7.
- b. Apartment dwellings, attached dwellings, commercial and industrial buildings, duplex dwellings, semi-detached dwellings, single detached

dwellings and manufactured and/or modular home shall only be permitted when used in conjunction with the development and activities of the College and all must be tied into municipal water and sewer systems

9.11.5 Setbacks

- a. Residences in the COL - College District not associated with the College require the same setbacks as in the adjacent residential district or, if there is no adjacent residential district, the same setbacks as in the R1 District.

9.11.6 College District Minimum Site Requirements

- a. The table below identifies the minimum site requirements for uses within the College District.

**Table 10: College District Minimum Site Requirements**

Development	Front Setback	Side Setback	Rear Setback	Floor Area	Height	Maximum Parking Stall/Unit
Child Care Service	5.0 m (16 ft)	1.5 m (5.0 ft)	6.0 m (20 ft)	N/A	15.0 m (50 ft)	1 stall per employee
Commercial/Industrial	5.0 m (16 ft) <sup>1</sup>	1.5 m (5.0 ft) <sup>2</sup>	6.0 m (20 ft)	N/A	13.7 m (45 ft)	1 per 93 m <sup>2</sup> (1001 ft <sup>2</sup> ) of floor area <sup>1</sup>
Dwelling, Apartment	5.0 m (16 ft)	1.5 m (5.0 ft)	7.6 m (25 ft)	38 m <sup>2</sup> per unit (409 ft <sup>2</sup> )	13.7 m (45 ft)	1 plus 1 per 7 dwelling units for guest parking
Dwelling, Attached	5.0 m (16 ft)	1.5 m (5.0 ft)	7.6 m (25 ft)	56 m <sup>2</sup> (603 ft <sup>2</sup> )	13.7 m (45 ft)	1 plus 1 per 7 dwelling units for guest parking
Dwelling, Duplex	5.0 m (16 ft)	1.5 m (5.0 ft)	7.6 m (25 ft)	84 m <sup>2</sup> (904 ft <sup>2</sup> )	10.6 m (35 ft)	1
Dwelling, Semi-detached	5.0 m (16 ft)	1.5 m (5.0 ft)	7.6 m (25 ft)	84 m <sup>2</sup> (904 ft <sup>2</sup> )	10.6 m (35 ft)	1
Dwelling, Single Detached	5.0 m (16 ft)	1.5 m (5.0 ft)	7.6 m (25 ft)	84 m <sup>2</sup> (904 ft <sup>2</sup> )	10.6 m (35 ft)	1
Manufactured Home	5.0 m (16 ft)	1.5 m (5.0 ft)	4.6 m (15 ft)	65 m <sup>2</sup> (700 ft <sup>2</sup> )	10 m (33 ft)	1
Public Education Service, Religious Assembly	5.0 m (16 ft)	1.5 m (5.0 ft)	6.0 m (20 ft)	N/A	15 m (50 ft)	1 per 93 m <sup>2</sup> of floor area <sup>1</sup>

Development	Front Setback	Side Setback	Rear Setback	Floor Area	Height	Maximum Parking Stall/Unit
Public and quasi-public building, facility and installation	5.0 m (16 ft)	1.5 m (5.0 ft)	6.0 m (20 ft)	N/A	15 m (50 ft)	1 per 93 m <sup>2</sup> of floor area

a. Or as required by the approving Development Authority.

b. No side setback is required where a firewall is provided.

9.11.7 Supplementary Regulations

a. All uses must also comply with the requirements of Section 7 and Section 8.

9.11.8 Additional Parking and Loading Regulations

a. Parking and loading requirements for permitted and discretionary uses are subject Section 7.56.1 in addition to any requirements found within this district.

9.11.9 Additional Container, Shipping Container, Sea Can or Dry Box Regulations

a. All container, shipping container, sea can and dry box developments shall be in accordance with the regulations in Section 7.14 and shall be permitted as an accessory building to the principal building for storage only. The containers shall not be stacked. The exterior finish shall match or compliment the exterior finish of the principal building.

## 9.12 P1 – PUBLIC COMMUNITY SERVICE DISTRICT

### 9.12.1 Purpose

The purpose of this district is to provide recreational, educational, and community service developments for the community as a whole.

### 9.12.2 Permitted Uses

- a. Public Park
- b. Signs
- c. Indoor Participant Recreation Service

### 9.12.3 Discretionary Uses

- a. Children Services
- b. Accessory Building
- c. Accessory Use
- d. Adult Care Residence
- e. Campground
- f. Cemetery
- g. Communication Tower
- h. Community Recreation Service
- i. Exhibition Ground
- j. Extended Medical Treatment Service
- k. Health Service
- l. Library and Cultural Facility
- m. Outdoor Participant Recreation Service
- n. Public Education Service
- o. Religious Assembly
- p. Relocated Building

### 9.12.4 Development Regulations for Permitted and Discretionary Uses

- a. Site Requirements:
  - i. The development authority shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

### 9.12.5 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

### 9.12.6 Additional Parking and Loading Regulations

- a. Parking and loading requirements for permitted and discretionary uses are subject to Section 7.56 in addition to any requirements within this district

- 
- b. Notwithstanding Section 7.56, the development authority may reduce or waive the parking space requirements for a proposed development or redevelopment of some discretionary uses within this district where:
- i. the lot configuration of proposed development in relation to existing buildings is such that required parking is not practical; or
  - ii. the site area is inadequate to reasonably accommodate the required parking for a proposed development.



## 9.13 UR – URBAN RESERVE DISTRICT

### 9.13.1 Purpose

The purpose and intent of this district is to protect lands for future forms of development by restricting premature subdivision and development of parcels of land and to provide for a limited range of temporary uses that can easily be removed when the land is re-designated to allow for urban forms of development. The proposed urban development will be supported by an amending bylaw designating the appropriate districts in conformity with the policies and provisions of the Municipal Development Plan and any adopted area structure plan or area redevelopment plan for the lands under consideration.

### 9.13.2 Permitted Uses

- a. Extensive Agriculture
- b. Public Park
- c. Signs

### 9.13.3 Discretionary Uses

- a. Communication Tower
- b. Greenhouse, Plant Nursery, and Market Garden
- c. Natural Resource Extraction

### 9.13.4 Development Regulations for Permitted and Discretionary Uses

- a. The design, siting, site coverage, yards, height of buildings, external finish, and landscaping of all buildings and structures shall be to the satisfaction of the development authority which, in determining a development permit application, shall take into account:
  - i. the general purpose of the district; and
  - ii. the existing uses and prospective uses of land in the vicinity.
    - 1) The development authority shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential commercial, industrial, recreational, and service facilities on a neighbourhood and community basis.
    - 2) All outside storage is to be screened to the satisfaction of the development authority.

### 9.13.5 Subdivision Regulations

- a. Prior to subdivision of a parcel in the UR – Urban Reserve District, the applicant must apply for an amendment to the Bylaw's, Land Use District Map.
- b. Council shall require an area structure plan before considering an amendment to the Land Use District Map.
- c. The development authority shall require an area structure plan before recommending approval of a subdivision.

9.13.6 Supplementary Regulations

- a. All uses must also comply with the requirements of Section 7 and Section 8.

## 9.14 DC – DIRECT CONTROL DISTRICT

### 9.14.1 Purpose

The purpose for this district is to provide for unique developments or transitional zones for areas consistent with the Town's Municipal Development Plan or an approved area structure plan, or area redevelopment plan or for special cases as approved by Council from time to time. This district is not intended to be a substitution for any other land use district in this Bylaw that could be used to achieve the same result.

### 9.14.2 Permitted Uses

Nil

### 9.14.3 Discretionary Uses

- a. All land use applications shall be evaluated on their merits by Council, which will establish the appropriate development standards.

### 9.14.4 Direct Control District Regulations

The following regulations apply to all uses:

- a. Minimum Parcel Area: All the land contained in the existing Certificate of Title, unless otherwise approved by the Municipal Planning Commission, having regard to future use of the parcel and the form of future subdivision and development.
- b. Utilities: All utility services and all utility wires and conduits shall be installed underground.
- c. Water and Water Systems: All development is to be connected to the municipal sewer and water systems.

### 9.14.5 Supplementary Regulations

- a. All uses must also comply with the regulations in Sections 7 and Section 8.

### 9.14.6 Administrative Provisions

- a. This district shall only be applied where the following conditions are met:
  - i. The development is of a unique form or nature not contemplated or reasonably regulated by another district.
  - ii. The development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and the surrounding area and its compatibility with the scale and character of the surrounding development and use
- b. In addition to the information required by this Bylaw for an amendment application, the applicant shall also provide the following:
  - i. Rationale explaining why the proposed district is desirable for the site having regard for the conditions list in Section 9.14.4. above.
  - ii. A list of uses proposed for the site.
  - iii. An explanation of the methods used to obtain public input and

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- written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to any concerns.
- iv. Plans and elevation drawings that would help substantiate the need for the district and establish the development standards that would apply to the site; and any other information as may be required by the development authority to evaluate the proposed development and its potential impacts.
- c. In approving a bylaw for a Direct Control District for a particular site, Council may specify:
- i. those uses that may be decided upon by a development authority; and
  - ii. those development standards for which a variance may be granted.

