



TOWN OF BON ACCORD LAND USE BYLAW

BYLAW 2016-03



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Bylaw 2018-11

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GUIDE TO USING THE LAND USE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or moved in) in the Town of Bon Accord. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the County, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the Town into various Land Use Districts. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

Locate the subject property on the Land Use District maps. These maps divide the Town into various Land Use Districts. Each Land Use District has a designation such as “R1” for LOW DENSITY RESIDENTIAL or “C1” CENTRAL COMMERCIAL. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan which may modify some of the uses and regulations of the Land Use Bylaw or impose additional regulations. PLEASE NOTE: Land Use Districts are often referred to as “Zones” or “Zoning.” In order to conform to the language of the Municipal Government Act, this document uses the terms “District” and “Districting.”

Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed starting in **PART 9**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **PART 1.3** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, **PART 5** describes the Enforcement Procedure. **PART 7.1** contains general regulations about Access from Streets and Lanes, and **PART 8.14** contains general regulations about Manufactured Home Parks, just to name a few.

Discuss your proposal/concern with Planning and Development staff. Town staff are well trained and eager to assist you with your development/subdivision or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.

PART 1 – GENERAL ADMINISTRATIVE PROCEDURES

1 | TITLE

This bylaw shall be referred to as the Town of Bon Accord Land Use Bylaw.

2 | PURPOSE

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- 1) to divide the municipality into districts;
- 2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- 3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- 4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- 5) to establish the number of dwelling units permitted on a parcel of land.

3 | INTERPRETATION

In this bylaw:

- 1) **“abut” or “abutting”** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- 2) **“accessory building”** means a temporary or a permanent building which is separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same parcel of land. Accessory buildings include, but are not limited to, private garages, portable garages, or sheds;
- 3) **“accessory use”** means a use customarily incidental and subordinate to the principal use or building and located in the same parcel of land with such principal use or building;
- 4) **“Act”** means the Municipal Government Act, R.S.A. 2000, as amended, as amended, and any Regulations made pursuant thereto;
- 5) **“adjacent land”** means land that is contiguous to a particular parcel of land and includes:
 - a. land that would be contiguous if not for a highway, road, river or stream, and

b. any other land identified in this Bylaw as adjacent for the purpose of satisfying **PART 3.10 (2)** of this Bylaw; **FIGURE 1** provides an example of adjacent land in an urban area.

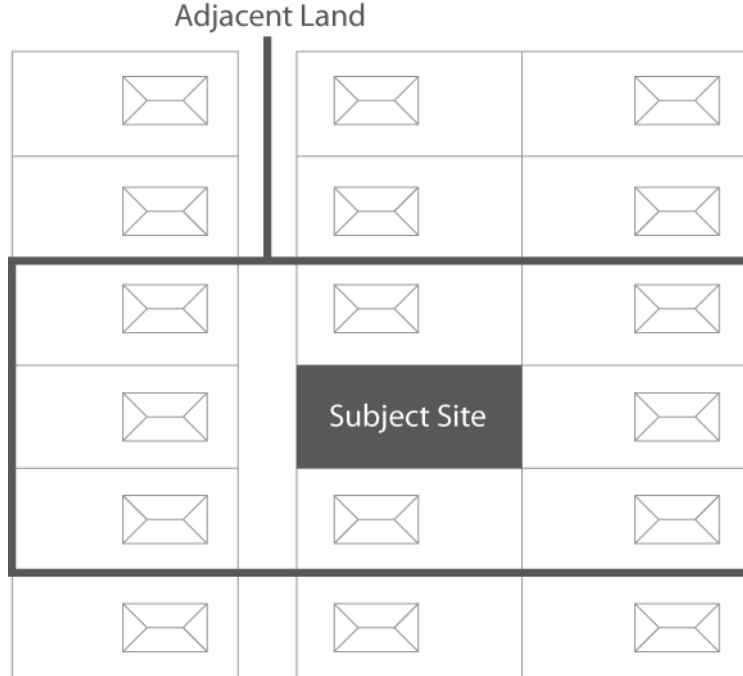


FIGURE 1: ADJACENT LAND

- 6) **“adult entertainment”** means an establishment which provides live entertainment for its patrons, which includes the display of nudity;
- 7) **“adult use”** means any of the following: Adult Bookstore, Adult Motion Picture Theatre, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment

characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 18.6 m2 (200 ft.2), whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement;

- 8) **“agricultural industry”** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
- 9) **“agricultural operation”** means an agricultural operation as defined in the *Agricultural Operation Practices Act*, R.S.A. 2000, c. A-7, as amended;

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- 10) **“agriculture, extensive”** means the use of land or buildings, including the first dwelling or manufactured home, for an agricultural operation which requires large tracts of land (usually in the order of 32.4 ha (80.0 ac. or more). This use may include the outdoor cultivation of industrial hemp, but does not include intensive agriculture, cannabis production and distribution, industrial hemp production and distribution facility, or a confined feeding operation which requires either a registration or an approval under Part 2 of the *Agricultural Operation Practices Act*, R.S.A. 2000, c. A-7, as amended or replaced;;

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- 11) **“agriculture, intensive”** means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, silviculture and sod farms, but does not include confined feeding operations or a cannabis production and distribution, or industrial hemp production and distribution facilities;

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- 12) **“agricultural industry”** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed

cleaning and/or processing plants, cannabis production and distribution, industrial hemp production facilities, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs

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- 13) **“alcohol retail sales”** means an establishment or that part of an establishment possessing a class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods. This does not include cannabis retail sales establishments;
- 14) **“amenity area”** means an area which shall be provided subject to the regulations of this bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways;
- 15) **“amenity area, communal”** means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all occupants of a building. Such area must be for communal use and accessible by all occupants of a building it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways;
- 16) **“amenity area, private outdoor”** means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways;
- 17) **“amusement establishment, indoor”** means a development providing recreational facilities inside an enclosed building with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;
- 18) **“amusement establishment, outdoor”** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- 19) **“animal hospital”** means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- 20) **“animal services facility”** means a development for the purpose of the treatment of animals and includes retail sales of associated products. This may include such uses as veterinary clinics and

large animal veterinary clinics, impounding and quarantining facilities, but does not include the sale of animals;

- 21) **“apartment”** see **“dwelling, apartment”** **“area of a sign”** means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of the area of a sign;
- 22) **“area of a sign”** means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of the area of a sign;
- 23) **“arterial road”** means a road used primarily for through traffic;
- 24) **“auctioneering establishment”** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- 25) **“automotive and equipment repair shop, heavy”** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Heavy Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, (but not body repair or paint shops) which provide services to vehicles and equipment with a gross vehicle weight rating equal to or greater than 4000.0 kg (8,818.5 lbs.), or a length equal to or greater than 6.7 m (22.0 ft.);
- 26) **“automotive and equipment repair shop, light”** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Light Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, (but not body repair or paint shops) which provide services to vehicles and equipment with a gross vehicle weight rating less than 4000.0 kg (8,818.5 lbs.), or a length less than 6.7 m (22.0 ft.);
- 27) **“automotive and recreational vehicles sales/rental establishment, heavy”** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented together with incidental maintenance services and sale of parts. Heavy automotive and recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, and dealerships for the sale of trucks with a gross vehicle weight rating equal to or greater than 4000.0 kg (8,818.5 lbs.). This use also includes the sale of recreational vehicles with either a gross vehicle weight rating equal to or greater than 6000.0 kg (13,227.7 lbs.) or a length equal to or greater than 6.7 m (22.0 ft.);
- 28) **“automotive and recreational vehicles sales/rental establishment, light”** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Light automotive and minor recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, and includes dealerships for the sale of trucks with a gross vehicle weight rating less

than 4000.0 kg (8818.5 lbs.). This use also includes the sale of recreational vehicles with either a gross vehicle weight rating less than 6000.0 kg (13,227.7 lbs.) or a length less than 6.7 m (22.0 ft.);

- 29) **“bareland condominium”** see **“condominium, bareland”**
- 30) **“basement”** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.8 m (6 ft.) of its clear height which lies below the finished level of the floor directly above;
- 31) **“bed and breakfast establishment”** means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public;
- 32) **“boarding and lodging house”** means a development, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Boarding and lodging houses may include student co-operative housing, and lodges for senior citizens, but not group homes;
- 33) **“body shop or paint shop”** means a commercial business where the body of vehicles is maintained, painted or repaired on site;
- 34) **“building”** means anything constructed or placed on, in, over, or under land, but does not include a highway or road or a bridge forming part of a highway or road;

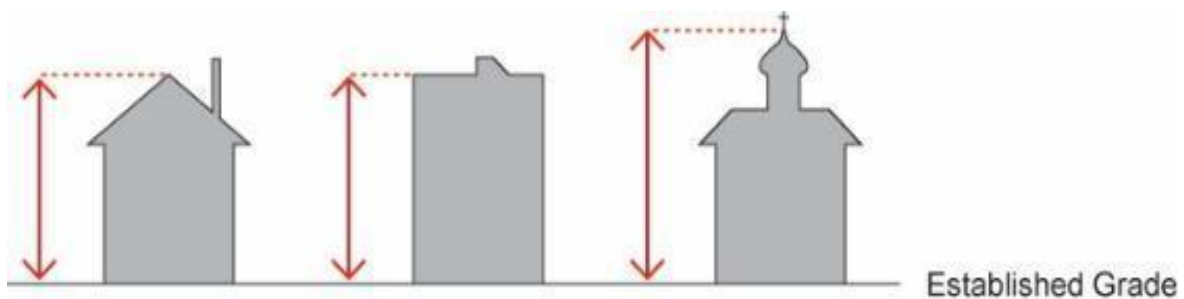


FIGURE 2: BUILDING HEIGHT

- 35) **“building area”** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;
- 36) **“building height”** means the vertical distance measured from the 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 (see **FIGURE 2**);
- 37) **“bus depot”** means a development where scheduled intermunicipal buses drop off or pick up either passengers or cargo but does not include staging areas;
- 38) **“business frontage”** means
 - a. any side of a lot or building which abuts a road, or
 - b. in the case of individual business or tenants within a building, any business which has separate access to a road;

- 39) **“business support services establishment”** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
- 40) **“cannabis”** means cannabis as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended or replaced.

- a. Cannabis includes:
- i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

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- b. Cannabis does not include:
- i. a non-viable seed of a cannabis plant;
 - ii. mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
 - iii. fibre derived from a mature cannabis stalk as referred to in subsection (ii), above;
 - iv. the root or any part of the root of a cannabis plant; or
 - v. industrial hemp.

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- 41) **“cannabis, medical”** means cannabis that is obtained for medical purposes in accordance with applicable federal law;

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- 42) **“cannabis lounge”** means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution facilities;

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- 43) **“cannabis production and distribution”** means a development used principally for one or more of the following activities relating to cannabis:
- a. the production, cultivation, and growth of cannabis;
 - b. the processing of raw materials;
 - c. the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
 - d. the storage or shipping of materials, goods, or products, or;
 - e. the distribution and sales of materials, goods, and products to cannabis retail sales stores or to individual customers;

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- 44) **“cannabis retail sales establishment”** means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis

accessories, as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended or replaced. This use does not include cannabis production and distribution facilities;

- 45) **“canopy”** means an overhanging projection, shelter or shade covering extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun or demarcating the entrance of a building.
- 46) **“carport”** means a roofed structure, used for storing or parking of not more than two private vehicles, which has not less than forty percent (40%) of its total perimeter open and unobstructed and, if attached to the principal building, shall be considered as part of the principal building.
- 47) **“cemetery”** means a development for the entombment of the deceased, which may include the following accessory developments: crematorium, columbarium, and mausoleums. Cemeteries may include memorial parks, burial grounds, chapels, and gardens of remembrance;
- 48) **“chattel”** means a movable item of personal property;
- 49) **“child care facility”** means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage and does not include overnight accommodation. Child care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting programs which satisfy this definition. Child care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- 50) **“clubhouse”** means the building, room, or other facility used for the activities of a group organized for a common purpose, especially a group that meets regularly. A clubhouse may include change rooms, showers, lockers, and a common area where food and non-alcoholic or alcoholic drinks are consumed. This use does not include cannabis lounges;
- 51) **“cluster development”** means a development technique that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes;
- 52) **“collector road”** means a road used primarily for collecting traffic from local roads and channelling it to arterial roads;
- 53) **“co-location”** means locating more than one (1) facility on a site, tower and/or accessory building.
- 54) **“commercial school”** means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but include secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- 55) **“commercial storage”** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature. This use does not include outdoor storage;
- 56) **“commercial uses”** means both general commercial uses and highway commercial uses;
- 57) **“commercial communications (CC) facility”** means a facility that provides communication service using RF technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna de-

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icing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems;

- 58) **“communications tower, small radio”** means a development that is intended for transmitting or receiving radio communications signals from devices such as ham radios, fleet dispatch systems, or private communications systems. Typical small radio communications towers are short, usually no more than 3 m (9.8 ft.) taller than the adjacent buildings;
- 59) **“community recreation service”** means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents’ organization;
- 60) **“condominium”** means housing units administered under the Condominium Property Act, R.S.A. 2000, as amended, which allows for the division of a parcel into units and common elements, and the provision of an administrative framework through a condominium corporation which enables owners to manage the property.
- 61) **“condominium, bareland”** means housing units administered under the *Condominium Property Act*, R.S.A. 2000, as amended which allows for the division of a parcel of land into lots and common property, and where “joint control” is applied to a parcel of land (as distinct from a building) in which there are a number of individually owned parcels of land (lots) with the joint control being applied to the entire parcel of land owned by those owning a “lot”. Condominium title is conferred upon those owning individual lots with the Condominium Association being responsible for the common property.

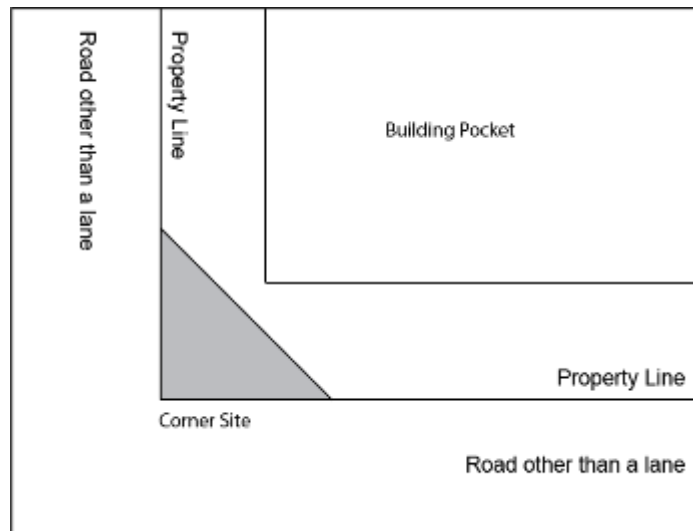


FIGURE 3: CORNER SITE DEFINITION

- 62) **“confined feeding operation”** means a confined feeding operation as defined in the *Agricultural Operation Practices Act*, R.S.A. 2000, as amended;
- 63) **“corner site”** means a site with means a part of a lot adjacent to two (2) separate roads or highways, or a combination of them, or adjacent to a single road, lane or highway that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road or highway right-of-way boundary lines and a straight line joining points on the road or highway lane right-of-way boundary line a certain specified distance from their intersection;
- 64) **“Council”** means the Council of the Town of Bon Accord;
- 65) **“creation and production establishment”** means development used for the custom creation or small-scale fabrication of goods or hand crafts produced in limited quantity. Accessory Uses may

include the retail sale of goods produced on Site. Typical uses include value-added agriculture, activities involving the processing, cleaning, packing or storage of agricultural products, craft, design, and interdisciplinary arts studios. This use does not include abattoirs or cannabis retail sales establishments;

- 66) **“curb cut”** means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site;
- 67) **“day care facility”** see **“child care facility”**
- 68) **“day home”** means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- 69) **“deck”** means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act, R.S.A. 2000, as amended. A deck shall not have walls higher than 1.25 m (4.1 ft.) and/or a roof. If the structure has a roof, it shall be considered to be part of the principal building and not a deck;
- 70) **“deck, enclosed”** means a structure intended for seasonal use that is attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, that has walls higher than 1.25 m (4.1 ft.). An enclosed deck shall not have a roof. If the structure has a roof, it shall be considered to be part of the principal building and not a deck;
- 71) **“density”** means a measure of the average number of persons or dwelling units per unit of area;
- 72) **“developer”** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- 73) **“development”** means:
- a. an excavation or stockpile and the creation of either of them, or
 - b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- and includes:
- e. any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site, or
 - f. the placing of refuse or waste material on any land, or
 - g. the use of land for the storage or repair of motor vehicles or other machinery or equipment, or

- h. the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect, or
 - i. the demolition or removal of a building, or
 - j. the placement of an already constructed or a partially constructed building on a parcel of land, or
 - k. the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way, or
 - l. the removal of topsoil.
- 74) **“Development Authority”** means the Development Authority established pursuant to the Act through the municipality’s Development Authority Bylaw;
- 75) **“Development Officer”** means the Development Officer established and appointed pursuant to the Act through the municipality’s Development Authority Bylaw;
- 76) **“development permit”** means a document issued pursuant to this Bylaw which may include attachments, authorizing a development;
- 77) **“discontinued”** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;
- 78) **“direct control district”** means a district in the Land Use Bylaw which details guidelines established by Council which control the use and development of lands pursuant to the Municipal Government Act. Direct control districts are generally used if there are specific features of a site or a project that would require unique rules and regulations.
- 79) **“discretionary use”** means the use of land or a building provided for in this Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made, at the discretion of the Development Authority;
- 80) **“district”** means Land Use District as per **PART 9** of this Bylaw;
- 81) **“domestic pet”** see **“pet, domestic”**
- 82) **“double fronting lot”** see **“lot, double fronting”**
- 83) **“drinking establishment”** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site occurs and where liquor is the primary source of business. This use does not include cannabis lounges;
- 84) **“drive-in business”** means an establishment which services customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations. Drive-in businesses include service stations, gas bars, drive-in restaurants, and drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- 85) **“drive-in restaurant”** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;

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- 86) **“driveway”** means a vehicle access route between the carriageway of a public road, and a development on a site;
- 87) **“duplex”** see **“dwelling, semi-detached”**
- 88) **“dwelling”** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. Dwellings include single family dwellings, duplexes, ground-oriented multiple unit dwellings (row housing), apartments, modular homes, and manufactured homes;

- 89) **“dwelling, apartment”** means a single building comprised of three or more dwelling units with shared entrance facilities;



FIGURE 4: APARTMENT

- 90) **dwelling, row housing”** means a building consisting of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean apartment;



FIGURE 5: ROW HOUSING

- 91) **“dwelling, semi-detached”** means a dwelling containing two (2) dwelling units which are joined side by side or one above the other by a common wall with each dwelling unit having a separate exterior entrance. A duplex may be on one (1) lot or may be split along the common wall onto two (2) lots;

- 92) **“dwelling, single detached”** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite or an in-law suite. A single detached dwelling is a dwelling normally constructed on-site. Single detached dwellings do not include: semi-detached dwellings, duplexes, ground oriented multiple unit dwellings (row housing), apartments, modular home units and manufactured home units;



FIGURE 6: SEMI-DETACHED

- 93) **“dwelling unit”** means a self-contained portion of a dwelling, or a set or suite of rooms, which contains sleeping, cooking, living and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;



FIGURE 5: SINGLE DETACHED

- 94) **“eating and drinking establishment”** means a development, which is not a drive-in restaurant, where food and/or beverages are prepared and offered for sale to the public for consumption within the premises, at an accessory outdoor seating area on the site, or off the site. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-

in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit;

- 95) **“entertainment establishment”** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. An adult entertainment establishment is not considered an entertainment establishment for the purposes of this Bylaw;
- 96) **“equipment rental establishment”** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and/or serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented and/or serviced;
- 97) **“established grade”** means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment (see **FIGURE 8**);
- 98) **“excavation”** means any breaking of ground, except common household gardening and ground care;
- 99) **“exhibition and convention facility”** means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres;
- 100) **“exotic pet”** see **“pet, exotic”**
- 101) **“extended medical treatment facility”** means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, sanatoriums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;
- 102) **“exterior wall”** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);
- 103) **“family care facility”** means a facility which provides resident care service in a private residence to six or fewer individuals who are not related to the resident household. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided services and

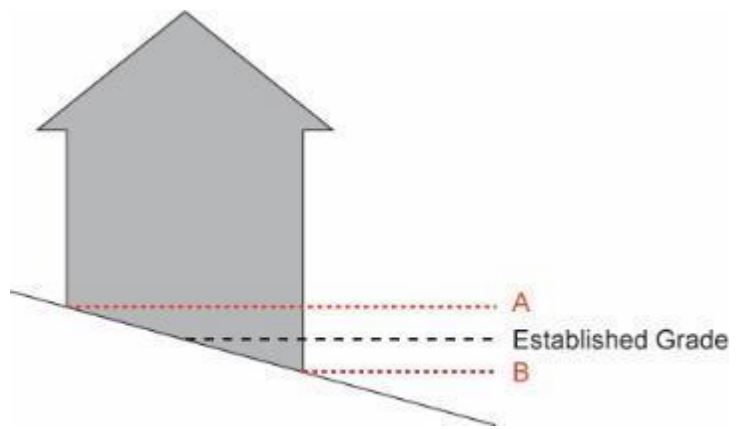


FIGURE 6: ESTABLISHED GRADE

supervision in accordance with their individual needs. Family care facilities include foster or boarding homes for children, but do not include group homes;

- 104) **“farmstead”** means the dwelling and other improvements used in connection with extensive or intensive agriculture or a confined feeding operation, situated on a parcel of land used in connection with such farming operation. A farmstead’s dwelling may be a single family dwelling, a manufactured home, a modular home, or a duplex. In exceptional circumstances, at the discretion of the Subdivision Authority, a farmstead may be the former site of a dwelling;
- 105) **“fence”** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- 106) **“fleet services”** means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, and messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000.0 kg (6,613.9 lbs.);
- 107) **“floor area”** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centre line of fire walls but not including the floor areas of basements, attached garages, sheds, open porches, or breeze ways, except that all dwelling units in an apartment shall be included in the calculation of floor area;
- 108) **“foundation, permanent”** means the lower portion of a building constructed of concrete, masonry, or pressure treated wood, and is designed separately from the building to include the footings or piles which transfer the weight of and loads from a building to the ground. The connections are integrated with the building structure, and are designed to prevent the building from being separated from the foundation.
- 109) **“foundation, temporary”** means the lower portion of a building constructed of concrete, masonry or pressure treated wood, and is designed separately from the building and will serve to support the building for a short period of time. The connections are not integrated with the building structure and are designed to allow the building to be separated from the foundation.
- 110) **“fragmented parcel”** means a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river, a permanent naturally-occurring water body, a railroad, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gully or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the discretion of the Subdivision Authority;
- 111) **“front line”** means the boundary line of a site lying adjacent to a road. In the case of a corner site, the shorter of the two boundary lines adjacent to the road shall be considered the front line. In the case of a double fronting site, both boundary lines adjacent to the roads shall be considered front lines;
- 112) **“front yard”** see **“yard, front”**
- 113) **“frontage”** means the length of the front line. On double fronting sites, all front lines shall be considered frontage;

- 114) **“funeral service”** means a development where the dead are prepared for burial or cremation and where funeral services may be held. Funeral services include funeral homes and undertaking establishments;
- 115) **“garage”** means an accessory building or part of the principal building, designed, and used primarily for the storage of motor vehicles, and which is placed upon a permanent foundation.
- 116) **“garage suite”** see **“suite, garage”**
- 117) **“garden suite”** see **“suite, garden”**
- 118) **“gas bar”** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations and includes car washes;
- 119) **“general advertising”** means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the site on which the sign is displayed;
- 120) **“general commercial use”** means a development through which products or services are available to consumers but does not include the manufacturing of products, secondary commercial uses, or highway commercial uses;
- 121) **“general contractor service”** means a 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 may 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 use only;
- 122) **“general retail establishment”** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second-hand goods, and similar goods are bought, rented, and/or sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments include convenience retail stores but does not include warehouse sales establishments, or developments where gasoline, new or used motor vehicles ,alcohol, cannabis, heavy agricultural and/or industrial equipment are sold or rented;
- 123) **“glass line”** means the line created within the wall of a building measured from the centre of the windowpane glass.
- 124) **“government services”** means a development where municipal, provincial, or federal government services are

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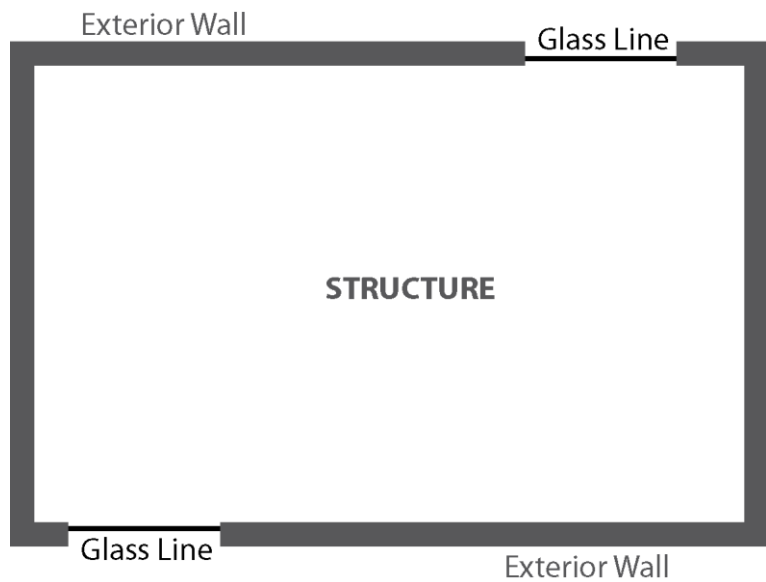


FIGURE 7: GLASSLINE DEFINITION

provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;

125) **“grade”** see **“established grade”**

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126) **“greenhouse and plant nursery”** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products. This does not include cannabis retail sales or cannabis production and distribution;

127) **“gross leasable area”** means the total floor area of the building contained within the outside surface of the exterior and basement walls and includes enclosed and heated malls but excludes mechanical and utility rooms, public washrooms, stairwells, and elevators;

128) **“ground floor area”** means the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but excluding open decks, patios, steps, cornices, eaves and similar projections. Ground floor area shall include air wells, and all other space within a building except inner or outer courts;

129) **“ground-oriented multiple unit dwelling”** see **“dwelling, row housing”**

130) **“group care facility”** means a facility which provides resident services to seven (7) or more individuals of whom one or more are unrelated. These individuals may be aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This use includes supervised facilities such as group homes (all ages), half-way houses, resident schools, resident facilities and foster or boarding homes, and psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals.

131) **“group home”** means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults which is not predominantly related to age or a physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability;

132) **“guest ranches”** means a development of a private owner-occupied ranch house which includes sleeping facilities, which are rented on a daily basis to registered guests and meals are prepared in a residential kitchen;

133) **“half storey”** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;

134) **“hard surfaced”** means a surface covered and compacted with asphalt, gravel, stone, concrete, or a similar material;

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135) **“head shop”** means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales establishments or a cannabis production and distribution facility;

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136) **“health services”** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic,

rehabilitative, or counselling nature. Health services include medical, chiropractic, and dental offices, health clinics, medical cannabis clinics, and counselling services;

137) **“hedge”** means a fence or boundary formed by closely growing bushes or shrubs;

138) **“highway”** means a highway or proposed highway that is designated as a highway pursuant to the Public Highways Development Act, R.S.A. 2000, as amended;

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139) **“highway commercial use”** means a commercial use serving the travelling public which relies on a highly visible location in proximity to a highway or an arterial road. Highway commercial uses may include eating and drinking establishments, service stations, gas bars, convenience retail stores, hotels, motels, commercial with warehousing, drive-in businesses and personal service shops. This does not include a cannabis retail sales establishment;

140) **“home occupation”** means an occupation carried out within a dwelling unit and which is not visible or noticeable in from the outside of the building. Home occupations may be classified as either major home occupations or minor home occupations. See **“home occupation major”** and **“home occupation minor”**

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141) **“home occupation, major”** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in **PART 8.13** of this Bylaw. A major home occupation may have up to one (1) employee, other than those resident in the dwelling unit working on site at any time. A major home occupation may also have more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, garment making, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and tutoring, or professional consulting services. A major home occupation does not include cannabis retail sales or cannabis production and distribution. The distinctions between major home occupations and minor home occupations are more fully described in **PART 8.13** of this Bylaw;

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142) **“home occupation, minor”** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use. A minor home occupation will have no employees, other than those residing in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home occupation. A minor home occupation does not include cannabis retail sales or cannabis production and distribution. The distinctions between minor home occupations and major home occupations are more fully described in **PART 8.13** of this Bylaw;

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143) **“hotel”** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and alcohol retail sales, but shall not include any cannabis retail sales establishment, cannabis lounge, or an entertainment

establishment where there is a dance floor larger than 5 m² (5 ft.²) unless specifically approved by the Development Authority;

144) **“household”** means:

- a. a person, or
- b. two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
- c. a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;

145) **“household repair service”** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;

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146) **“industrial hemp”** means a cannabis plant – or any part of that plant – in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves, as defined in *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced;

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147) **“industrial hemp production facility”** means the use of land, buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import industrial hemp, including related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended, or replaced. This does not include cannabis retail sales or cannabis production and distribution facility, or the cultivation of industrial hemp;

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148) **“industrial use, heavy”** means a development which would be considered to be a medium industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to:

- a. the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use;
- b. the potential for significant toxic or noxious by-products such as air or water-born emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being.

Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants; large scale cannabis production and distribution; large scale industrial hemp production and distribution facilities; and natural resource or agricultural product processing plants or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses;

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149) **“industrial use, heavy petrochemical”** means a development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. This use does not include industrial hemp production and distribution facilities or cannabis production and distribution;

Bylaw 2018-12 150) **“industrial use, light”** means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industrial uses are usually less capital intensive than medium and heavy industrial uses, and may be more consumer-oriented than business-oriented. Light industrial uses often require only a small amount of raw materials, area and power.

For further clarification, light industrial uses include developments where:

- a. raw materials are processed, and/or
- b. semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- c. materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- d. goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- e. materials, goods and equipment are stored indoors and/or transhipped, and/or
- f. materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers,
- g. small scale cannabis production and distribution;
- h. small scale industrial hemp production and distribution facilities; and/or
- i. personnel are trained in all industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the light industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the light industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the light industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;

Bylaw 2018-12 151) **“industrial use, medium”** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, where no adverse environmental impact (noise, smoke, odour, dust or vibration) takes place beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. This use includes cannabis production and distribution and industrial hemp production and distribution facilities;

Bylaw 2018-12 152) **“industrial vehicle and equipment sales/rental establishment”** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations

and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;

- 153) **“in-law suite”** see **“suite, in-law”**
- 154) **“institutional use”** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region;
- 155) **“internal site”** see **“lot, interior”**
- 156) **“kennel”** means a development in which more than two (2) dogs are maintained, boarded, bred, trained, cared for, or kept for purposes of sale or in which more than two (2) dogs not owned by the resident of the lot on which the kennel is located are kept or cared for;
- 157) **“landfill”** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or by a municipally-owned corporation;
- 158) **“landscaping”** means lawns, trees, shrubs, ornamental plantings, fencing, walks, or other structures and materials used in modern landscape architecture; however, it shall not include garbage containers, storage areas, or parking lots;
- 159) **“lane”** means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.) and is not less than 6.0 m (19.7 ft.) in width, and which provides a secondary means of access to a site or sites or as defined as an alley in the Traffic Safety Act, R.S.A. 2000, as amended, as amended;
- 160) **“leading wall”** means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.;
- 161) **“libraries and cultural exhibit”** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- 162) **“limited contractor service”** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and where there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- 163) **“livestock”** means livestock as defined in the Agricultural Operation Practices Act, R.S.A. 2000, as amended. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- 164) **“living area”** means the developed area within a dwelling often measured by exterior walls but does not include basement, garage or carport, patio, or atrium;
- 165) **“loading space”** means an off-street space, on the same site as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

166) **“lot”** means:

- a. a quarter section, or
- b. a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
- c. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

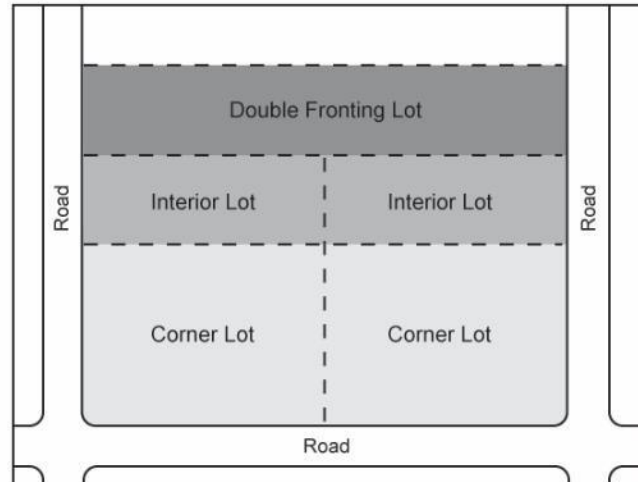


FIGURE 8: ILLUSTRATION OF LOT DEFINITIONS

- 167) **“lot, corner”** means a site with boundary lines on two separate roads which intersect at an angle of less than one hundred and thirty five (135) degrees, or a single road that curves such that the arc of the inside boundary of the road is less than 45.0 m (147.6 ft.) in radius over an angle of more than one hundred and thirty-five (135) degrees at the subject site. For the purposes of this definition, a road shall not include a lane (see **FIGURE 10**);
- 168) **“lot, double fronting”** means a lot which abuts two roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (see **FIGURE 10**);
- 169) **“lot, interior”** means a site which is bordered by only one (1) road (see **FIGURE 10**);
- 170) **“maintenance”** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act, R.S.A. 2000, as amended. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
- 171) **“manufactured home”** means a single family dwelling, manufactured in full compliance with current Canadian Standards Association (CSA), MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed current CSA Z240MH Mobile Home label AND an Alberta Municipal Affairs label that certifies compliance to the current ABC. Notwithstanding the requirement regarding labels, should a building not have a label, it can still be considered a manufactured home for the purposes of this Bylaw should the inspection and upgrading procedures outlined in **PART 8.15** of this Bylaw be followed. A manufactured home is normally constructed off-site and then transported to its site. Upon arriving at the site for location, apart from incidental operations such as placement on a foundation and connection of utilities, it is ready for year round use as a dwelling for one household. A manufactured home may be assembled on site out of multiple pieces. Additionally, to be considered a manufactured home, a dwelling with one dwelling unit shall have a roof pitch of less than 1:4, or a depth of eaves of less than 45 cm (18 in.), or a ratio of depth vs. width (or width vs. depth) of more than 2.5:1, not including porches or other additions, or not be supported on a permanent foundation or base extending below grade;

- 172) **“manufactured home park”** means any site on which two (2) or more occupied manufactured homes are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park;
- 173) **“manure storage facility”** means a manure storage facility as defined in the *Agricultural Operation Practices Act*, R.S.A. 2000, as amended;
- 174) **“may”** is an operative word meaning a choice is available with no particular direction or guidance intended;
- Bylaw 2018-12 175) **“medical cannabis clinic”** means any business or enterprise, whether or not operated for profit, intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation;
- 176) **“minor repair shop”** means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;
- 177) **“mobile home”** see **“manufactured home”**
- 178) **“modular home”** means a dwelling containing one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite or an in-law suite, which is constructed in large sections, away from the site on which the modular home is to be placed, and under controlled conditions. Modular homes do not include manufactured homes;
- 179) **“motel”** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available either at grade or via stairways or escalator. A motel may include eating and drinking establishments and convenience retail stores, but shall not include alcohol retail sales, or an entertainment establishment;
- 180) **“multi-dwelling building”** means apartment, duplexes and/or row housing. See **“dwelling, apartment,” “dwelling, semi-detached,”** or **“dwelling, row housing”** for a more detailed description of the specific use types;
- 181) **“multi-use development”** means a development with planned integration of some combination of retail, office, residential, hotel, recreation or other uses. A multi-use development is pedestrian-oriented and contains elements of a live-work-play environment, maximizes space usage, has amenities and architectural expression, tends to mitigate traffic and sprawl, and may include one (1) or more buildings;
- 182) **“Municipal Government Act”** means the Municipal Government Act, R.S.A. 2000, CM 26, as amended
- 183) **“municipality”** means the Town of Bon Accord in the Province of Alberta;
- Bylaw 2018-12 184) **“neighbourhood commercial development”** means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960 ft²). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops. This use does not include cannabis retail sales;

- 185) **“natural resource extraction industry”** means the surface or sub-surface mining of metallic or non-metallic minerals;
- 186) **“non-conforming building”** means a building:
- a. that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - b. that on the date the Land Use Bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;
- 187) **“non-conforming use”** means a lawful specific use:
- a. being made of land or a building or intended to be made of a building lawfully under construction at the date a Land Use Bylaw affecting the land or building becomes effective, and
 - b. on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;
- 188) **“noise”** means any sound which either annoys or disturbs persons, or which injures, endangers, or detracts from the comfort, repose, health, peace or safety of persons within the boundary of the municipality;
- 189) **“nuisance”** means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people as identified within the Town’s Community Standards Bylaw and for which complaints are received either by the municipality or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;
- 190) **“obnoxious”** means a development which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, or glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
- 191) **“occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- 192) **“occupant”** means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner;
- 193) **“off-grid”** refers to a stand-alone power generating system not connected to any commercial utility;
- 194) **“off-site sign”** means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- 195) **“off-street parking lot”** means a parking area which is located on a parcel of land not adjacent to or not accessory to a particular use or development;

- 196) **“offensive”** means a development which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, or glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
- 197) **“office use”** means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; and the offices of governmental and public agencies;
- 198) **“outdoor storage”** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- 199) **“owner”** means:
- a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - b. in the case of any other land, the person shown as the owner of a parcel of land on the municipality's assessment roll prepared under the Act;
- 200) **“parcel of land”** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- 201) **“park model”** means a temporary or recreational unit. There are two types of park models which are recognized by the industry. They are:
- a. **Park Model Trailer 102** is a unit of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are **not** fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities.

This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area does not exceed 37.2 m² (400.0 ft.²). It conforms to the current **CSA Z-240** (or similar) Standard for recreational vehicles.



FIGURE 9: PARK MODEL TRAILER 102

- b. **Park Model Recreational Unit** is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances.

It has a gross floor area, including lofts, not exceeding 50.0 m² (538.2 ft.²) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model Recreational Units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the current **CSA Z-241** (or similar) standard for recreational vehicles.



FIGURE 10: PARK MODEL RECREATIONAL UNIT

- 202) **“parking area”** means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot. A parking area may be within a building, and, if so, is commonly referred to as a parkade;
- 203) **“parking space”** means an area set aside for the parking of one (1) vehicle;
- 204) **“patio”** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above grade;
- 205) **“permitted use”** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made provided that the proposed development complies in all respects with this Bylaw;
- 206) **“personal service shop”** means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- 207) **“pet, domestic”** means an animal which is normally kept inside a dwelling. Domestic pets include dogs, cats, parrots, and similar-sized animals, but does not include livestock or exotic animals;
- 208) **“pet, exotic”** means any animal not identified in the definition of domestic pets or livestock;
- 209) **“place of worship”** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- 210) **“principal building”** means a building which, in the opinion of the Development Officer:
- occupies the major central portion of a site;
 - is the chief or main building among one or more buildings on the site, or,
 - constitutes by reason of its use the primary purpose for which the site is used;

- 211) **“principal use”** means the primary purpose in the opinion of the Development Officer for which a building or site is used;
- 212) **“private club”** means social or recreational activities of members of a religious, philanthropic, athletic, business, or non-profit organization or their guests, without on-site residences. Private clubs may include rooms for eating, drinking, and assembly. This use does not include cannabis lounges;
- 213) **“project”**, when used as a noun, means a development comprising one or more multi-family dwellings, a manufactured home park, a shopping centre, or any multi-use development;
- 214) **“protective and emergency services”** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities;
- 215) **“public education facility”** means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices and maintenance facilities;
- 216) **“public park”** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;
- 217) **“public use”** means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by a public utility. However, public uses shall not include office uses, protective and emergency services, and major public utilities or private public utilities;
- 218) **“public utility”** see **“utility, public”**
- 219) **“public utility building”** see **“utility building, public”**
- 220) **“public utility, major”** see **“utility, major public”**
- 221) **“rear line”** means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road;
- 222) **“rear yard”** see **“yard, rear”**
- 223) **“recreational use”** means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, golf courses, archery, trap and rifle ranges, race tracks, boating, riding, picnicking, and sports grounds, swimming pools, community halls,

bowling alleys, skating and curling rinks, drop-in centres, and similar uses, and may include a refreshment stand incidental to the primary use;

- 224) **“recreational vehicle”** means a vehicle or a trailer that is designed, constructed and equipped, either temporarily or permanently, as a temporary accommodation for travel, vacation or recreational use and includes but is not limited to: duly licensed trailers, motorized homes, slide in campers, chassis mounted campers, and tent trailers;
- 225) **“recreational vehicle campground”** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for not normally more than twenty (20) days in a year, and may include sites for the erection of tents for similar time frames;
- 226) **“recreational vehicle campground, seasonal”** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, normally for no longer than an entire season operating between April to October;
- 227) **“recreational vehicle campground, workcamp”** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house camp workers by various contracting firms on a temporary basis. The units may be dismantled and removed from the site from time to time;
- 228) **“recreational vehicle storage”** means a commercial development which provides fenced or indoor, secure, onsite storage of three (3) or more recreational vehicles, boats and all-terrain vehicles;
- 229) **“recycling depot”** means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
- 230) **“relocated building”** means a building that was constructed off site in one piece or in pieces and relocated to another site but does not include manufactured homes or modular homes;
- 231) **“renovation”** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act, R.S.A. 2000, as amended other than a plumbing permit or an electrical permit;
- 232) **“rentable unit”** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- 233) **“road”** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the *Act* and includes a highway, but does not include a lane;

- 234) **“roof”** means the top of any enclosure, above or within the vertical walls of a building
- 235) **“row housing”** see **“dwelling, row housing”**
- 236) **“sea can”** means a pre-built metal container or structure originally designed and/or constructed for the purpose of the storage and/or transportation of cargo;
- 237) **“secondary commercial use”** means a commercial use, which is subordinate in nature to the principal use of a lot. A secondary commercial use is not limited to uses, which are similar to the principal use of the lot;
- 238) **“secondary suite”** see **“suite, secondary”**
- 239) **“self-service storage facility”** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer’s goods or wares. Self-service storage facilities do not include any outdoor storage;
- 240) **“semi-detached dwelling”** see **“dwelling, semi-detached”**
- 241) **“senior citizens’ home”** means an apartment, a ground-oriented multiple unit dwelling, or an extended medical treatment facility geared to and occupied by senior citizens. A senior citizens’ home provides resident care services and supervision to aged individuals in accordance with their individual;

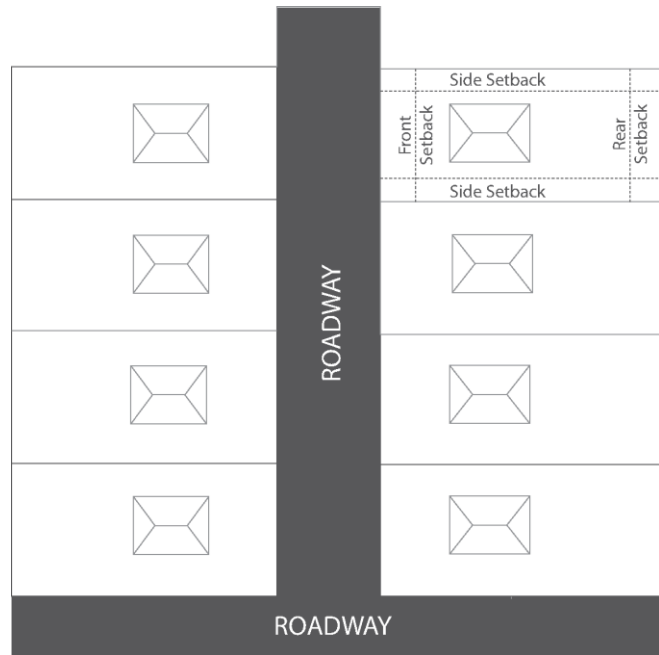


FIGURE 13: SETBACK EXAMPLE FOR REGULAR LOTS

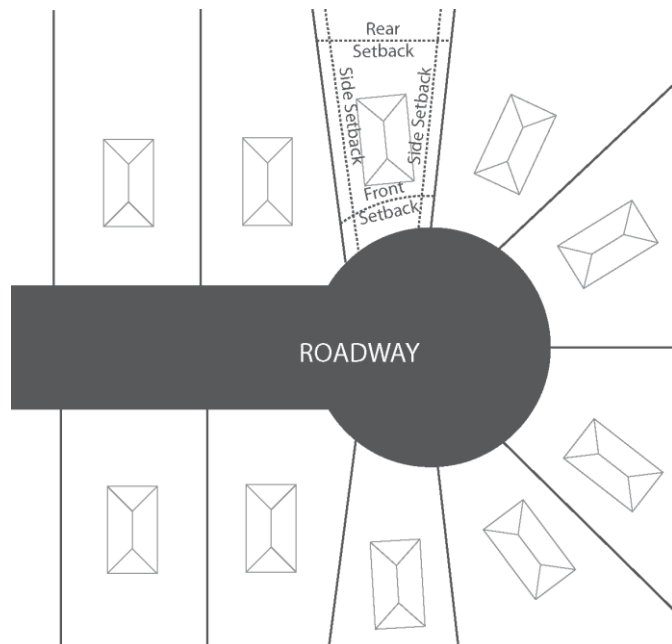


FIGURE 13: SETBACK EXAMPLE FOR IRREGULAR LOTS

- 242) **“service station”** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but do not include body repair or paint shops;
- 243) **“setback”** means the minimum horizontal distance between the site boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified

elsewhere in this Bylaw. All exterior projects including, but not limited to, bay windows, oval windows, bow windows, and chimneys, shall be considered as the exterior wall of the building and shall conform to pertinent side yard setback requirements, except roof overhang which will be allowed to project a maximum of 0.5 m (2 ft.) within the required side yard setback. A setback is not a yard or amenity area. (see **FIGURES 14 & 15**);

- 244) **“shall”** is an operative word, which means the action is obligatory;
- 245) **“shipping container”** see **“sea can”**
- 246) **“shopping centre”** means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;
- 247) **“should”** means that in order to achieve local goals and objectives it is strongly advised that action be taken;
- 248) **“show home”** means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of the municipality. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located.
- 249) **“side line”** means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- 250) **“side yard”** see **“yard, side”**



FIGURE 14: SIDEWALK CAFES

- 251) **“sidewalk café”** means a temporary outdoor area located and maintained by an adjoining eating and drinking establishment for the sale and consumption of food and beverages;

252) **“sight line triangle”** means the triangular area formed by a line drawn between two (2) points on the curbs of intersecting roads 6.0 m (19.7 ft.) from the point where the curbs would meet if extended or 5.0 m (16.4 ft.) from that point in the case of an intersecting lane and road or driveway and road;

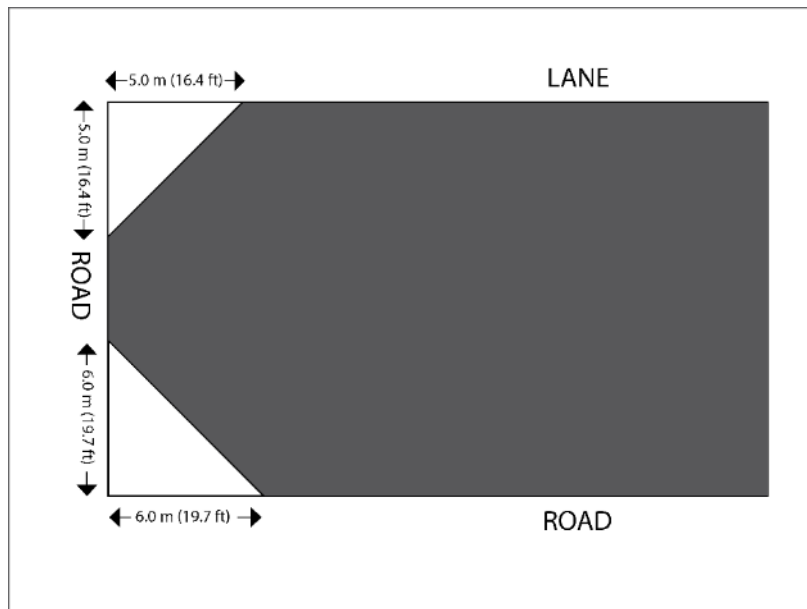


FIGURE 15: SIGHT LINE TRIANGLE EXAMPLE

253) **“sign”** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used,

on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle intended for use on a road;

254) **“sign, A-frame”** means a type of sign commonly referred to as “sandwich boards”, composed of two hinged or otherwise joined boards which leans on the ground;

255) **“sign, canopy”** means a sign which is part of, or attached to, the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy;

256) **“sign, freestanding”** means a sign supported by one or more uprights, braces, or pylons and which stands independently of another structure;

257) **“sign, inflatable”** means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Inflatable signs are commonly used as a temporary sign for special events or promotions;

258) **“sign, off site”** means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services, or facilities advertised;

259) **“sign, projecting”** means a sign which is affixed to any building or part thereof and extends beyond the building wall or parts thereof by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;

260) **“sign, roof”** means any sign erected upon, against, or directly above a roof or on top of or above the parapet wall of a building;

261) **“sign, temporary/portable”** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

- 262) **“sign, under canopy”** means a sign which is attached to the bottom face of a canopy;
- 263) **“sign, wall”** is a sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m (4 inches) from the wall, but which may or may not project above the roof or parapet. Wall signs are also called Fascia Signs;
- 264) **“similar use”** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
- 265) **“single detached dwelling”** see **“dwelling, single detached”**
- 266) **“site”** means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- 267) **“site area”** means the total area of a site;
- 268) **“site boundaries”** means the boundaries of a site which enclose the site at its perimeter;
- 269) **“site built”** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
- 270) **“site, corner”** see **“corner site”**
- 271) **“site coverage”** means the sum of the ground floor areas of all buildings on a site, divided by the area of the site, usually expressed as a percentage;
- 272) **“site depth”** means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- 273) **“site, interior”** see **“internal site”**



A-FRAME SIGN



CANOPY SIGN



FREESTANDING SIGN



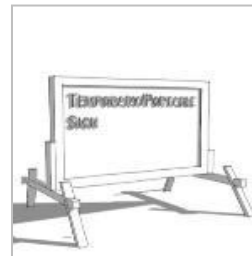
INFLATABLE SIGN



PROJECTING SIGN



ROOF SIGN



TEMPORARY SIGN



UNDER CANOPY SIGN



WALL SIGN

FIGURE 16: EXAMPLES OF SIGNS

- 274) **“site width”** unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines of a site or, where the site width would be shorter, the distance between the side lines of the site 10 m (32.8 ft.) from the front property line measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- 275) **“small animal breeding and boarding establishment”** means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;
- 276) **“small radio communications tower”** see **“communications tower, small radio”**
- 277) **“solar energy collection system”** means a system of one or more buildings or accessories to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;
- 278) **“solar array”** means multiple solar panels use in conjunction to produce electricity;
- 279) **“solar panel, free standing/ground mounted”** means a device which is used to convert energy contained within the sun’s rays into electricity, which is not mounted or attached to any other structure for support;
- 280) **“solar panels, roof mounted”** means a device which is used to convert energy contained within the sun’s rays into electricity, which is located, mounted, or attached to the roof of a structure;
- 281) **“staging area”** means a location where people, vehicles, equipment or material are assembled for the purpose of transporting the assembled group, vehicles or equipment to another location;
- 282) **“stall”** means an area of land upon which a manufactured home is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular manufactured home;
- 283) **“storey”** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper limit of the basement or cellar is greater than 1.8m (6.0 ft.) above grade;
- 284) **“structural alteration”** means an addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act, R.S.A. 2000, as amended;
- 285) **“Subdivision and Development Appeal Board”** means the Subdivision and Development Appeal Board established pursuant to the Act through the Intermunicipal Subdivision and Development Appeal Board Bylaw;
- 286) **“Subdivision and Development Regulation”** means Alberta Regulation 43/2002 as amended;
- 287) **“Subdivision Authority”** means the Subdivision Authority established pursuant to the Act through the municipality’s Subdivision Authority Bylaw;

288) **“substandard lot”** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;

289) **“suite, garage”** means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single family dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building;



FIGURE 17: GARAGE SUITE

290) **“suite, garden”** means a temporary, portable detached dwelling unit, located on a lot containing an existing single family dwelling. Garden suites shall not include manufactured homes;



FIGURE 18: GARDEN SUITE

291) **“suite, in-law”** means a subordinate, additional dwelling unit located within a single detached dwelling or semi-detached dwelling intended for the sole occupancy of one (1) or two (2) adult persons, which has unfettered access to the adjoining dwelling unit;



FIGURE 19: INLAW / SECONDARY SUITE

292) **“suite, secondary”** means a subordinate self-contained dwelling unit located in a structure in which the principal use is a single detached dwelling or semi-detached dwelling. A secondary suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling within the structure. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include duplexes, row housing, or apartments where the structure was initially designed for two or more dwellings, and does not include boarding and lodging houses. Garden suites, garage suites and in-law suites are not considered secondary suites;

293) **“suite, surveillance”** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development. Surveillance suites do not include manufactured homes;



FIGURE 20: SURVEILLANCE SUITE

294) **“supportive living facility”** means a licenced facility providing permanent accommodation to four (4) or more adults in which the operator provides or arranges for services related to safety and security of the residents, and provides at least one meal a day or housekeeping services. Residents in a supportive living setting can range from seniors who require support services due to age, chronic conditions and frailty to young adults with mental health or physical disabilities;

295) **“surveillance suite”** see **“suite, surveillance”**

- 296) **“temporary building”** means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development;
- 297) **“temporary use”** means a use that has been allowed to be located and/or to operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos;
- 298) **“tented structure”** means a building that uses masts or poles and tensile membrane (e.g., fabric or animal skin) to create an enclosure. Portable garages and reception tents are examples of tented structures;
- 299) **“traffic island”** means an area or space officially set aside within a street, lane, or parking lot, prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times and may be defined by curbing;
- 300) **“truck and recreational vehicle sales/rental establishment”** means a development where new or used trucks with a gross vehicle weight rating of 4000 kg (8,818.5 lbs.) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000.0 kg (13,227.7 lbs.) or greater or a length greater than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refuelling and/or washing facilities as an integral part of the operation;
- 301) **“trucking and cartage establishment”** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000.0 kg (6,613.9 lbs.);
- 302) **“unrestricted country residential development”** means a collection of permanent dwellings situated outside of an urban centre and having more than eight (8) permanent dwellings per quarter section and a maximum of fifty (50) permanent dwellings per quarter section;
- 303) **“use”** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- 304) **“utility”** see **“utility, public”**
- 305) **“utility building, public”** means a building in which the proprietor of the public utility maintains an office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- 306) **“utility, public”** means the right-of-way and facilities for one or more of the following: sanitary and stormwater sewerage, telecommunications systems (excluding telecommunications towers), water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power and heating systems but does not include major public utility uses;
- 307) **“utility, major public”** means a development of a public utility or a public utility building or a government service function. Major utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment

and material storage yards for utilities and services; snow dumping sites; surface reservoirs; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;

- 308) **“vacant parcel”** means a parcel of on which no development is located. A vacant parcel can be on land that is or is not used for agriculture;
- 309) **“veterinary clinic”** means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- 310) **“veterinary clinic, large animal”** means a development where large animals, including livestock, are cared for and treated. Large animal veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. Large animal veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- 311) **“warehouse sales establishment”** means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores;
- 312) **“wind energy conversion system, large”** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;
- 313) **“wind energy conversion system, micro”** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy which has a rated capacity of less than 0.5 kW. Micro wind energy conversion systems are small in height and diameter and may be installed on the roof of a building;
- 314) **“wind energy conversion system, small”** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;
- 315) **“wind turbine tower”** means the guyed or freestanding structure that supports a wind turbine generator;
- 316) **“wind turbine tower height”** means the height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;
- 317) **“work camp”** means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than six (6) months and up to three (3) years. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
- 318) **“work camp, short term”** means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. For the purposes of this definition, temporary means for a period of up to six (6) months in total duration either consecutively or non-consecutively;

- 319) “**yard**” means a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw;
- 320) “**yard, front**” means that portion of the lot extending across the full width of the site from the front line of the site to the exterior wall of the building. In the case of a curved front line, the front yard will also form a curve;
- 321) “**yard, rear**” means that portion of the lot extending across the full width of the site from the rear line of the site to the exterior wall of the building. In the case of a curved rear line, the rear yard will also form a curve;
- 322) “**yard, side**” means that portion of the site extending from the front yard to the rear yard and lying between the side line of the site and the nearest portion of the exterior wall of the building. In the case of a curved side line, the side yard will also form a curve;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

4 | METRIC AND IMPERIAL MEASUREMENTS

- 1) Where a measurement is provided in this Bylaw in both imperial and metric units, and the two measurements do not correspond precisely, the metric measurement shall take precedence for purposes of interpretation of this Bylaw.

5 | DATE OF RECEIPT

- 1) Where a development permit approval or refusal, development appeal notice, notice to re-classify lands or notice of appeal hearing is sent, given, or served by mail and the document is properly addressed and sent by prepaid mail other than double registered for certified mail, unless the contrary is proved, the service shall be presumed to be effected **five (5)** days from the date of mailing if the document is mailed in Alberta to an address in Alberta.

In the event of a dispute, the Interpretation Act, R.S.A. 2000, as amended, shall apply.

6 | COMPLIANCE WITH OTHER LEGISLATION

- 1) Compliance with the requirements of this bylaw does not exempt a person from:
- a. The requirements of any federal, provincial, or municipal legislation; and
 - b. Complying with any easement, covenant, agreement, or contract affecting the development

7 | NON-APPLICABILITY OF BYLAW

- 1) This Bylaw does not apply to roads or lanes.

8 | SEVERABILITY PROVISION

- 1) It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision

of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.

9 | ATTACHED FIGURES

- 1) Various figures are included within this Bylaw for information purposes, but they do not form part of this Bylaw unless specifically referenced in the text of the Bylaw.

PART 2 – AGENCIES

1 | DEVELOPMENT AUTHORITY

- 1) The Development Authority is hereby established.
- 2) The Development Authority shall be:
 - a. The Development Officer; and
 - b. Council for all development decisions within Direct Control Districts, unless otherwise delegated within the provisions of that District.
- 3) The Development Authority shall perform such duties that are specified in this Bylaw.
- 4) In all instances other than those indicated in **PART 2.1(2)** above, when used in this Bylaw, the term “Development Authority” shall be the Development Officer.

2 | DEVELOPMENT OFFICER

- 1) The office of the Development Officer is hereby established and shall be filled by a person or persons appointed by Council.
- 2) The Development Officer shall perform such duties that are specified in this bylaw.
- 3) The Development Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by the Development Authority or by the Development Officer.
- 4) The Development Officer shall keep and maintain for the inspection of the public during normal office hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, the decisions, and the reasons therefore.
- 5) For the purposes of Section 542 of the Act, the Development Officer is hereby declared to be a designated officer.

3 | SUBDIVISION AUTHORITY

- 1) The Subdivision Authority of the Town of Bon Accord shall be as established by the municipality’s Subdivision Authority Bylaw.
- 2) The Subdivision Authority shall be appointed by resolution of Council.
- 3) The Subdivision Authority shall perform such duties that are specified in this Bylaw and the Subdivision Authority Bylaw.

4 | COUNCIL

- 1) The Council shall perform such duties that are specified for it in this Bylaw.

5 | SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 1) The Subdivision and Development Appeal Board shall perform such duties as are specified in **PART 4** of this Bylaw.

PART 3 – DEVELOPMENT PERMITS, RULES AND PROCEDURES

1 | CONTROL OF DEVELOPMENT

- 1) No development other than that indicated in **PART 3.2** of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

2 | DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a development permit:

- 1) the maintenance or repair of any building if the work does not include structural alterations;
- 2) the completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
- 3) the use of any such buildings as referred to in **PART 3.2(1)** above for the purpose for which construction was commenced;
- 4) the construction, completion, alteration, maintenance, or repair of a road, lane, public works, public services, or a public utility building or use carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- 5) the completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- 6) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion, or as determined by the Development Authority;
- 7) the erection of campaign signs for federal, provincial, municipal, or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - a. such signs are removed within one (1) day of the election date;
 - b. the consent of the property owner or occupant is obtained;
 - c. such signs do not obstruct or impair vision or traffic;
 - d. such signs are not attached to fences, trees, or utility poles; and
 - e. such signs indicate the name and address of the sponsor and the person responsible for removal;

- 8) the temporary placement of signs, on privately owned lots, or on publically owned lots for the purpose of advertising events held or hosted by local not-for-profit organizations or for advertising local garage sales provided that:
 - a. the sign will not obstruct the visibility of road signs or signalling;
 - b. the duration of sign placement is not greater than ten (10) consecutive days;
 - c. the sign is removed within three (3) days after the event has concluded;
 - d. the sign does not obstruct or impair vision, or pedestrian or vehicular mobility;
 - e. the sign indicates the name and/or address of the event sponsor responsible for removal of the sign; and
 - f. the dimensions of the sign are no larger than 0.61 m x 0.61 m (2 ft. x 2 ft.).
- 9) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within two (2) weeks after the sale or rental agreement has been finalized and the sale has closed, provided that such signs are a maximum of 0.6 m² (6.5 ft.²) in area and provided further that such signs are:
 - a. not capable of or are not illuminated;
 - b. placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way; and
 - c. posted only on each side of the building or land facing a different public road.
- 10) the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building and does not exceed 1 m² (10 ft.²) in area;
- 11) the erection or placement of signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- 12) the erection or placement of a statutory or official notice or notice of a function of the Town;
- 13) the erection or placement of traffic and directional signs authorized by the Town or Alberta Transportation;
- 14) the erection of a fence or gate which is no higher than 1.8 m (5.9 ft.) in height or the maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in **PART 7.12** of this Bylaw and provided that such a fence or gate does not, in the opinion of the Development Officer, obstruct the vision of persons using the roads abutting the site;
- 15) hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that such hard-surfacing does not exceed 8.0 m (26.0 ft.) in width and the hard-surfacing will not adversely impact the run-off of surface water onto an adjacent lot or roadway;
- 16) buildings which are accessory to a dwelling and entirely portable, and which are less than 9.3 m² (100.0 ft.²) in size, unless the accessory building does not meet the minimum distance requirements outlined in **PART 8.2** of this Bylaw. If the accessory building is larger than 9.3 m² (100.0 ft.²) in size or the accessory building is a sea can, then a development permit is required;

- 17) a patio, as defined in this Land Use Bylaw, in a Residential District that meets the required setbacks of this bylaw;
- 18) boarding and foster care, provided these facilities, in the opinion of the Development Authority, is not a boarding and lodging house, a day home, a child care facility, a group home, a family care facility, or a group care facility as defined by this Bylaw;
- 19) extensive agriculture on lots 8.08 ha (20.0 ac.) or more in area in the Urban Reserve (UR) District;
- 20) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit;
- 21) television satellite dishes located in rear or side yards;
- 22) an existing or proposed minor home occupation, as defined in this Bylaw, but not including an existing or proposed bed and breakfast operation, also as defined in this Bylaw, if the existing or proposed home occupation, in the opinion of the Development Officer, complies with all provisions and requirements of **PART 8.13** of this Bylaw;
- 23) the construction and maintenance of public utilities, road infrastructure and utilities associated with a principal residential use of land, not including a waste transfer station, landfill, wireless tower facility or municipal sewage lagoon;
- 24) the construction and maintenance of internal road networks, constructed in accordance with current public works standards to the satisfaction of the Development Authority or Council;
- 25) the demolition or removal of any building or structure for the erection of which a development permit would not be required pursuant to **PART 3.2(4) through (25)** above, both inclusive;
- 26) the demolition or removal of fences;
- 27) above ground pools and hot tubs; however, all private swimming pools or hot tubs equal to or greater than 60.96 cm (24.0") in height will require building and safety code approval.
- 28) the storage or use of up to a maximum of 43.3 kg (95.0 lbs.) of propane on a residential parcel for residential use. Of the 43.3 kg (95.0 lbs.) no tank larger than 15.9 kg (35.0 lbs.) will be allowed without a development permit. The placement of more than 43.3 kg (95.0 lbs.) of propane on a residential parcel requires a development permit.

3 | NON-CONFORMING BUILDINGS AND USES

- 1) If a development permit has been issued on or before the day on which this Land Use Bylaw or an amendment thereto comes into effect, 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 the coming into force of the Bylaw or the amendment.
- 2) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use 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.
- 3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.

- 4) A non-conforming use of part of a lot or site may not be exceeded or transferred in whole or in part to any other part of the lot or site and no additional buildings may be constructed upon the lot or site while the non-conforming use continues.
- 5) 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 the routine maintenance of the building, if the Development Authority considers it necessary; or
 - c. in accordance with the powers possessed by the Development Authority pursuant to the Act and **PART 3.7(3)** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- 6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 7) Except as noted in **PART 8.14(4)(g)** of this Bylaw, the land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

4 | TYPES OF DEVELOPMENT PERMITS

- 1) A development permit may be either permanent or temporary. A temporary permit must be issued for a specific length of time, after which the permit will become void.

5 | DEVELOPMENT PERMIT APPLICATIONS

- 1) An application for a development permit shall be made to the Development Officer in writing, in the form required by the Development Officer, and shall be accompanied by:
 - a. a properly dimensioned site plan in duplicate showing, with all appropriate dimensions:
 - i. the boundaries of the site including any lots that may make up the site;
 - ii. all of the existing and proposed buildings on the site;
 - iii. the existing and proposed front, rear, and side yards, if any;
 - iv. any provision for off-street loading, vehicle standing, and parking areas;
 - v. access and egress points to the site;
 - vi. all underground utilities, above ground utilities and utilities rights-of-way, and
 - vii. where required by the Development Authority, a copy of a completed Alberta-one-call sketch including proof of detection in order to verify the utility locations;
 - b. an indication of the proposed uses;
 - c. an indication of the ownership of the land and the interest of the applicant therein; and
 - d. for a relocated building or a manufactured home, pictures of the exterior of the building.

- 2) Each application for a development permit shall be accompanied by a fee as established by Council.
- 3) The Development Officer may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
 - a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
 - b. the height and horizontal dimensions of all existing and proposed buildings;
 - c. outlines of roof overhangs on all buildings;
 - d. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
 - e. post construction site and building elevations;
 - f. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
 - g. landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way, and further,
 - h. drainage plans;
 - i. the provision of parking and loading areas, including all dimensions and whether parking requirements as per **PART 7.20** of the Bylaw can be met on-site;
 - j. in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - k. future development plans for a site which is to be partially developed through the applicable development permit;
 - l. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
 - m. in the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
 - n. any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site;
 - o. a statutory declaration indicating that the information supplied is accurate; and
 - p. a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Development Authority may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed and existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application. The Real

Property Report will not be accepted if it is dated earlier than 6 months unless it is accompanied by an Affidavit, signed by legal counsel or an Alberta Land Surveyor, stating the Real Property Report accurately represents the existing developments on the lands.

- 4) In addition to the information requirements indicated in above, each application for industrial development may be requested, at the discretion of the Development Authority, to be accompanied by the following information:
- a. type of industry;
 - b. estimated number of employees;
 - c. estimated water demand and anticipated source;
 - d. estimated gas demand and anticipated source;
 - e. type of effluent and method of treatment;
 - f. type of air emissions and method of abatement;
 - g. estimated noise generated by the development and method of abatement;
 - h. estimated light generated by the development and (if necessary) method of abatement;
 - i. transportation routes to be used and estimated traffic impact;
 - j. reason for specific location;
 - k. means of solid waste disposal;
 - l. any accessory works required (pipeline, railway spurs, power lines, etc.);
 - m. anticipated residence location of employees;
 - n. municipal servicing costs associated with the development;
 - o. physical suitability of site with respect to soils, slopes and drainage;
 - p. if a subdivision is involved, the size and number of parcels and proposed phasing (if any);
 - q. servicing requirements and provisions for meeting them; and
 - r. costs associated with providing new or upgraded municipal services associated with the development;

and/or any other information as may be reasonably required by the Development Authority.

- 5) In addition to the information requirements indicated in **PART 3.5(1) and (4)**, the Development Authority may require for a proposed industrial use the provision of environmental assessment information and a risk assessment to assist the Town in assessing the effect of the proposed development in relation to the natural and human environments, and indicate both if and how any negative matters can be mitigated.
- 6) In addition to any or all of the information required under **PART 3.5(1) and (4)**, of this Bylaw, each application for a commercial or recreational development may be required, at the discretion of the Development Authority, to be accompanied by the following information:
- a. physical suitability of site with respect to soils, slopes and drainage;

- b. the size and number of parcels and proposed phasing (if any);
 - c. servicing requirements and provisions for meeting them;
 - d. estimated water demand and anticipated source;
 - e. estimated gas demand and anticipated source;
 - f. type of air emissions and method of abatement;
 - g. estimated noise generated by the development and method of abatement;
 - h. estimated light generated by the development and (if necessary) method of abatement;
 - i. costs associated with providing new or upgraded municipal services associated with the development;
 - j. the requirements and provisions for employee and customer parking and for site access;
 - k. a landscaping plan;
 - l. cross-sections and elevations for each building;
 - m. a list of proposed uses; and
 - n. transportation routes and estimated traffic impact.
- 7) In addition to the information requirements indicated in **PART 3.4(1)**, where not required to do so by the Province, the proponent of a natural resource extraction industry may be required, at the discretion of the Development Authority, to submit a reclamation plan.
- 8) In addition to the information requirements indicated in **PART 3.4(1)**, an application for a development permit for the excavation, stripping or grading of land that is proposed without any other development on the same land, may be required, at the discretion of the Development Authority, to include with the application, the following information:
- a. location and area of the site where the excavation is to take place;
 - b. existing land use and vegetation;
 - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - d. the depth and variation in depth of groundwater encountered in test holes;
 - e. identification of potential for outdoor noise and the discharge of substances into the air;
 - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site,
 - g. an indication of all municipal servicing costs associated with the development, and
 - h. the proposed haul route, dust control plan and expected hours of operation.

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- 8.1) In addition to the information requirements indicated in **PART 3.5(1), 3.5(3) and 3.5(4)**, the Development Authority may require an applicant for a subdivision or development permit for Cannabis Production and Distribution to submit any or all of the following information, prepared by a qualified professional, with the application:

- a. Waste Management Plan;
- b. Environmental Assessment;
- c. Traffic Impact Assessment;
- d. Water/Wastewater Report;
- e. Storm Water Management Plan; and/or
- f. Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.

Bylaw 2018-12 8.2) In addition to the information requirements indicated in **PART 3.5(1), 3.5(3) and 3.5(6)**, the Development Authority may require an applicant for a subdivision or development permit for Cannabis Retail Sales Establishment to submit any or all of the following information, prepared by a qualified professional, with the application:

- a. a map identifying the distance from the proposed development to all property boundaries of:
 - i. buildings containing a school or a boundary of a parcel of land on which a school is located;
 - ii. parcels of land that are designated as School Reserve or Municipal and School Reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - iii. provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
 - iv. any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission;

Bylaw 2018-12 8.3) In addition to the information requirements indicated in **PART 3.5(1), 3.5(3), and 3.5(4)**, an application for a development permit for an Industrial Hemp Production and Distribution Facility, may be required to include with the application, the following information:

- a. Waste Management Plan;
- b. Environment Site Assessment;
- c. Traffic Impact Assessment;
- d. Water / Wastewater report;
- e. Storm Water Management Plan;
- f. a map that identifies the distance from the proposed facility to the property boundary of a school or any other public place usually frequented by persons under the age of 18 years; and
- g. any other information as may be reasonably required by the Development Authority.
- h. The separation distance between the proposed facility and the property boundary of a school, or any other public place usually frequented by persons under the age of 18 years shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed facility is located to the closest point on the lot line of the

lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of buildings.

- 9) In addition to the information requirements indicated in **PART 3.5(1)**, each application for a sign may be accompanied by additional information at the discretion of the Development Authority, including, but not limited to:
 - a. the location of the sign, by elevation drawing, or lot plan as is required by the Development Officer;
 - b. all dimensions of the sign, including height and any projections from a structure;
 - c. the manner of illuminating the sign and the form of animated or intermittent lights, if any, that may be embodied in, on, under, over, or around the sign;
 - d. the appropriate fee as established by Council
- 10) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in their opinion, the information supplied by the applicant in accordance with **PARTS 3.5(1) to (9)** is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in their opinion, that the development permit application is complete.
- 11) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required by **PARTS 3.5(1) to (9)** or where, in their opinion, the information supplied by the applicant is sufficient to properly evaluate the application.

6 | PERMISSION FOR DEMOLITION

- 1) The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.
- 2) In addition to the requirements of **PART 3.5** of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
 - a. the value of the building;
 - b. the alternatives to demolition if the building is of historic or architectural value;
 - c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
 - d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
 - e. the destination of debris materials;
 - f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if

- materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
- g. a copy of the original development approval including building permits where applicable;
 - h. the form of demolition to be used (heavy equipment or by hand);
 - i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft.) in height is required around the excavation or structure to be demolished);
 - j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;
 - k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
 - l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
 - m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.
- 3) Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
 - a. a Hazardous Materials Assessment Report, and/or
 - b. any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.
 - 4) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.

7 | REFERRAL OF APPLICATIONS

- 1) Historical Resource
 - a. Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act, R.S.A. 2000, as amended shall be protected in accordance with Provincial legislation and regulations.
 - b. In addition to any sites identified in **PART 3.7(a)** above, an application for a development permit which may impact any historical or archaeological site identified pursuant to **PART 3.7(a)** within the Town should be submitted to Alberta Culture and Tourism for comment prior to a development permit being issued.
- 2) Development permit applications within 804.7.0 m (2640.0.0 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.
- 3) Adjacent Municipalities

- a. All subdivision proposals and all applications for discretionary development permits which are, in the opinion of the Development Authority, significant, within 1.6 km (1.0 mi.) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.
- 4) Prior to making a decision, the Development Authority may, at its discretion, refer any development permit application to any municipal department or other external agency for comment.

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7.1 | NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

- 1) The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 2) The time period referred to in **PART 3.7.1(1)** may be extended by an agreement in writing between the applicant and the Development Authority Officer.
- 3) An application is complete if,
 - a. in the opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application; or
 - b. the Development Authority does not make a determination within 20 days after receipt of an application for a development permit
- 4) If a Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
- 5) If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
- 6) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in **PART 3.7.1(5)**, the Development Authority Officer must deem the application to be refused.
- 7) Despite that the Development Authority Officer has issued an acknowledgment under **PART 3.7(1)(4)** or **PART 3.7(1)(5)**, in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

8 | DECISION PROCESS AND RE-APPLICATION

- 1) Permitted Use Applications
 - a. Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw and may:

- i. require as a condition of issuing a development permit, that the applicant provide at appropriate stages of the construction of the development, a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the municipality may utilize the Surveyor's Real Property Report for evaluating the compliance of the development against all land use regulations and conditions of approval;
 - ii. require, as a condition of issuing a development permit, that the applicant enter into a development agreement with the Town of Bon Accord, and such an agreement may be registered by way of Caveat, to do any or all of the following:
 1. to construct or pay for the construction of a road required to give access to the development;
 2. to construct or pay for the construction of: a pedestrian walkway system to serve the development, or 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;
 3. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 4. to construct or pay for the construction of off-street or other parking facilities, and loading and unloading facilities;
 5. to pay an off-site levy or redevelopment levy;
 6. to give security to ensure that the terms of the agreement under this Part are carried out;
 - iii. refuse to issue a development permit for a building or use on any site where it would otherwise be permitted under the Land Use Bylaw if, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer to provide on and off site servicing improvements required to facilitate the development;
 - iv. refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and road access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or
 - v. issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature. When issuing a temporary development permit, the expiry date for the permit shall be clearly indicated on the notice of decision.
- b. A person to whom a development permit has been issued shall obtain from the appropriate authority, where required, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.

- c. The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- d. The applicant shall prevent excess soil or debris from being spilled on public roads, lanes and sidewalks, and shall not place soil or any other materials on an adjacent parcel without permission in writing from the adjacent property owners.
- e. **PARTS 3.8(1)(c)** and **3.8(1)(d)** above may be enforced pursuant to **PART 5.0** of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to **PART 3.8(1)(a)(ii)(6)** of this Bylaw.
- f. No development shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the proponent demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.

2) Discretionary Use Applications

- a. Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall review the application and may, prior to making a decision, refer the application to any municipal department or external agency for comment.
- b. The Development Authority shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.
- c. The Development Authority may require, as a condition of issuing a development permit, that:
 - i. the applicant enter into a development agreement with the Town of Bon Accord, and such an agreement may be registered by way of Caveat, to do any or all of the following:
 - 1. to construct or pay for the construction of a road required to give access to the development;
 - 2. to construct or pay for the construction of: a pedestrian walkway system to serve the development, or 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;
 - 3. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - 4. to construct or pay for the construction of off-street or other parking facilities, and loading and unloading facilities;
 - 5. to pay an off-site levy or redevelopment levy;
 - 6. to give security to ensure that the terms of the agreement under this Part are carried out;
 - 7. any other requirements as determined by the Development Authority.

- ii. the applicant provide a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the municipality may utilize the Surveyor's Real Property Report for evaluating the compliance of the development against all land use regulations and conditions of approval.
 - iii. refuse to issue a development permit for a building or use on any site where it would otherwise be permitted under the Land Use Bylaw if, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer to provide on and off site servicing improvements required to facilitate the development.
- d. A person to whom a development permit has been issued shall obtain from the appropriate authority, where required, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
 - e. The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
 - f. The applicant shall prevent excess soil or debris from being spilled on public roads, lanes and sidewalks, and shall not place soil or any other materials on an adjacent parcel without permission in writing from the adjacent property owners.
 - g. **PARTS 3.8(2)(e)** and **3.8(2)(f)** above may be enforced pursuant to **PART 5.0** of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to **PART 3.8(2)(c)(i)(6)** of this Bylaw.
 - h. No development shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the proponent demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.
 - i. The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the discretionary use is of a temporary nature. When issuing a temporary development permit, the expiry date for the permit shall be clearly indicated on the notice of decision.
 - j. Where any use is proposed which is not specifically shown in any land use district but is, in the opinion of the Development Authority, similar in character, intent and purpose to other uses of land and buildings provided by the Bylaw in the land use district in which such use is proposed, the Development Authority may, if requested by the applicant, rule that the proposed use is a discretionary use in the land use district in which such use is proposed.
 - k. The Development Authority may refuse, or approve with conditions, any development if, in the opinion of the Development Authority, the proposed development will detract from the character or appearance of the general development in the area.
- 3) Additional Provisions
- a. The Development Officer may impose such conditions on the approval of an application that are considered necessary by the Development Authority to:

- i. uphold the intent and objectives of any statutory plan or land use regulation as adopted or amended by the Town from time to time; and
 - ii. ensure the orderly and economic development of land within the municipality.
- 4) The Development Officer may require that further to **PART 3.8(3)(a)**, the applicant arrange with the Development Officer for an off-site inspection before commencing construction.
- 5) No building shall be occupied or utilized until the conditions of the development permit have been satisfied and copies of all required building and safety codes permits have been provided to the Development Officer.

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The Development Officer shall require, as a condition of any permit granted, that the applicant display for no less than twenty-one days after the permit is issued, in a conspicuous place on the site and no further from the street or streets abutting the site than the Development Officer directs, a notice or notices setting out the proposed use in a form prescribed by the Development Officer, and provide a copy of the approval drawings and specifications to which the permit pertains, on site.

- 6) Where an application for a use which is neither a permitted nor a discretionary use is received by the Development Officer, the Development Officer shall refuse the application stating reasons for the decision.
- 7) A completed application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in **PART 4** of this Bylaw as though they have received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this **PART 3.8(8)**.
- 8) In the case where an application for a development permit has been refused pursuant to this Part or after an appeal pursuant to **PART 4.0** of this Bylaw, the Development Authority may accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- 9) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made by him/her on a development permit application was either:
 - a. incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
 - b. based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority,
- 10) The Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under **PART 4** of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.

9 | VARIANCE PROVISIONS

- 1) The Development Officer may, where specified in the district regulations, approve or conditionally approve an application for a development that does not comply with this Bylaw if, in the opinion of the Development Authority:
 - a. the proposed development would not:

- i. unduly interfere with the amenities of the neighbourhood;
- ii. materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and
- iii. the proposed development conforms with the use prescribed for that land or building in this Bylaw.

10 | DEVELOPMENT PERMITS AND NOTICES

- Bylaw 2018-12 1) When a development permit has been issued for a permitted use and no variance to any regulation has been granted as provided for by **PART 3.9** of this Bylaw, the Development Authority shall, on the same day the decision is made on a development permit application, send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Town office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- Bylaw 2018-12 2) In addition to **PART 3.10(1)**, on the same day the decision is made on a development permit application for a discretionary use or after a variance has been granted, the Development Officer shall:
- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on Town of Bon Accord Assessment Roll, to provide notice of the decision and right of appeal; and
 - b. post notice of the decision on the Town's website; and
 - c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
 - d. within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.
- 3) The notice indicated in **PARTS 3.10(1) and (2)** shall state:
- a. the legal description and the street address of the site of the proposed development,
 - b. the uses proposed for the subject development,
 - c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved,
 - d. the date the development permit was issued, and
 - e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- 4) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

- 5) When engineering studies or monitoring reports are required as condition of approval by the Development Authority records of the engineering studies or monitoring reports shall be supplied to the Development Officer and may be kept during the development of the site to which they relate and for such longer period as he may deem necessary.
- 6) Neither the granting of a permit, nor the approval of the drawings and specifications, nor inspections made by the Development Officer at any stage of development, shall in any way relieve the owner or developer of the land for which a permit has been granted from full responsibility for carrying out the work in accordance with the requirements of this Bylaw or from obtaining any other required approvals or permits required by provincial or federal approving authorities.
- 7) Where an appeal on a permit granted pursuant to this by-law can be considered by the Subdivision and Development Appeal Board, it does not come into effect until fifteen days after the date an order, decision, or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 8) Where an appeal is made pursuant to **PART 4** of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.

11 | EXPIRY, OR CANCELLATION OF A DEVELOPMENT PERMIT

- 1) A development permit shall lapse after one (1) year from the date of issuance unless the development authorized has been commenced and significant development continues on the site.
- 2) The Development Officer and the applicant may enter into a written agreement to extend the time period specified in **PART 3.10(1)**.
- 3) Where an application for a development permit is submitted whereby the development would occur in stages over a time period exceeding one (1) year, the Development Officer may:
 - a. issue a permit for the entire development upon submission of satisfactory information as to the proposed staging and corresponding time frame of each stage;
 - b. notwithstanding **PARTS 3.11(1) or (2)** above, extend the permit on an annual basis up to a maximum period of five (5) years from the original date of permit issue provided:
 - i. no change in the original development application as approved is proposed;
 - ii. no significant change in the Land Use By-law affecting the development is deemed to have occurred; and
 - iii. no change in the ownership of those lands proposed to be developed has occurred since the original date of permit issue.
- 4) Applications for extension must be accompanied by the appropriate fee as determined by Council resolution.

PART 4 – APPEALS

1 | APPEAL PROCEDURE

- 1) The appeal board of the Town of Bon Accord shall be the appeal board as established by the Town of Bo Accord Subdivision and Appeal Board Bylaw.
- 2) Any person applying for a development permit or affected by an order may appeal, subject to the provisions of the Act and the Subdivisions and Development Appeal Board Bylaw, to the Intermunicipal Subdivision and Development Appeal Board, when:
 - a. The Development Authority does not render a decision within forty (40) days of receipt of the completed application;
 - b. The Development Authority does not render a decision within the specified time granted by the applicant in writing past the forty (40) day limit;
 - c. The Development Authority issues a development permit subject to conditions; or
 - d. The Development Authority does not receive the outstanding information and documents on or before the date referred to in **PART 3.7.1(6)**.
 - e. The Development Authority issues a stop under **PART 5.1(1)** of this Bylaw.
- 3) In addition to the applicant, any person affected by an order, decision, or development permit made or issued by a Development Authority may appeal the decision to the Intermunicipal Subdivision and Development Appeal Board.
- 4) Notwithstanding **PARTS 4.1(1) and (2)**, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- 5) Notwithstanding **PARTS 4.1(1) and (2)**, no appeal lies to the Subdivision and Development Appeal Board in respect of the issuance of a development permit by Council in the Direct Control Districts.
- 6) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after:
 - a. the date on which the person is notified of the order or decision or the issuance of the development permit; or
 - b. the Development Authority does not receive the outstanding information and documents on or before the date referred to in **PART 3.7.1(8)** and Section 683.1(8) of the *Act*, or
 - c. .if no decision is made with respect to the application within the 40-day period or within any extension issued under Section 684 of the *Act*.
- 7) Each notice of appeal shall be accompanied by a fee as set by Council and shall contain at least one reason for appeal.

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2 | APPEAL HEARING

- 1) Within thirty (30) days of receipt of a notice of appeal, the Intermunicipal Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal. The thirty day

appeal period may be extended, subject to the written consent of the appellant, the development permit applicant (if different than the appellant), and the Development Authority.

- 2) The Intermunicipal Subdivision and Development Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:
 - a. the appellant;
 - b. the Development Authority from whose order, decision or development permit the appeal is made;
 - c. the applicant and/or landowner(s);
 - d. those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
 - e. such other persons as the Subdivision and Development Appeal Board specifies.
- 3) The Intermunicipal Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
 - a. the application for the development permit, the decision and the notice of appeal; or
 - b. the order of the Development Authority under **PART 3** of this Bylaw or Section 645 of the Act;

as the case may be.
- 4) At the appeal hearing referred to in **PART 4**, the Intermunicipal Subdivision and Development Appeal Board shall hear:
 - a. the appellant or any other person acting on his/her behalf;
 - b. the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - c. any other person who was served with notice of the hearing pursuant to Part 4.2 and who wishes to be heard or a person acting on his/her behalf; and
 - d. any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his/her behalf.

3 | APPEAL DECISION

- 1) In determining an appeal, the Intermunicipal Subdivision and Development Appeal Board:
 - a. must have due regard for any applicable statutory plans;
 - b. must conform to the use of land referred to in the land use bylaw;
 - c. must be consistent with with the Province's Land Use Policies or applicable ALSA plan and approved regional plan;

- d. must have regard for, but is not bound by, the Subdivision and Development Regulation;
 - e. may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision or development authority or make or substitute an approval, decision or condition of its own;
 - f. may make and order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion:
 - i. the proposed development would not:
 - 1. Unduly interfere with the amenities of the neighbourhood, or
 - 2. Materially interfere with the use, enjoyment or value of neighbouring parcels of land,
- And
- 3. The proposed development conforms with the use prescribed for that land or building in the land use bylaw.
- 2) The Intermunicipal Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
 - 3) If the decision of the Development Authority to approve a development permit application is reversed by the Intermunicipal Subdivision and Development Appeal Board, the development permit shall be null and void.
 - 4) If the decision of the Development Authority to refuse a development permit application is reversed by the Intermunicipal Subdivision and Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
 - 5) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Intermunicipal Subdivision and Development Appeal Board.
 - 6) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
 - a. to a judge of the Court of Appeal; and
 - b. within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART 5 – ENFORCEMENT

1 | CONTRAVENTION

- 1) If the Development Officer finds that a development or use of land or buildings is not in accordance with:
 - a. the Act or the regulations made thereunder, or;
 - b. a development permit or subdivision approval, or
 - c. the Bon Accord Land Use Bylaw;

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

 - d. stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
 - e. demolish, remove or replace the development, and/or
 - f. take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be.
- 2) A person who receives an order referred to in **PART 5.1(1)**, may appeal to the Subdivision and Development Appeal Board, pursuant to the Act.
- 3) If a person fails or refuses to comply with an order directed to him under **PART 5.1 (1)**, or an order of a Subdivision and Development Appeal Board within the time specified, the Development Officer may, in accordance with Section 542 of the Act, enter on the land or building and take any action as is necessary to carry out the order.
- 4) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- 5) When the Development Officer carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- 6) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Part, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

2 | VIOLATION TICKETS

- 1) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Part, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- 2) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the municipality.

- 3) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of one hundred (\$100.00) dollars for the first offence and two hundred (\$200.00) dollars for second and subsequent offences, such fine to be paid to the Town of Bon Accord. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 4) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 5) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 6) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.
- 7) The Violations Ticket shall be in the form prescribed by Alberta Regulation 233/1989 (Procedures Regulation), as amended, pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, as amended.

PART 6 – ADMINISTRATION

1 | APPLICATION TO AMEND BYLAW

- 1) Application:
 - a. Subject to the provisions of the Act a person may apply to have this Bylaw amended, by applying in writing to the municipality, in care of the Development Authority, furnishing reasons in support of the application and paying the fee therefore required under Part 6.2(6) of this Bylaw.
- 2) Proposed Amendments May Originate From the Development Authority:
 - a. The Development Authority may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Development Authority and the report and recommendation of the Development Officer.
- 3) Amendments Proposed in Council:
 - a. Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority and to the Development Officer for their reports and recommendations.
- 4) Technical Amendments:
 - a. Proposed bylaw amendments which are deemed not to result in a shift of direction of the Land Use Bylaw, meet the spirit and intent of the Land Use Bylaw, and are of a clerical nature (clarification, typo correction, etc.) may be processed as a technical amendment and not require a formal public hearing at the discretion of Council.

2 | FORM OF APPLICATION

- 1) All applications for amendment to the Land Use By-law, by an owner or authorized agent, shall be made on the form as determined by the Development Officer and shall be accompanied by the following:
 - a. A copy of the certificate of title for the lands affected, copies of any caveats registered by the Town or restrictive covenants and any other documents satisfactory to the Development Officer verifying that the applicant has a legal interest in the land for at least the period of time necessary to process the application to a public hearing.
 - b. A statement of the reasons for the request to amend the by-law.
 - c. Properly dimensioned vicinity maps of appropriate scale indicating the site to be amended, its relationship to existing land uses within a 90 metre (295 ft.) radius of the boundaries of the site and any prominent geographic or natural features.
 - d. A fee, according to a scale to be established by resolution of Council.
 - e. Where the applicant is an agent acting for the owner, a letter from the owner(s) must be provided verifying the agent's authority to make the application.
 - f. any other information deemed necessary by the Development Authority or by Council.

- 2) Where the amendment is to change the District applicable to a site, the Development Authority may require that the applicant undertake and provide an environmental screening of the site as part of the amendment application.
- 3) The Development Officer may deem the application to amend the Bylaw as incomplete if the information required by **PART 6.2(1)** has not been supplied or if, in his opinion, it is inadequate to properly evaluate the application.
- 4) Referral of Applications
 - a. In order to prepare the proposed Bylaw amendment for Council, the Development Officer may refer the application to such agencies as they considers necessary for comment.
 - b. During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.
- 5) Additional Information
 - a. Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.
- 6) Payment and Undertaking
 - a. A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
 - i. pay the municipality an application fee as set by resolution of Council;
 - ii. undertake in writing on a form provided by the municipality to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the municipality may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
 - iii. provide the Development Authority with all additionally requested information in a reasonable time frame. Additional information may include: an Area Structure Plan or Outline Plan, geophysical or hydrological report, traffic impact assessment, etc.;
 - iv. sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment; and
 - v. be responsible for all costs incurred by the Town in their review of the application including professional consulting fees.
- 7) Consideration by Council
 - a. An application for an amendment to this Bylaw shall be referred to the Development Authority for a recommendation. The recommendations of the Development Authority shall be presented to Council prior to Council's decision on the proposed amendment.

8) Investigation by Development Officer

- a. Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:
 - i. initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment, including circulating the application to such agencies as s/he considers necessary for comment;
 - ii. prepare a detailed report for the Council on the proposed amendment; and
 - iii. submit a copy of the report, maps and all material relevant thereto to the Council.

9) Preliminary Examination

- a. The Development Authority shall:
 - i. examine the proposed amendment for content; and
 - ii. advise the applicant that:
 1. they are prepared to recommend the amendment to the Council without further investigations, or
 2. they are prepared to recommend an alternative amendment either at once or after due investigation, or
 3. they are not prepared to recommend the amendment with reasons provided.

10) Procedure by Applicant

- a. Upon receiving the preliminary advice of the Development Officer or an agent thereof, the applicant shall advise the Development Authority if:
 - i. they wish the Council to proceed with the amendment as submitted by the person, or
 - ii. an alternative amendment proposed by the Development Authority; or
 - iii. they wish to withdraw their application for an amendment.

11) Decision by Council

- a. As soon as reasonably convenient and regardless of its recommendation, the Development Authority may submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the recommendation of the Development Authority, the report of the Development Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.

12) Limit on Frequency of Applications

- a. Notwithstanding anything in this Part 6, where an application for amendment to this Bylaw has been refused by Council, another application for amendment on the same site for the same or similar use of land may not be made, at the discretion of Council, by the same or any other applicant until at least six (6) months from the date of Council's decision.

- 13) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws.
- 14) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

3 | AMENDING BYLAWS

- 1) All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Act and regarding the notification and holding of a public hearing.

4 | PUBLIC HEARING

- 1) All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act and regarding the notification and holding of a public hearing.

PART 7 – GENERAL PROVISIONS

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

1 | ACCESS FROM STREETS AND LANES

- 1) All off-street parking areas shall be designed to provide:
 - a. adequate access to an exit from the parking area for the vehicles it is intended to serve by means of clearly defined driveways, and,
 - b. adequate access to an exit from each stall at all times by means of clearly defined manoeuvring aisles designed to the satisfaction of the Development Officer. **FIGURES 27, and 28** in **PART 7.20** provides examples of the terms used in this part.
- 2) All access points for commercial, industrial, institutional, and multi-family development shall be to the satisfaction of the Development Authority.

2 | AMENITY AREAS

Where required in any District, private outdoor and/or communal amenity areas shall be provided in accordance with the following:

- 1) Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
 - a. be located immediately adjacent to land with direct access from the dwelling it is intended to serve,
 - b. be located in a yard other than a front yard,
 - c. be landscaped and surfaced for convenient use for outdoor activities,
 - d. be of a width and depth of at least 4.0 m (13.2 ft.), and
 - e. be developed as open space unencumbered by any accessory buildings or future additions.
- 2) Notwithstanding **PART 7.2(1)(d)**, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft.).
- 3) Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area shall be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms, and children’s play areas complete with equipment.
- 4) In multi-family dwelling developments of fifteen (15) dwelling units or more, a minimum communal amenity area of 2.5 m² (26.9 ft. ²) per dwelling unit shall be provided and be developed as children’s play space or other communal recreation space, and be aggregated into areas of not less than 50.0 m² (528.2 ft. ²).
- 5) In multi-family dwelling developments, at least ten percent (10%) of the amenity area required on the site shall be provided for recreational purposes; and in multi-family dwelling developments of fifteen (15) units or more, recreational equipment shall be provided on this area to the satisfaction

of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

3 | BUILDING EXTERIORS

- 1) Unless forming part of a single project which has been proposed and designed to be built under one development permit, no single detached dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road shall be located within three (3) sites of each other.
- 2) The design, character, and appearance of all buildings shall:
 - a. be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,
 - b. be suited to the purpose of the District in which it is located, and
 - c. comply with the provision of any statutory plan applicable to the design, character or appearance of the building.
- 3) The exterior finish on all buildings shall be of a permanent material, and be a character and quality satisfactory to the Development Authority.
- 4) Common interior walls between living units in duplexes or apartment buildings shall be treated for soundproofing to the satisfaction of the Development Authority.

4 | CORNER LOTS AND DOUBLE FRONTING LOTS

- 1) In the case of double fronting lots, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
- 2) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- 3) Notwithstanding any other provision of this Bylaw to the contrary, in residential areas, where a second minimum front yard is not required on a corner

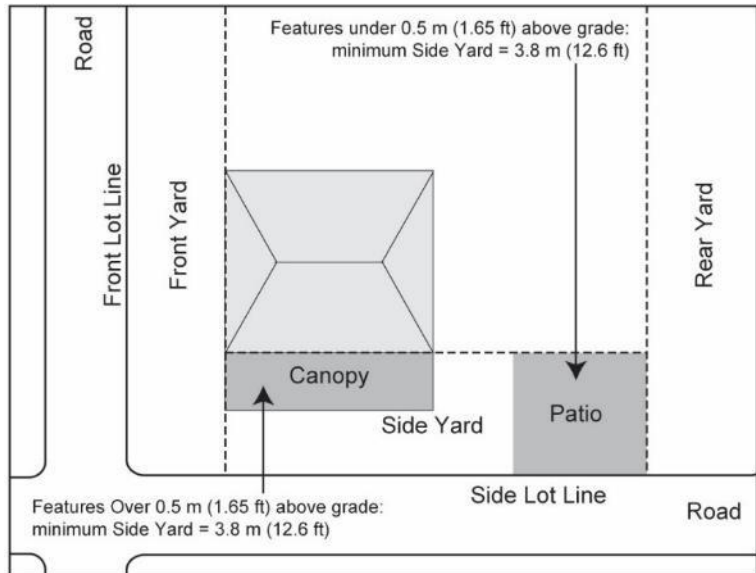


FIGURE 21: SIDE YARD SETBACKS AND HEIGHT RESTRICTIONS ON CORNER LOTS

site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).

- 4) Notwithstanding **PART 7.4 (3)**, in residential areas, features under 0.5 m (1.65 ft.) above grade may project to the side line where a second minimum front yard is not required on a corner site (see **FIGURE 23**).

5 | CORNER SITES AND SITE LINE PROTECTION

- 1) Notwithstanding any other provision of this bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree in or on that part of a corner site located within any district other than commercial, which lies within a triangle formed by a straight line drawn between two points on the closest curbs of the intersecting roads 6 m (19.7 ft.) from the point where the curbs would meet if extended or 3.0 m (9.8 ft.) from that point in the case of an intersecting lane and road.

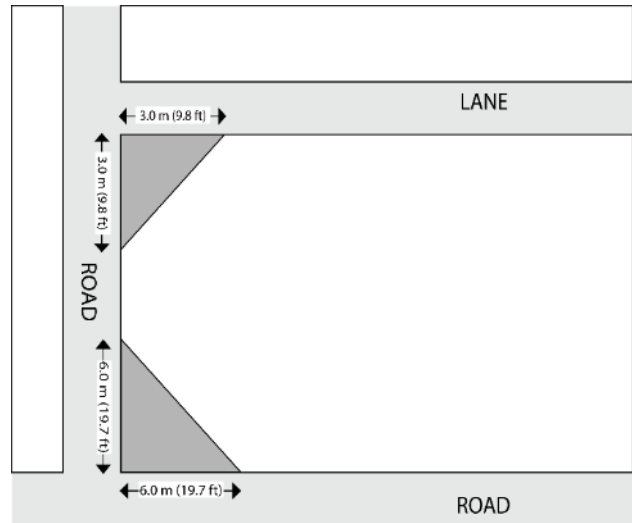


FIGURE 22: CORNER SITE SETBACK

- 2) At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from their intersection.
- 3) **PART 7.5 (2)** does not apply in the **C-1 DISTRICT**.

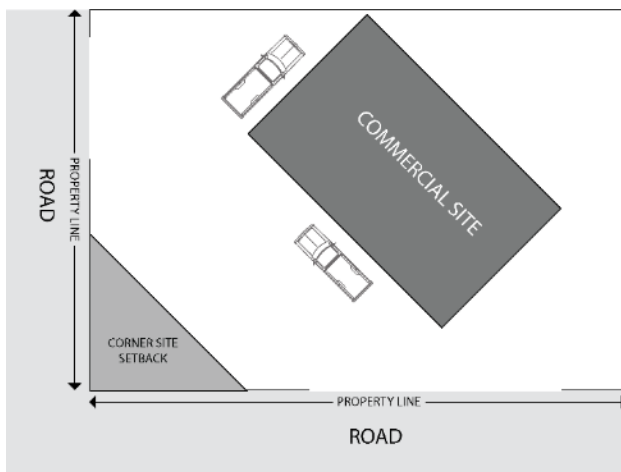


FIGURE 24: COMMERCIAL LOT WITH A CORNER SITE SETBACK

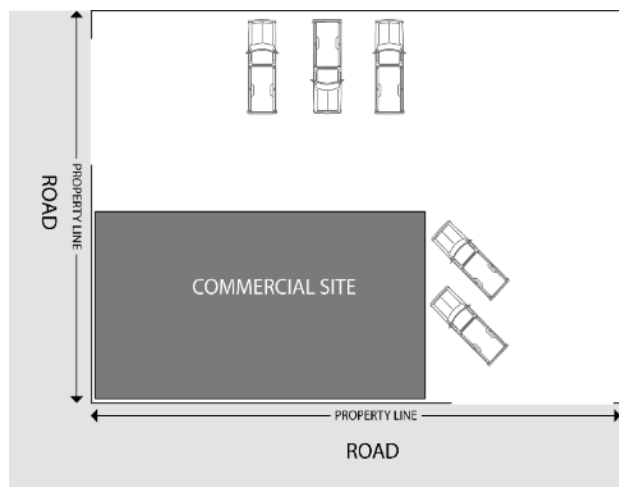


FIGURE 23: COMMERCIAL LOT WITH NO CORNER SITE SETBACK

- 4) Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in **PARTS 7.5 (1) and (2)** such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.

6 | DECKS

- 1) Balconies and decks may project up to 2.0 m into required yards with a minimum depth of 4.0 m, and 0.5 m for required yards less than 4.0 m provided they do not encroach over an easement or right-of-way.
- 2) No person shall construct or allow the construction of an enclosed deck that:
 - a. encroaches into a required front yard;
 - b. is less than 1.0 (3 ft.) from a side property line in a front yard;
 - c. is less than 0.5 (1.6 ft.) from a property line in a side yard;
 - d. in a rear yard, is less than 1.0 (3 ft.) from the side and rear property lines;
 - e. notwithstanding **PARTS 7.6(c) and (d)** less than 3.0 (10 ft.) from the property line if the structure is abutting a public road in a side yard on a corner lot; and
 - f. is not placed upon a permanent foundation.

7 | DEVELOPMENT OF A PROJECT

- 1) Prior to the granting of approval of a multi-lot subdivision application or a development permit for a large project, as the case may be, the developer shall provide the municipality with a proposed site development and landscaping plan and enter into an agreement with the municipality specifying the respective obligations of the developer and the municipality

8 | DWELLING UNITS ON A LOT

- 1) In the **R1, R1A, R1B, RMHP, UR Districts** and the **DC District**, no permit shall be granted for the erection of more than one (1) dwelling unit on a single lot, unless a duplex, secondary suite, in-law suite, garden suite or garage suite is approved on the lot where provided for in this Bylaw, then, no more than two (2) dwelling units including the any approved suites shall be allowed on a single lot.

9 | ENVIRONMENTAL SCREENING

- 1) Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a development permit being issued. Should the Phase 1 Assessment indicate that a Phase 2 Assessment should be undertaken, the Development Authority may require that a Phase 2 Assessment be conducted and submitted prior to consideration of the development permit application. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

10 | EMERGENCY ACCESS TO BUILDINGS

- 1) Sites shall be so designed that, in the opinion of the Development Officer, appropriate access for fire-fighting equipment is afforded to all buildings.
- 2) On at least two sides (one of which shall be the longest side) of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible from the road for firefighting equipment for at least 75 per cent of the length of each of the two sides of the building. Such areas shall not be less than 4.5 m (15 ft.) in width and not more than 3 m (10 ft.) from the building, and no permanent building or vehicular parking, or substantial landscaping that would interfere with the use of the area for emergency access, shall be permitted thereon.
- 3) A lane or lanes for the purpose of permitting the access of the fire-fighting equipment to all major access points of building and to all fire risk utilities on the site shall be provided, and no permanent building or vehicular parking may be provided thereon.

11 | EXCAVATION, STRIPPING, SITE GRADING AND DRAINAGE

- 1) An applicant for a development permit for the excavation, stripping, or grading of land, which is proposed without any other development on the same land, shall send with this application the requirements as per **PART 3.5** of this Bylaw.
- 2) In all cases, site grades and gather down spouts shall be established to prevent drainage from one site to the next except where drainage conforms to an acceptable local or subdivision drainage plan.
- 3) Every building in the municipality containing a basement shall employ a drainage system to the satisfaction of the Development Officer for the purpose of transferring storm water run-off to the on-street drainage system.
- 4) In subdivisions registered after January 1, 1993, weeping tiles, and similar appurtenances shall not discharge into sanitary sewers. Weeping tiles may be connected to sumps with pumped discharge directly to ground surface (splash pads will be required). Other alternatives may be submitted to the Development Officer for approval.
- 5) Culverts are to be galvanized steel with a diameter of 45 cm (18”), unless specified otherwise by the Development Officer and approved by the Development Officer.
- 6) Culvert invert elevations are to match the bottom of the existing ditch unless otherwise directed by the Development Officer.
- 7) Where the final lot grades have been established through a Development Agreement, on engineering drawings or by a surveyor’s plan, the Development Officer may require the development permit applicant to provide the Development Officer with 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 the buildings.

12 | FENCES

- 1) Notwithstanding any regulation respecting required minimum yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.

- 2) Unless otherwise provided in this Bylaw, no fence, wall or hedge shall be:
 - a. higher than 1.8 m (6.0 ft.) above grade in side yards and rear yards; or
 - b. higher than 1.0 m (3.3 ft.) above grade in front yards.
- 3) The height of a fence in the residential districts shall be no higher than:
 - a. 1.0 m (3 ft.) above grade at no less than 3.0 m (10 ft.) from the front property line, or
 - b. 1.2 m (4 ft.) above grade at no less than 4.5 m (15 ft.) from the front property line, or
 - c. 1.5 m (5 ft.) above grade at no less than 6.0 m (20 ft.) from the front property line, or
 - d. 1.8 m (6 ft.) above grade at no less than 7.5 m (25 ft.) from the property line.
- 4) Notwithstanding **PART 7.12(3)** above, fences located in the **Spruce Meadows Residential (R1A) District** shall conform to the provisions outlined in **PART 9.3**.
- 5) The height of a fence in an industrial, commercial or agricultural district may be permitted to be higher than 1.8 m (5.9 ft.) if, in the opinion of the Development Officer, the proposed fence:
 - a. does not block or impede traffic sight lines at the intersection of two public roads;
 - b. does not block or impede traffic sight lines on the driveway on the lot or from the driveway on the adjoining lots;
 - c. is structurally designed to satisfy the intended height and purpose.
 - d. is physically and visually compatible with adjacent development; and
 - e. is not located adjacent to a residence.
- 6) Electrification of fences will be allowed by special resolution of Council where the developer has demonstrated, to the satisfaction of the Development Authority that the fence is necessary for an agricultural operation and that dwellings will not be in close proximity to the fence proposed.
- 7) No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the Industrial District and in the Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (6.0 ft.) unless the Development Authority, at their discretion, allows barbed wire at a lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.
- 8) These regulations do not authorize the development of fences on public property or utility rights-of-way, unless permission is granted by Council and an encroachment agreement is approved.
- 9) No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.
- 10) Notwithstanding **PART 7.12(2)** above, the height of a fence in an Industrial District or in an Urban Reserve District shall be as determined by the Development Authority.
- 11) The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
 - a. outdoor storage areas,
 - b. garbage collection areas, and

- c. loading or vehicle service areas.
- 12) Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.

13 | HAZARDOUS MATERIALS

- 1) No anhydrous ammonia storage shall be allowed within the municipality.
- 2) Liquefied petroleum gas tanks with a storage capacity exceeding 2000 lbs may only be allowed within the Industrial District at the discretion of the Development Authority.
- 3) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- 4) No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- 5) All commercial or industrial developments involving the following hazardous materials shall submit a written description of the materials and operations being undertaken on the site to the Development Authority for review prior to development approval at the time of development permit application, or at the time the operation begins using or producing any of the following materials:
 - a. poisonous and infections agents,
 - b. pesticides,
 - c. corrosives and explosives,
 - d. flammable and combustible liquids,
 - e. manures,
 - f. silica, asbestos and carcinogens, and/or
 - g. radiation.
- 6) No development shall create or discharge toxic materials and/or air or water contaminants in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- 7) No development shall discharge toxic or noxious materials and/or air or water contaminants:
 - a. across the boundaries of a site,
 - b. through infiltration into the soil,
 - c. into the municipal sewage disposal system, or
 - d. into a water body, any surface water channel, or any below surface water course.

14 | LANDSCAPING

- 1) Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality's landscaping standards as stated in **PART 7.14(3)** hereof. Where

a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.

- 2) A landscaping deposit fee as established by resolution of Council may be required with the submission of development permit applications for residential, commercial and industrial development. The deposit will be fully refundable after the first year after the development is deemed complete by the development officer if the landscaping conforms to the approved landscaping plan and meets with the satisfaction of the development officer.
- 3) Landscaping plans shall include the following information which adheres to the following standards:
 - a. the final grading of the area and the placing and spreading of topsoil. In particular:
 - i. the cross slope across boulevards shall be a minimum of two percent (2%), and
 - ii. all areas to be landscaped shall be graded to drain to the road, into catch basins, or into adjacent drainage easements. Under no circumstances shall an area be designed, built, or landscaped to drain from public property onto private property, or from private property onto adjacent private property without appropriate easements;
 - b. all physical features, both existing and proposed, including: shrubs and trees identified by their common name, their botanical name, and their size; grassed areas; flower beds; berms showing contours; walls; fences; outdoor furniture; surface utilities; water features; and decorative paving; and
 - c. playground equipment and public seating areas if the area forms part of a communal amenity area.
- 4) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- 5) When the implementation of landscaping plans is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year from the time the development is available for the occupancy or the commencement of operation of the proposed development.
- 6) The developer shall be responsible for proper maintenance of the landscaping on public lands associated with the development. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size, at no cost to the municipality.
- 7) Off-street parking lots in any commercial district shall be landscaped by the planting of trees in the amount of at least one tree for every 185m² (1991 ft.²) of parking lot area. The trees shall be located within the parking area in landscaped islands and in locations where visibility for the safe movement of persons and traffic is not impaired.
- 8) Landscaped islands must be:
 - a. designed to protect all plant material from damage,
 - b. raised at least 15.0 cm (5.9 in.) above finished grade, and

- c. finished with tree grates, ground cover vegetation, and/or hard landscaping.
- 9) Notwithstanding **PART 7.14(2)**, in any commercial district, the requirements for the number of trees may be varied at the discretion of the Development Officer provided that other acceptable forms of landscaping are provided.
 - 10) In the development of multi-family dwellings of fifteen dwelling units or more, a minimum of 3 m² (32 ft.²) or amenity area per dwelling unit shall be provided and aggregated into areas of not less than 50 m² (538 ft.²). This area shall be used as children's play space or other passive or active recreational space and recreation equipment shall be provided on the area to the satisfaction of the Development Officer.
 - 11) When a commercial or industrial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial or industrial land user between the commercial or industrial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or privacy fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
 - 12) Trees shall be planted on all buffers unless otherwise specified by the Development Authority.
 - 13) Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
 - a. the plant material must be hardy to the municipality and the proposed site. The Horticultural Standards of the Canadian Nursery Trades Association may be used as a reference guide in selecting plants);
 - b. the proportion of deciduous to coniferous trees shall be approximately 60:40, unless the landscaping plan is prepared by a professional landscape architect;
 - c. deciduous trees must have a minimum calliper width of 5.0 cm (1.9 in.) measured 10.0 cm (3.9 in.) above the root ball;
 - d. coniferous trees must have a minimum height of 2.0 m (6.6 ft.) at the time of planting; and
 - e. shrub material, if deciduous, must have a minimum height of 60.0 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40.0 cm (15.7 in.) when planted.
 - 14) Landscaping must be consistent with the approved tree species list as established by Council.
 - 15) Tree species not currently on the municipality's approved tree species list may be allowed at the discretion of the Development Authority.
 - 16) Landscaping must be located so that it will not have a negative impact on above or below ground utilities.
 - 17) All new residential development:
 - a. Shall provide a buffer strip adjacent to Highway 28, the width of which shall be determined to the satisfaction of Council and Alberta Transportation.
 - b. may, at the discretion of the Development Authority, provide a buffer strip or sound abatement fence adjacent to arterial roads.

15 | LIMITED ACCESS TO MAJOR STREETS

- 1) No access for vehicles will be permitted from a designated arterial road (or a road which, in the opinion of the Development Officer, is designed to accommodate major vehicular traffic flows to:
 - a. any residential site, unless the access serves three or more dwelling units, or
 - b. any site, unless turning space is provided on the site such that vehicles entering the site may turn before re-entering the street, or,
- 2) any site, where in the opinion of the Development Officer, there would be an excessive number of access points onto the street.

16 | NOISE

- 1) No use or operation shall create noise levels which exceed those requirements and restrictions with the Town's community standards or noise bylaws.

17 | NUISANCE

- 1) No activity may be undertaken which, in the opinion of the Development Authority, constitutes a nuisance on a private or public site by reason of the generation of vibration, heat, humidity, glare, smoke, dust, other particulate matter, or odour.
- 2) Sites and buildings in all Districts shall be maintained in a clean and tidy condition, free from all rubbish and debris.
- 3) Garbage shall be stored in weather-proof and animal-proof containers, shall be placed in a location or screened from adjacent sites and roads in a manner that is to the satisfaction of the Development Authority, and shall be in a location easily accessible for pick-up.
- 4) Further provisions relating to the control of nuisances may be found in the municipality's Community Standards Bylaw.

18 | OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 1) No person shall keep or permit in any part of any yard in any Residential District:
 - a. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located;
 - b. any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
 - c. any vehicle, loaded or unloaded, excluding recreational vehicles, of a gross vehicle weight in excess of 4800.0 kg (10,560 lbs.) for longer than is reasonably necessary to load or unload the vehicle; or
 - d. a recreational vehicle in a front yards unless the recreational vehicle is:
 - i. located on a hard surfaced driveway or parking pad, and

- ii. the recreational vehicle is removed at the end of the summer camping season (April 1 to October 31) annually.
- 2) No person shall keep or permit in any part of a yard, adjacent to a dwelling, on a recreational vehicle site or in a recreational vehicle stall either:
 - a. a portable propane tank that is larger than 15.8 kg (35.0 lbs.),
 - b. more than four (4) propane tanks, or
 - c. any number of portable propane tanks with a total capacity which exceeds 43.3 kg (95.0 lbs.) without first obtaining a development permit.
- 3) Notwithstanding **PART 7.18(2)**, on residential lots which are:
 - a. greater than 1.2 ha (3 ac.) in area, and
 - b. where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards,

the Development Authority may, at its discretion, may approve a development permit for more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91.0 kg (200.0 lbs.) to be located on a residential lot.
- 4) Notwithstanding **PART 7.18 (2)**, in a **Commercial District, Semi Public District** and in the **Urban Reserve District**, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety standards as well as emergency response requirements, the Development Authority may, at its discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200.0 lbs.) to be located either:
 - a. within an individual lot, or
 - b. within a recreational vehicle stall located in an approved recreational vehicle campground and recreational vehicle campground, seasonal.
- 5) All development applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 63.5 kg (140.0 lbs.), to be located within individual stalls in approved recreational vehicle campgrounds will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to the issuance of a development permit.
- 6) In addition to the provisions in this Part, no person shall keep or permit in any part of a yard any of the uses identified as restricted or prohibited in **PART 7.13**.

19 | ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 1) Where any on-site services or improvements or any off-site local improvements, are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Officer is satisfied that such services or improvements will be undertaken.

- 2) All future development areas must be serviced to the satisfaction of the Development Authority and be consistent with the requirements of the municipality’s public works department.

20 | PARKING AND LOADING PROVISIONS

Notwithstanding the District Regulations in effect on a site, the following regulations in **TABLE 1** shall also apply:

- 1) Parking Space Requirements
 - a. A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made, in accordance with the Bylaw, to increase the number of parking stalls or loading spaces required on the total site for which the addition or change in use is proposed.
 - b. Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated from the following table:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
RESIDENTIAL USES	
Apartments	
dwelling units with 1 or fewer bedrooms	1.25 per dwelling unit
dwelling units with 2 bedrooms	1.50 per dwelling unit
dwelling units with 3 or more bedrooms	2 per dwelling unit
visitor parking	1 per 7 dwelling units
Seniors’ apartments	2 per 3 dwelling units
Boarding and lodging houses	1 per sleeping unit in addition to the parking requirements for the primary dwelling
Senior citizens’ homes	2 per 3 dwelling units
Secondary Suites, garage suites and in-law suites	1 per dwelling unit
All other dwellings (single family, duplex, row housing)	2 per dwelling unit
Manufactured home parks	2 per manufactured home plus 1 visitor parking space per 7 manufactured homes
COMMERCIAL USES	
Office uses and government services	1 per 40.0 m ² (430.0 ft. ²) of gross leasable area

Health Services	1 per 30.0 m ² (325.0 ft. ²) of gross leasable area or 3 for each full time or part-time professional whichever is greater
Eating and drinking establishments	
Eating and drinking establishments (excluding those as noted below)	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Restaurants	1 per 13.0 m ² (140.0 ft. ²) of gross leasable area plus 1 per 3 employees on maximum shift
Nightclubs	1 per 13.0 m ² (140.0 ft. ²) of gross leasable area plus 1 per 3 employees on maximum shift
Bars and neighbourhood pubs	1 per 13.0 m ² (140.0 ft. ²) of gross leasable area plus 1 per 3 employees on maximum shift
Drive-in restaurants	1 for each 3 m ² (32 ft. ²) of gross floor area or 1 per 5 seating spaces, whichever is greater. This square meter requirement may be reduced at the discretion of the Development Officer to no less than 1 for each 6 m ² (65 ft. ²) of gross floor area where it can be shown that a high proportion of clients will regularly eat food purchased at an off-site location.
Other drive-in businesses	8 spaces, except where more are required under other requirements of this Part.
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Workcamps	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfast establishments	1 per sleeping unit in addition to the parking requirements for the primary dwelling
Major home occupations	1 in addition to the requirements for the residential use
Child care facilities	1 per employee for first 2 employees plus an additional 0.5 per each additional staff member plus 1 per 15 children
All other commercial uses	

1000 m ² or less;	1 space per 30.0 m ² (323 ft. ²) of gross leasable area
between 1001 m ² and 4000 m ²	1 space per 20.0 m ² (215 ft. ²) of gross leasable area
more than 4000 m ²	1 space per 17.0 m ² (183 ft. ²) of gross leasable area. Open space for parking and landscaping shall not be less than 75 per cent of the site.
PLACES OF PUBLIC ASSEMBLY	
Auditoriums, halls, clubs, theatres and other recreation places	1 space per 7.5 seating spaces or 1 space per 7 m ² (75 ft. ²) used by patrons, whichever is the greater
Places of worship	1 space per 7.5 seating spaces or 1 space per 7 m ² (75 ft. ²) used by patrons, whichever is the greater
Spectator entertainment establishments	1 space per 7.5 seating spaces or 1 space per 7 m ² (75 ft. ²) used by patrons, whichever is the greater
Spectator sports establishments	1 space per 7.5 seating spaces or 1 space per 7 m ² (75 ft. ²) used by patrons, whichever is the greater
Outdoor amusement establishments and recreational uses	1 per 3 employees plus the requirements for any accessory uses plus any additional requirements at the discretion of the Development Authority
Golf Courses	8 per hole plus 1 per 3 employees plus the requirements for any accessory uses
Indoor amusement establishments	1 per 5 seats
Bowling alleys	4 per lane plus the requirements for accessory uses
Curling rinks	8 per sheet plus the requirements for accessory uses
Health and fitness clubs	1 per 10.0 m ² (107.6 ft. ²) of floor area
Hockey rinks and swimming pools	1 per 5 seats
Racket sports facilities	2 per court plus the requirements for accessory uses
Schools	

Elementary and junior high schools	1 space per school hour employee, plus 5 spaces
High Schools	1 space per school employee, plus 1 space for every 20 students.
Commercial Schools	1 per on-site student
INDUSTRIAL USES	
All industrial uses	1 per employee on maximum shift. This standard may be varied by the Development Officer to no fewer than 1 per 3 employees on maximum shift where it can be shown by the applicant that fewer stalls are required.
HOSPITALS AND SIMILAR USES	
Health Centres and Hospitals	1 per 100.0 m ² (1,076.4 ft. ²) of gross floor area or 1 per 4 beds, whichever is greater, plus 1 per 2 employees on maximum shift
Extended medical treatment (sanatoriums, convalescent homes, group care facilities, etc.)	1.5 per 3 dwelling units plus 1 per employee on maximum shift
Nursing homes/Long term care facilities/Supportive living facility	1 per 3 beds plus 1 per employee on maximum shift
Auxiliary Hospitals	1 per 3 beds plus 1 per employee on maximum shift

TABLE 1: ONSITE PARKING REGULATIONS

- c. In the case of a use not specifically listed in **Table 1**, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
- d. Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
- e. Where there is a fractional number of parking spaces required by this Bylaw, the next highest whole number of stalls shall be provided.
- f. If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfil the requirements of this Bylaw.
- g. The Development Authority may allow an applicant to provide a lesser number of spaces by up to fifteen percent (15%) if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the project due to:
 - i. the relationship of the development to other parking areas,
 - ii. differing hours of demand for parking, or

- iii. the scale and character of the development.
 - h. Notwithstanding **PART 7.20(1)(b)**, in the **Central Commercial (C1) District**, the following provisions shall apply:
 - i. in the case of major renovations and architectural modifications to an existing building, no parking spaces in addition to those existing prior to undertaking the renovations or modifications shall be required;
 - ii. in the case of expansion to the floor area of an existing building, additional parking spaces shall be required based on the size and use of the expansion only; and
 - iii. in the case of a change in the use of an existing building, no parking spaces in addition to those existing prior to the change in use shall be required provided that no alteration to the floor area of the building occurs.
- 2) Money-in-lieu-of-Parking
- a. At the discretion of the Development Authority, a developer may pay money to the municipality in lieu of providing parking spaces. The amount of money will be determined by the Council and be based on the amount of money needed to acquire land and to develop the required number of parking spaces on adjacent lands.
- 3) Surfacing and Drainage
- a. All parking areas shall be clearly marked, hard surfaced, landscaped, adequately lit with lighting directed away from adjacent sites, adequately graded and drained to dispose of all storm water run-off, and contain the necessary curb cuts.
 - b. Notwithstanding **PART 7.20(3)(a)**, where the access to or egress from a parking area is from a gravelled road, or where the development involves the expansion of an existing building on a site where the existing parking area is not hard surfaced, the parking area may, at the discretion of the Development Authority, be gravelled to the satisfaction of the Development Authority.
 - c. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- 4) Parking Facility Dimensions
- a. All parking spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions and shall conform to the requirements shown in **Table 2** on the following page.

PARKING ANGLE IN DEGREES	WIDTH OF SPACE	DEPTH OF SPACE PERPENDICULAR TO MANOEUVRING AISLE	WIDTH OF SPACE PARALLEL TO MANOEUVRING AISLE	OVERALL DEPTH	WIDTH OF MANOEUVRING AISLE (ONE-WAY)	WIDTH OF MANOEUVRING AISLE (TWO-WAY)
A	B	C	D	E	F	
0	3.0 m (9.84 ft.)	3.0 m (9.84 ft.)	7.0 m (22.97 ft.)	9.1 m (29.86 ft.)	3.6 m (11.81 ft.)	6.7 m (21.98 ft.)
30	3.0 m (9.84 ft.)	5.2 m (17.06 ft.)	5.5 m (45.87 ft.)	14.0 m (45.93 ft.)	3.6 m (11.81 ft.)	7.3 m (23.95 ft.)
45	3.0 m (9.84 ft.)	5.8 m (19.03 ft.)	4.0 m (13.12 ft.)	15.2 m (49.87 ft.)	3.6 m (11.81 ft.)	6.7 m (21.98 ft.)
60	3.0 m (9.84 ft.)	6.1 m (20.01 ft.)	3.1 m (10.17 ft.)	18.2 m (59.71 ft.)	6.0 m (19.69 ft.)	7.3 m (23.95 ft.)
90	3.0 m (9.84 ft.)	6.1 m (20.01 ft.)	3.0 m (9.84 ft.)	19.5 m (63.98 ft.)	7.3 m (23.95 ft.)	7.3 m (23.95 ft.)

TABLE 2: DEFINITIONS OF COLUMN HEADINGS FOR PARKING SPACE DIMENSIONS

- b. In addition to the parking requirements identified in **Table 2**, where required, accessible parking stalls shall be a minimum of 3.7 m (12.1 ft.) wide by 7.5 m (24.6 ft.) long.
- c. Where the side of a parking stall is against any permanent structure greater than 0.2 m (8 inches) in height, at any point in the front 3.6 m (12 ft.) of the stall (measured in the centre perpendicular to the front of the stall) the minimum width of a stall shall be 0.3 m (1 ft.) wider than the normal width required.

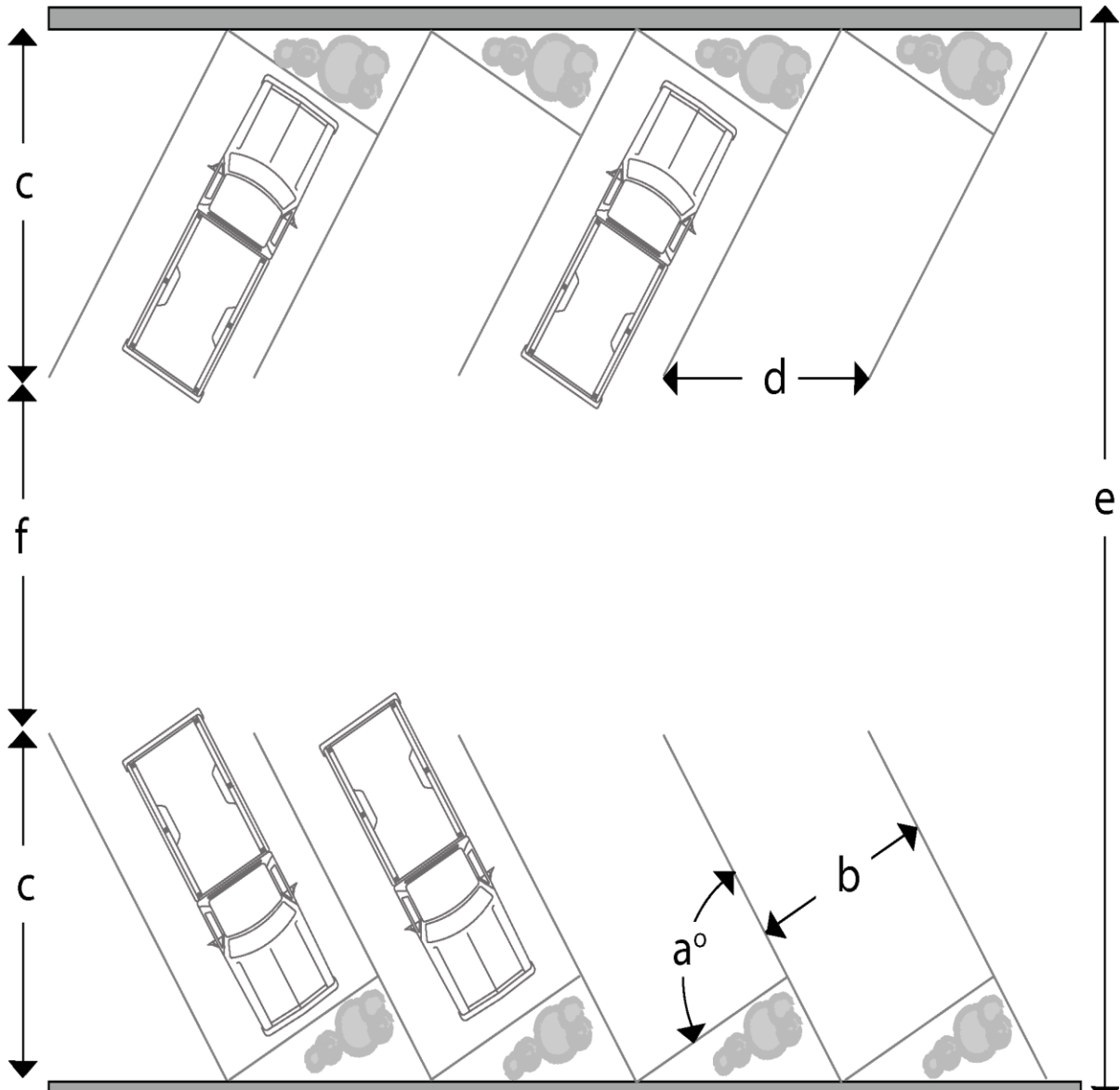


FIGURE 25: PARKING STALL AND AISLE DEFINITIONS

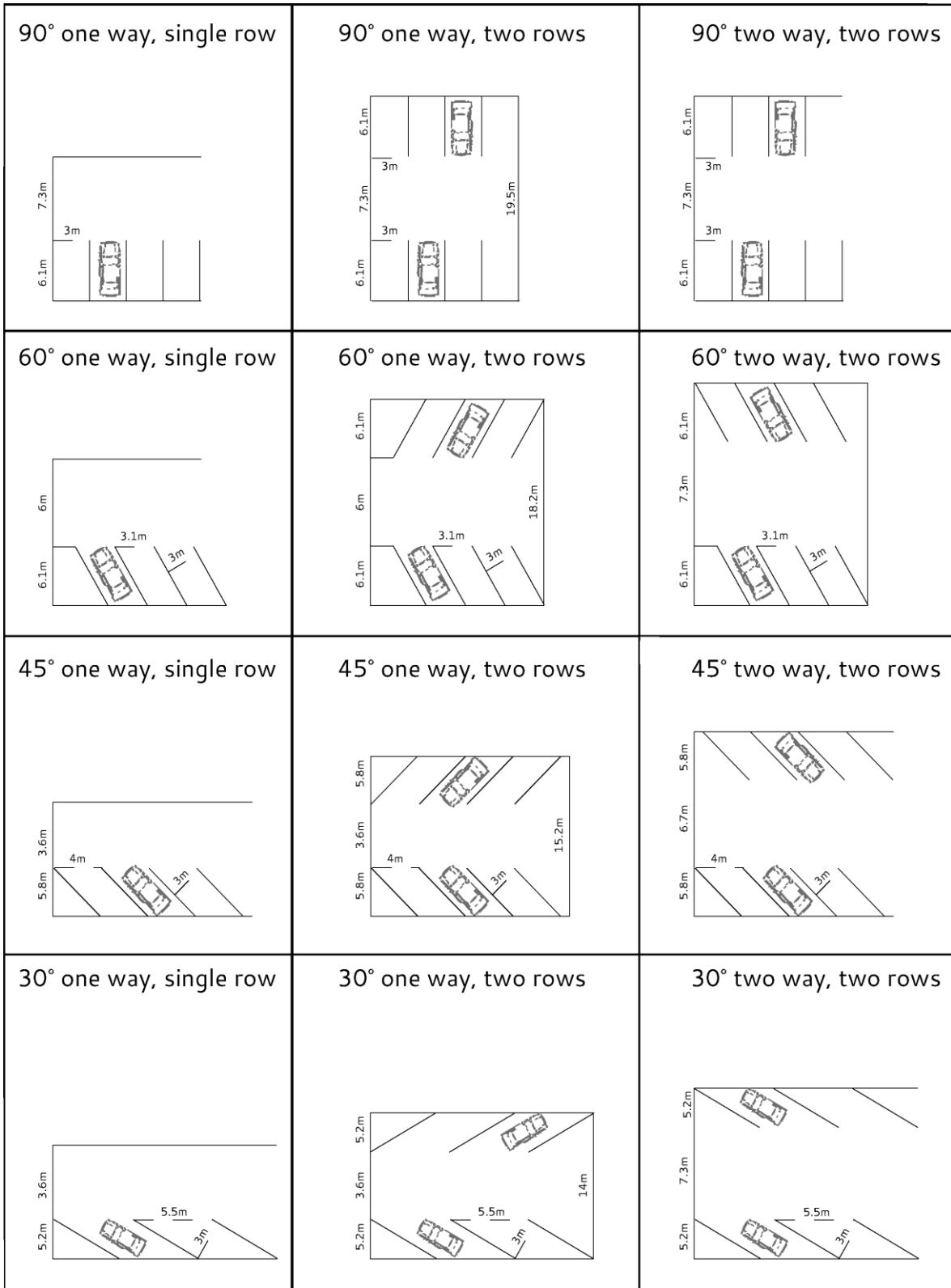


FIGURE 26: OFF STREET PARKING REQUIREMENTS

5) Variance to Downtown Parking Requirements:

- a. Notwithstanding **PART 7.20(1)**, in the downtown area, the following provisions shall apply:
 - i. in the case of major renovations, site improvements, and architectural modifications to an existing building, no additional parking shall be required;
 - ii. in the case of major structural expansion of an existing building, additional parking shall be required for the expanded part only;
 - iii. in the case of a change in the use of an established building, additional parking shall not be required provided no alteration to the exterior dimensions of the building occurs;
- b. in the case of any down town development or re-development, the Development Officer shall review such development in respect of the variance powers granted under **PART 7.20(1)(g)** and may exercise such powers as deemed necessary.

6) Parking Facility Construction Requirements

- a. Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users.
- b. All off-street parking facilities shall be separated from streets by a landscaped area of at least 1.0 m (3 ft.) in width.
- c. All off-street parking facilities shall be constructed that:
 - i. Necessary curb cuts are located and flared to the satisfaction of the Development Officer.
 - ii. All parking facilities and lanes to be used for access to a proposed development shall be hard-surfaced to the satisfaction of the Development Officer; where the access from a road or lane is not hard-surfaced, parking areas must be paved, or of a gravel mixture approved by the Development Officer.
 - iii. Parking facilities containing four or more stalls shall be landscaped to the satisfaction of the Development Officer on each side adjoining any property in a residential district and shall be screened by a wall, fence, earth berm, or hedge constructed or maintained at not less than 1.2 m (4 ft.) in height.
 - iv. Parking facilities used at night shall have adequate lighting for the entire parking facility, such lighting shall be directed away from adjacent residential properties and other properties where in the opinion of the Development Officer, it would have adverse effects and
 - v. All parking facility lighting shall conform to the policies with the Town of Bon Accord Community Light Standards Efficiency Bylaw.
 - vi. Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Officer.
 - vii. Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the number of stalls required for the project. A maximum of five percent of the total number of stalls required may be

required by the Development Officer to provide parking for the handicapped, provided that a maximum of three stalls may be required for any project, unless exceptional circumstances, due to the magnitude of development, would warrant more than three stalls.

- d. Curbs, medians, signage, and landscaping shall be provided to the satisfaction of the Development Officer.
- e. Access to Curb Stops
 - i. No development shall be permitted that would obstruct normal operational access to curb stop.
 - ii. No paved driveway or other pavement shall be placed over or within 2 m (6.6 ft.) of a curb stop.
- f. Notwithstanding **PART 7.20(6)(e)**, where:
 - i. the access or egress to a site is from a gravelled public road,
 - ii. the development involves the expansion of an existing building on a site where the existing parking area is not hard-surfaced.
 - iii. the off-street parking facilities shall be gravelled to the satisfaction of the Development Officer and may be hard-surfaced at the option of the applicant to the satisfaction of the Development Officer.

7) Off-Street Loading

- a. Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- b. When required by the Development Authority, loading spaces shall:
 - i. have dimensions of not less than:

Width:	4.0 m (13.1 ft.);
Length:	8.0 m (26.2 ft.);
Height above grade:	4.3 m (14.1 ft.);
 - ii. have vehicular ingress to, and egress from a road or lane either directly or by a clearly defined traffic aisle;
 - iii. be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
 - iv. be so graded and drained as to dispose of all surface water. Surface drainage across sidewalks will not be allowed;
 - v. be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;
 - vi. have adequate lighting to the satisfaction of the Development Officer; and

- vii. be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft.) and not more than 2.0 m (6.6 ft.) in height.
- c. The number of loading spaces required to be provided in a development shall be identified in **Table 3** below. Any other building or use shall provide loading spaces as required by the Development Authority.
- d. Where a fractional number of loading spaces are required, the next highest whole number of spaces shall be provided.
- e. Any other building or use shall have off-street loading as determined necessary by the Development Officer.

USE OF BUILDING OR SITE	MINIMUM NUMBER OF LOADING SPACINGS
NON-RESIDENTIAL USES	
Less than 1,000.0 m ² (10,764.0 ft. ²) of gross leasable area	1 space
The next 1,000.0 m ² (10,764.0 ft. ²) of gross leasable area or a fraction thereof in a development	1 space
Each additional 2,000.0 m ² (21,528.0 ft. ²) of gross leasable area or a fraction thereof in a development.	1 space
RESIDENTIAL USES	
Multi-Family Dwellings	
All	1 per 3 dwelling spaces

TABLE 3: REQUIRED LOADING SPACES

21 | PROJECTION INTO YARDS

- 1) Except as provided in this Part and **PART 7.4** of this Bylaw, and except for fences as noted in **PART 7.12(1)** of this Bylaw, no portion of a building shall be located or project into a required minimum yard.
- 2) The following features may project into a required minimum front yard:
 - a. steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
 - b. canopies over entrances to buildings, provided such projections are cantilevered and do not encroach more than 1.0 m (3.3 ft.) in the required front yard;
 - c. exterior balconies on apartments provided that:

- i. they are cantilevered and not enclosed, and designed as an integral part of the building, and
 - ii. they do not project more than 2.0 m (6.6 ft.) into the required minimum front yard;
 - d. any other features which, in the opinion of the Development Authority, are similar to the foregoing.
- 3) The following features may project into a required minimum side yard; except where a side yard of 3.0 m (9.8 ft.) is required for vehicular passage:
 - a. steps and chimneys, provided such projection does not exceed fifty percent (50%) of the width of the required minimum side yard;
 - b. patios, which can project to the side line;
 - c. eaves, gutters, sills, bay or oval windows, or other similar projections, provided such projections do not encroach more than 0.6 m (2.0 ft.) into the required side yard;
 - d. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
 - e. exterior balconies on apartments provided that:
 - i. they are cantilevered and not enclosed, and designed as an integral part of the building, and
 - ii. they do not project more than 1.0 m (3 ft.) into a required side yard and in no case are closer than 2.0 m (6.6 ft.) to a side line;
 - f. any other features which, in the opinion of the Development Authority, are similar to the foregoing.
- 4) On a lot in a commercial land use district, the parts of an attachments to a principal building which may project over or on to a front yard, side yard, or rear yard are:
 - a. a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in **PART 8.34**.
 - b. a canopy or extension over a rear yard if the projection is at least 4 m (13 ft.) above the surface of the yard and does not obstruct the normal use of the yard.

22 | RELOCATION OF BUILDINGS

- 1) The relocation of an already constructed building or a partially constructed building on a new site requires approval from the Development Authority.
- 2) The placement or relocation of a building on a lot shall require a development permit, as outlined in **PART 3** of this Bylaw. Development permit applications for relocated buildings shall include the following information:
 - a. Age, size and structural condition of the building;
 - b. Photographs showing all sides of the building;
 - c. A statement of proposed improvements.

- 3) The Development Officer may travel to inspect the building which is proposed to be moved in, or may request another qualified person to do so on behalf of the Development Authority, and in either case, the expenses of such inspection shall be paid by the applicant before any development permit is issued.
- 4) The Development Officer may issue a development permit for the proposed building without conditions, or subject to such conditions as deemed necessary to ensure that the building is renovated to a satisfactory standard, and if the renovations are to be done after the building is moved onto the lot, the Development Authority may require that a bond be posted to guarantee the satisfactory completion of the work stipulated in the development permit.
- 5) In making a decision, the Development Officer shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if the building, in their opinion, is or will be incompatible with the neighbourhood

23 | SITE CIRCULATION

- 1) The space for the manoeuvring and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads, other than lanes, or onto adjacent parcels when manoeuvring and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

24 | SITE CONDITIONS AND BUFFERING REQUIREMENTS

- 1) The proponent for a development may be required to submit a site drainage plan and/or elevation plan to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
- 2) The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- 3) The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.
- 4) In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
- 5) The Town will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.
- 6) The amount of Reserves/Easement lands shall be at the discretion of the Town and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
 - a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Alberta Environment and Parks (see **APPENDIX A**); or

- b. If this environmental reserve (ER) or environmental reserve easement (ERE) amount is disputed by the proponent of a development or subdivision then the developer may provide the Town and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative ER/ERE amount is appropriate for the subject site. If the report from the engineer indicates that a lesser ER/ERE would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser ER/ERE area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser ER/ERE area.
- 7) Notwithstanding **PART 7.24(6)**, additional ER/ERE may be required by the Town based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
- 8) Normally, no buildings of any kind shall be allowed within required setback areas.
- 9) However, notwithstanding **PART 7.24(6)**, the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
 - a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Alberta Environment and Parks (see **APPENDIX A**); or
 - b. If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser ER/ERE area.
- 10) The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.
- 11) If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
- 12) If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
- 13) If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.

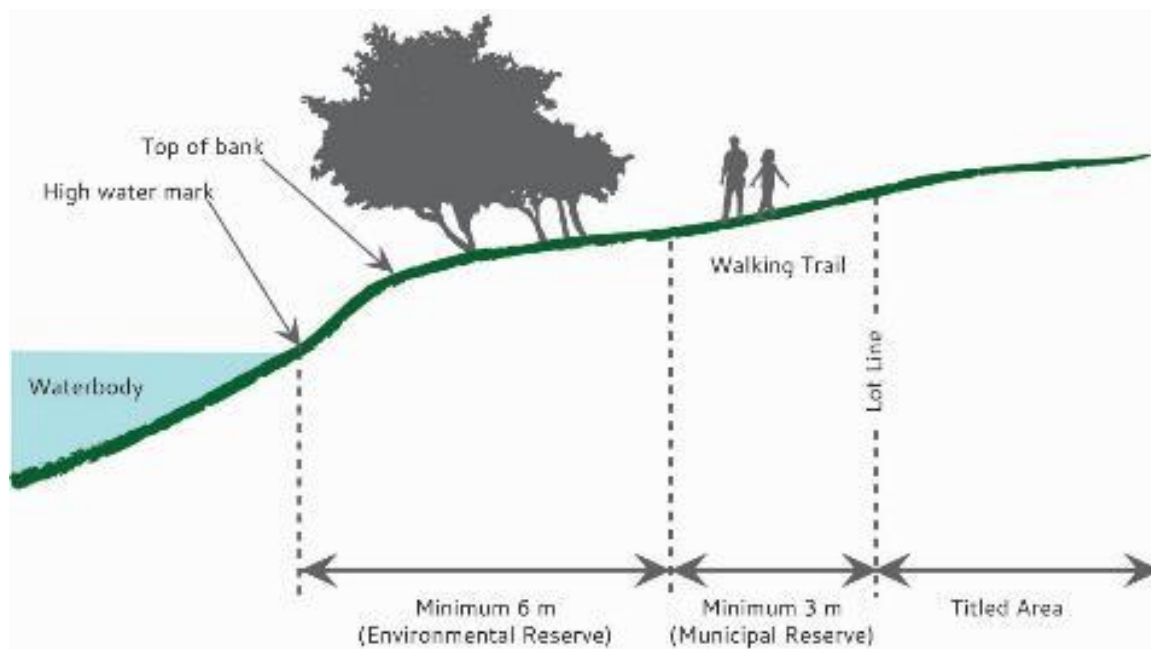


FIGURE 27: EXAMPLE OF SETBACKS FROM WATER COURSES AND WATERBODIES

- 14) If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- 15) The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way of any lake, river, creek, watercourse, or water body.
- 16) Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.

25 | SITE GRADING AND DRAINAGE

- 1) In all cases, site grades shall be established to not allow one site to drain onto an adjacent site except where drainage conforms to an acceptable local or subdivision drainage plan. Further provisions relating to site grading and drainage may be found in the municipality's Community Standards Bylaw.

26 | SOUR GAS FACILITIES

- 1) No development shall be permitted within 100.0 m (330.0 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Regulator (AER).

- 2) No development shall be permitted within 500.0 m (1,640.0 ft.) of a Level 2 sour gas facility as determined by the AER.
- 3) No dwelling or unrestricted country development shall be permitted within 100.0 m (330.0 ft.) of a Level 3 or Level 4 sour gas facility (consisting of a well) as determined by the AER.

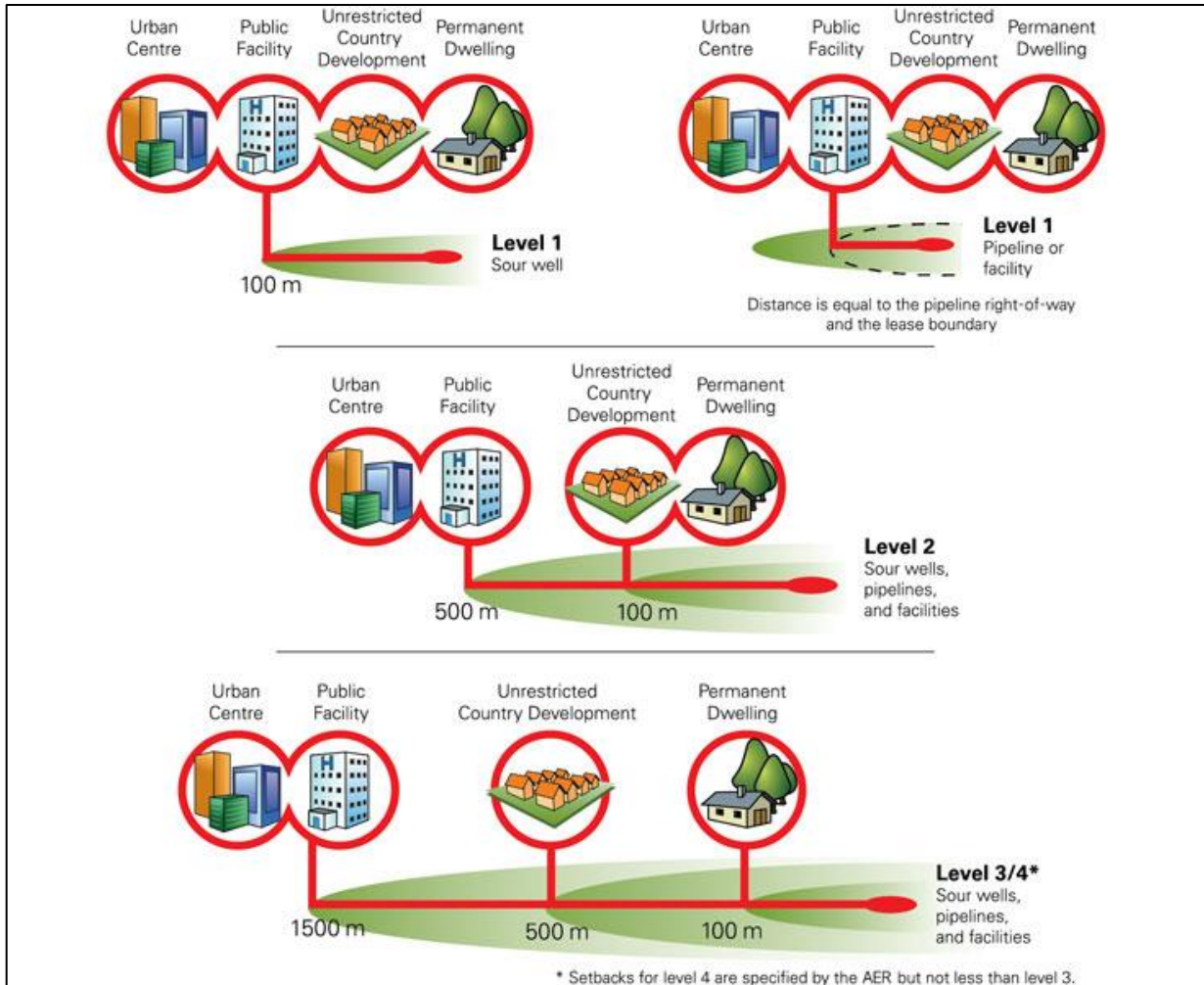


FIGURE 28: AER SOUR GAS SETBACK REQUIREMENTS

- 4) No development, other than a dwelling or an unrestricted country residential development shall be permitted within 1,500.0 m (4,920.0 ft.) of a Level 3 or Level 4 sour gas facility as determined by the AER.

27 | SUBDIVISION OF LAND

- 1) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.
- 2) Subject to **PART 7.27(3)** below, any application to subdivide land in the municipality shall conform with the Act, regulations made pursuant to the Act, and this Bylaw.

- 3) The Subdivision Authority may approve an application for subdivision or a bare land condominium plan even though the proposed subdivision or bare land condominium plan does not comply with the regulations of this Bylaw if, in the opinion of the Subdivision Authority:
 - a. the proposed subdivision or bareland condominium plan would not:
 - i. unduly interfere with the amenities of the neighbourhood, or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - b. the proposed subdivision or bareland condominium plan conforms with the use prescribed for that land or building in this Bylaw.

28 | SUBSTANDARD LOTS

- 1) With the approval of the Development Authority, the minimum site area, site depth, and site width may be less in the case of existing substandard lots which are held in separate title from abutting substandard lots as of the date of the approval of this Bylaw.

29 | APPLICABILITY OF DISTRICTS TO PUBLIC UTILITY BUILDINGS AND PUBLIC LANDS UTILITY EASEMENTS, RIGHTS-OF-WAY, BUFFERS AND SETBACKS

- 1) A person erecting a public utility facility or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Development Authority.
- 2) Utility lots, utility buildings, and publicly owned lands may be permitted in any district except as regulated elsewhere in this Bylaw.
- 3) All developments on municipal rights of way or roads shall require a development permit.
- 4) Notwithstanding **PART 7.29(3)**, the owner of a lot may construct the boulevard abutting his property by excavating, backfilling, levelling, or consolidating to final grade, and seed or perform other works that may be necessary to construct a turf boulevard provided that all work shall be entirely at the owner's expense.
- 5) Any construction, planting, or other development authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the construction, growth, removal, or maintenance of such development shall be the responsibility of the owner.
- 6) Every owner or occupant of land shall be responsible for maintaining any development allowed under this Part and controlling the weeds on boulevards owned by the Town abutting their property.
- 7) Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
 - a. in the opinion of the Development Authority, the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and,
 - b. written consent has been obtained from the person for whose use the easement has been granted.

PART 8 – SPECIAL USE REGULATIONS

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

1 | ACCESSORY BUILDINGS IN DISTRICTS OTHER THAN RESIDENTIAL DISTRICTS

- 1) In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
- 2) At the discretion of the Development Authority, a development permit may be issued for the temporary erection of a factory-manufactured building or tented structure for use as an accessory building provided that the following additional conditions are met:
 - a. the development permit approval shall not be for a period of more than one (1) year,
 - b. if an extension to the one (1) year period is desired by the applicant, the applicant must submit a written extension request to locate the building for a further six (6) months.

2 | ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS, INCLUDING GARAGES, TENTED STRUCTURES, SHEDS, DETACHED DECKS, ETC.

- 1) Unless otherwise provided, in Residential Districts:
 - a. an accessory building shall not exceed one (1) storey or 4.5 m (14.8 ft.) in height, whichever is the lesser; and
 - b. notwithstanding **PART 8.2(1)(a)**, the Development Authority may allow a garage which exceeds 4.5 m (14.8 ft.) in height. This maximum height can under no circumstances exceed the height of the principal dwelling; and
 - c. where a carport is attached to a dwelling, the minimum required side yard may, at the discretion of the Development Authority, be reduced to 1.2 m (3.9 ft.).
- 2) Accessory buildings in Residential Districts shall be located:
 - a. a minimum of 2.0 m (6.6 ft.) from the dwelling;
 - b. no closer to the front line than the front of the principal building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.76 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 1.5 m (4.9 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;
 - c. no closer than 1.2 m (3.9 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the site, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;
 - d. no closer than 1.2 m (3.9 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building, or where both garages have appropriate fire walls. In such cases, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line;

- e. such that no roof overhang is located within 0.45 m (1.2 ft.) of a side or rear line.
- 3) All decks and verandas in Residential Districts may be located such that they do not project into minimum required yards as established in **PART 7.21** of this Bylaw.
- 4) Notwithstanding **PART 8.3(3)**, any deck or veranda which the Development Authority allows, at their discretion, to project into a minimum required front yard in a Residential District, may be roofed but shall not be enclosed.

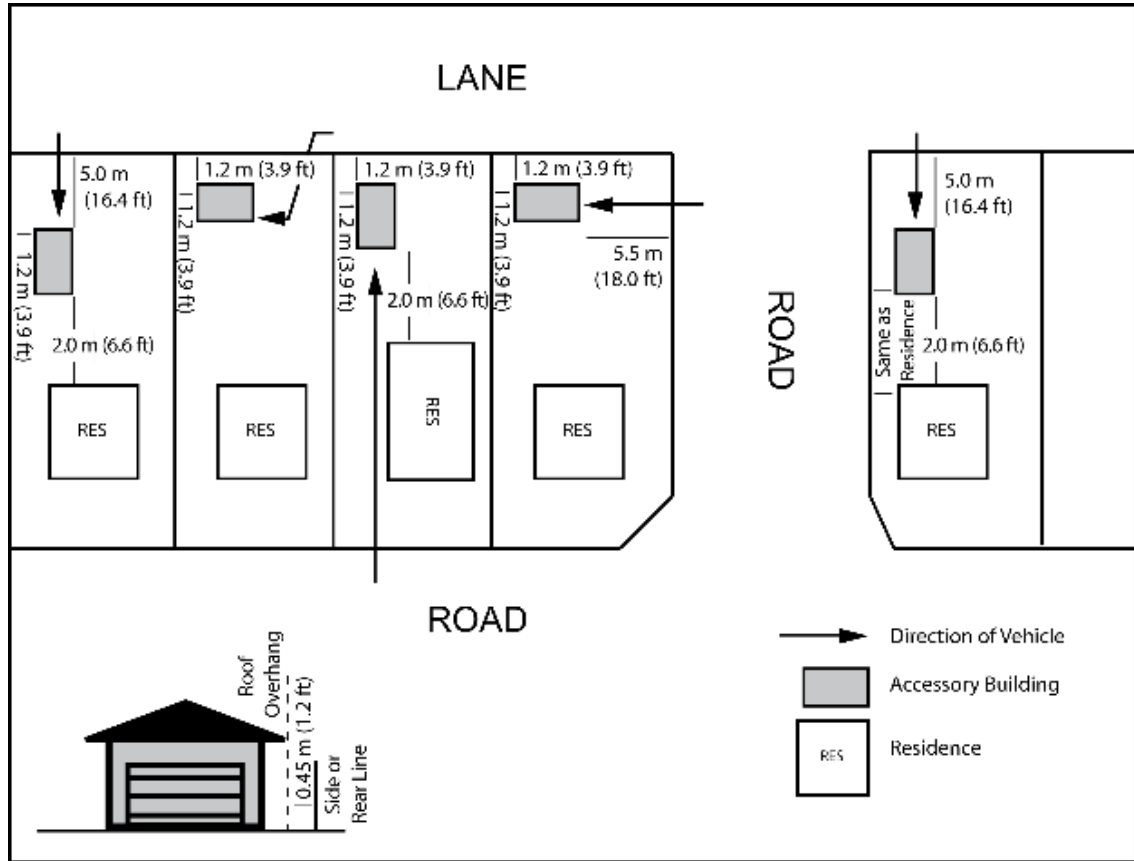


FIGURE 29: SITING OF ACCESSORY BUILDINGS IN THE RESIDENTIAL DISTRICTS

3 | ACCESSORY USE REGULATIONS

- 1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- 2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a surveillance suite or garage suite where allowed pursuant to this Bylaw.
- 3) All accessory buildings which are more than 9.3 m² (100 ft.²) in area or have one dimension which exceeds 3.0 m (10 ft.), require a development permit and must be placed upon a permanent foundation.
- 4) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a site or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.

- 5) Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply. For the purposes of determining the site coverage percentage, buildings which are attached to a principal building will be considered part of the principal building.
- 6) No person shall construct or permit the construction of an accessory building or group of accessory buildings such that, individually or collectively, the gross floor area would:
 - a. along with the principal building, exceed the maximum site coverage allowed on the site,
 - b. exceed the gross floor area of the principal building on the site,
 - c. exceed twelve percent (12%) of the site area unless otherwise indicated within the District Provisions.
- 7) In the event of accessory building construction over a gas service line, the Development Officer shall require a letter from the natural gas utility operator indicating its requirements have been met prior to the issuance of a development permit.
- 8) Accessory buildings shall not be located in a front yard.
- 9) Accessory buildings shall not be located on an easement or a utility right-of-way.

4 | ANIMAL CARE AND RELATED USES

- 1) These regulations shall apply to all animal care and related uses, including: animal hospitals and veterinary clinics.
- 2) The Development Authority shall require that development of these uses pay particular attention to **PARTS 7.13, 7.16, and 7.17** (Hazardous Materials and Noise, Nuisance) of this Bylaw, specifically noise and odour which may cause nuisance or negative external impact. Pens, rooms, and runs shall be adequately soundproofed.
- 3) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- 4) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

5 | ANIMAL HOSPITAL

- 1) Pens, rooms, exercise runs and holding stalls may be required to be soundproofed to the satisfaction of the Development Authority.
- 2) All development permit applications may be referred to the local Health Authority or animal control agency for comment.
- 3) No facility or exterior exercise runs that are used to accommodate the animals may be located within 6.1 m (20.0 ft.) of any property line adjacent to a dwelling or residential property.
- 4) All exterior exercise areas (runs) may be required to be enclosed with a fence acceptable to the Development Authority.

- 5) All dog facilities, including buildings and exterior exercise areas, may be required to be sited to the satisfaction of the Development Authority.
- 6) The Development Authority may regulate the hours that dogs are allowed outdoors.
- 7) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- 8) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments.

6 | ANIMAL/BIRD REGULATIONS

- 1) On any non-residential parcel in any District, no more than four (4) adult dogs shall be allowed unless a permit for a small animal breeding and boarding establishment or a kennel has been granted pursuant to **PART 8.35** of this Bylaw.
- 2) On any residential parcel in any District other than the Urban Reserve District, no more than four (4) household pets shall be allowed unless a permit for a small animal breeding and boarding establishment or a kennel has been granted pursuant to **PART 8.35** of this Bylaw.
- 3) On parcels larger than 0.81 ha (2.0 ac) in size in the Urban Reserve District, the following animal units shall be allowed in addition to domestic pets in accordance to the following chart:

RESIDENTIAL PARCEL SIZE		ALLOWABLE NUMBER OF ANIMAL UNITS
0.81 - 1.21 ha	(2.0 - 2.99 ac.)	1
1.22 - 1.61 ha	(3.0 - 3.99 ac.)	2
1.62 - 2.02 ha	(4.0 - 4.99 ac.)	3
2.03 - 2.42 ha	(5.0 - 5.99 ac.)	4
2.43 - 4.04 ha	(6.0 - 9.99 ac.)	5
*plus - the number of animal units permitted for that portion of the parcel in excess of 4.05 ha (10.0 ac.). Example: 5.26 ha (13.0 ac.) = 5+2=7 total animal units.		

TABLE 4: ALLOWABLE NUMBER OF ANIMAL UNITS IN THE URBAN RESERVE DISTRICT

- 4) The keeping of additional animals shall only be allowed upon development permit approval, in those circumstances considered exceptional or unique by the Development Authority.
- 5) For the purposes of this Part, “one animal unit” means the following:
 - a. 1 horse, donkey, mule or ass (over one year old), or
 - b. 2 colts up to one year old, or
 - c. 1 llama, alpaca, or
 - d. 2 ostrich, emu, or other ratite, or
 - e. 1 cow or steer (over one year old), or

- f. 2 calves up to one year old, or
 - g. 3 pigs, or
 - h. 15 chickens, or
 - i. 10 ducks, turkeys, pheasants, geese or other similar fowl, or
 - j. 3 sheep or goats, or
 - k. 20 rabbits or other similar rodents
- 6) The Development Authority will have the absolute authority to determine the number of animal units applicable to any animals not listed in **PART 8.6(5)**.
 - 7) Additionally, at the sole discretion of the development Authority, animals not identified in **PART 8.6(5)** may be allowed if they are similar to the animals noted in that Part.
 - 8) The keeping of laying hens may be allowed as an accessory use in **R1, R1A and R1B Districts** the discretion of the Development Authority. A development permit shall be required and the number of laying hens and form of enclosure shall be regulated in accordance with the Town's Animal Control Bylaw.

7 | BED AND BREAKFAST ESTABLISHMENTS

- 1) A bed and breakfast establishment shall only be developed as an accessory use to a dwelling.
- 2) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of four (4) sleeping bedrooms, not including bedrooms used by the owners of the property and of accommodations for staff.
- 3) Cooking facilities shall not be located within the sleeping units.
- 4) In addition to the above, a bed and breakfast establishment shall comply with all of the requirements for a major home occupation described in this Bylaw.
- 5) Notwithstanding **PART 7.20** of this Bylaw, a bed and breakfast establishment may not have more than eight (8) guests or four (4) customer vehicles parked on site at any one given time.

Bylaw 2018-12

7.1 | CANNABIS PRODUCTION AND DISTRIBUTION

Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.

- 1) Cannabis production and distribution developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2) A copy of the current license(s) and/or approvals for a proposed cannabis production and distribution development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 3) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.

- 4) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 6) The minimum required lot size shall be at the discretion of the Development Authority.
- 7) Parking and loading requirements for cannabis production and distribution facilities shall be provided based on the requirements for an industrial use in **PART 7.20** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 9) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART 3.5(8.1)**.
- 10) Landscaping requirements shall be at the discretion of the Development Authority.
- 11) On site buffering measures may be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- 12) The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
- 13) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 14) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
- 15) No outdoor storage of goods, material, or supplies shall be permitted.
- 16) Cannabis production and distribution developments shall meet security and premises requirements as required under provincial and federal legislation.
- 17) All activities related to the cannabis production and distribution shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.

7.2 | CANNABIS RETAIL SALES ESTABLISHMENTS

- 1) Cannabis retail sales developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2) A copy of the current license(s) and/or approvals for a proposed cannabis retail sales development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.

- 3) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 6) The minimum required lot size shall be at the discretion of the Development Authority.
- 7) Parking and loading requirements for cannabis retail sales shall be provided based on the requirements for a commercial use in **PART 7.20** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 9) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART 3.5(8.2)**.
- 10) Landscaping requirements shall be at the discretion of the Development Authority.
- 11) No outdoor storage of goods, material, or supplies shall be permitted.
- 12) Cannabis retail sales developments shall meet security and premises requirements as required under provincial and federal legislation.
- 13) Cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, or a parcel of land that is designated School Reserve, or Municipal and School Reserve.
- 14) A public education facility, a provincial health care facility, or a parcel of land that is designated as School Reserve, or Municipal and School Reserve shall not be approved within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
- 15) The separation distance between the cannabis retail sales establishment and the uses listed in subsections **8(7.2)(13)** and **8(7.2)(14)** shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.

8 | CAR WASHING ESTABLISHMENTS

- 1) Site Location
 - a. A car washing establishment may be located only where it can be shown, to the satisfaction of the Development Authority, that safe traffic movement would not be inhibited.
 - b. In addition to those locations pursuant to this Bylaw, a car washing establishment may be allowed as a discretionary use in a commercial development if the Development Authority is satisfied that it will not contravene other regulations of this Bylaw or adversely affect the function of the commercial development in relation to traffic circulation.
- 2) Site Area

- a. The minimum site area shall be 600 m² (6459 ft.²) and the site shall contain storage space for at least 10 vehicles or a minimum of three vehicles per wash bay, whichever is greater, prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations, including car washes, the minimum site area shall be 1120 m² (12056 ft.²).
- 3) Site and Building Requirements
- a. All site and building requirements pertaining to drive-in businesses shall also apply to car washes.
 - b. If a car wash is located on a site which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.

9 | CONVERSION OF SINGLE FAMILY DWELLINGS TO OTHER USES

- 1) In considering any application for the conversion of a single family dwelling into another use, the Development Authority shall ensure that the Development complies with the following requirements:
 - a. The use shall be listed as a permitted or a discretionary use in the District in which the single family dwelling is located.
 - b. Parking shall be provided in accordance with this Bylaw, except that on-street parking may be taken into account and the number of available on-street parking spaces may be subtracted from the number of off-street parking spaces required, at the discretion of the Development Authority.
 - c. Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains height, exterior finish, design and coverage to the satisfaction of the Development Authority.
 - d. Existing healthy vegetation should be retained whenever possible and to the satisfaction of the Development Authority.
 - e. All signs shall be in keeping with **PART 8.32** of this Bylaw.

10 | DAY USE AND PICNIC AREAS

- 1) A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers shall be at the discretion of the Development Authority.
- 2) The facility shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- 3) Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
- 4) Parking areas should be physically separated from the rest of the day use or picnic areas.

11 | DRIVE-IN BUSINESSES

1) Site Location

- a. A drive-in business may be located only where it can be shown, to the satisfaction of the Development Authority, that the development would not:
 - i. impede safe traffic movement entering and exiting the site,
 - ii. interfere with the functioning of surrounding roads or the enjoyment of any neighbouring residential uses, and
 - iii. create unsafe traffic circulation on the site.
- b. A drive-in business may be located in a shopping centre or other multiple use development at the discretion of the Development Authority.

2) Site Area Coverage

- a. Except as provided in **PART 8.11(2)(b)** hereof or **TABLE 5**, the minimum site area shall be 600.0 m² (6,458.0 ft.²), the minimum frontage shall be 30.0 m (98.4 ft.), and the maximum floor area of buildings shall be 90.0 m² (969.0 ft.²).

SITE AREA AND SITE COVERAGE REQUIREMENTS FOR DRIVE-IN BUSINESSES		
TYPE OF BUSINESS	SITE AREA (MINIMUM)	SITE COVERAGE (MAXIMUM)
Drive-in Restaurants	600.0 m ² (6,458.0 ft. ²)	20%
Gas Bars (not associated with other developments)	60.0 m ² (646.0 ft. ²) for each fuel pump not including the area covered by buildings	15%
Service Stations	1110.0 m ² (11,948.0 ft. ²)	20% including pump islands
Car Washes	600 m ² (6459 ft ²)	20%
Service Station & Car Wash together	1120 m ² (12056 ft ²)	20%
Other Drive-in Businesses	600.0 m ² (6,458.0 ft. ²)	20%

TABLE 5: SITE AREA COVERAGE FOR DRIVE-IN BUSINESSES

- b. Where a drive-in business forms part of a shopping centre or multi-use development, the minimum site area, maximum site coverage, and maximum building floor area may be varied at the discretion of the Development Authority.

3) Curb Cuts

- a. The nearest edge of a curb cut to the nearest curb line of an intersection shall not be less than 12.0 m (40 ft.)
- b. The maximum width of the curb cut shall not exceed 10.0 m (33 ft.)
- c. The angle subtended between the curb and the edge of the driveway shall not be less than thirty degrees or more than sixty degrees.

- d. The minimum distance between curb cuts on the same boundary of the site shall not be less than 6.0 m (20 ft.). The Development Officer may increase this minimum distance when, in his opinion, an increase would be necessary for reasons of public safety or convenience.
- 4) The minimum required distances between property lines and any building shall be:
- a. 9.5 m (31.2 ft.) from the property line to that part of the principal building used as a drive-through building or as part of a drive-through;
 - b. 6.0 m (19.7 ft.) from any property line or parking areas to all pump islands;
 - c. 3.0 m (9.8 ft.) from any property line to canopies over pump islands or drive-through aisles; and
 - d. for a drive-through development adjacent to a residential use or Residential District:
 - i. 10.0 m (32.8 ft.), or
 - ii. in the case of a car wash, 25.0 m (82.0 ft.), or
 - iii. such greater distance that the Development Authority deems necessary in order to buffer the residential use or District from noise, traffic or other impacts of the drive-through development.
- 5) Queuing Space
- a. Queuing space and traffic circulation shall be provided in accordance with the following:

QUEUING SPACE REQUIREMENTS FOR DRIVE-IN BUSINESSES		
TYPE OF BUSINESS	INBOUND QUEUING SPACE REQUIREMENTS	OUTBOUND QUEUING SPACE REQUIREMENTS
Those that Serve People	3 per service window	1 per service window
Those that Service Vehicles	4 per service bay	1 per service bay
Full Service Car Washes	3 per service bay, or any such number as required by the Development Authority taking into consideration the number of wash bays	1 per service bay, or any such number as required by the Development Authority taking into consideration the number of wash bays
All other Drive-in Businesses	3 per service point	1 per service point

TABLE 6: QUEUING SPACE REQUIREMENTS FOR DRIVE-IN BUSINESSES

- b. Queuing spaces must allow for vehicle turning and manoeuvring.
- c. Pump islands must be located to allow a through traffic lane with a minimum width of 6.0 m (19.7 ft.).
- d. With the exception of a drive-through restaurant, a queuing space does not include any space occupied by a motor vehicle during the provision of service.

6) Site and Building Requirements

- a. All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Officer.
- b. The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Officer.
- c. A minimum of ten (10%) percent of the site area, if a drive-in business, shall be landscaped to the satisfaction of the Development Officer.
- d. In addition to the fencing, landscaping, and environmental protection requirements indicated in **PART 7** of this Bylaw, a berm and/ or fence shall be erected and maintained by the developer of a drive-in business along any property lines abutting or across a lane or walkway from a Residential District.
- e. Minimum front yard requirements shall be as prescribed for the district in which the building is located but in no case shall be less than 3.0 m (10.0 ft.).
- f. If a drive-in business is located on a site which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.

12 | GROUP HOMES, DAY HOMES AND CHILD CARE FACILITIES

- 1) All group homes, day homes, and child care facilities shall conform to regulations under the Safety Codes Act, R.S.A. 2000, as amended and any other relevant Provincial legislation and regulations.
- 2) In making a decision on a development permit for a group home, a day home, or a child care facility, the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- 3) In addition to all other regulations of this Bylaw, a group home development shall comply with the following regulations:
 - a. The maximum number of residents shall be established by the Development Authority who shall have regard for the nature of the group home and the density of the District in which it is located.
 - b. The group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.
- 4) In addition to all other regulations of this Bylaw, a child care facility development and a day home development shall comply with the following regulations:
 - a. The maximum number of children for which care may be provided in a child care facility shall be established by the Development Authority who shall have regard for the nature of the facility, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.

- b. The maximum number of children for which care may be provided in a day home shall be established by the Development Authority who shall have regard for the nature of the day home, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.
- c. Notwithstanding **PART 8.12(4)(b)**, the number of children within a day home established within a dwelling unit in any Residential District shall not exceed six (6).
- d. A child care facility shall not normally be the principal use of a building within any Residential District.
- e. A child care facility in any non-residential District shall be in a separate facility, either within the principal building on the lot or in an accessory building, with a separate access to ground level and an adjacent playground area.

13 | HOME OCCUPATIONS

- 1) Home occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the home occupation is to be located.
- 2) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his opinion, the home occupation is or has become detrimental to the amenities of the neighbourhood in which it is located or if there is any change or intensification of the home occupation as originally approved.
- 3) The Development Authority may, in their discretion, place time limits on the period for which a development permit for a home occupation is valid.
- 4) All home occupations shall comply with the following requirements:
 - a. no home occupation shall change the principal character or external appearance of the dwelling unit involved or of any accessory buildings;
 - b. home occupations shall be incidental and subordinate to the principal use of the dwelling unit;
 - c. no more than thirty percent (30%) or 30.0 m² (323.0 ft.²) whichever is less, of the dwelling unit shall be occupied by the home occupation;
 - d. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site;
 - e. the home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature;
 - f. there shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwelling units;
 - g. when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued;
 - h. pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the home occupation is located;

- i. home occupations shall not involve:
 - i. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - ii. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- 5) A major home occupation shall also comply with the following regulations:
- a. there may be a limited volume of on-premises sales; however, no commodity other than the product of the business shall be sold on the premises;
 - b. pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the major home occupation is located;
 - c. the number of non-resident employees or business partners working on-site shall not exceed one (1) at any time;
 - d. the number of clients or customers on-site shall not exceed six (6) at any time;
 - e. only one (1) commercial vehicle, of a capacity not exceeding 1.0 tonne (2400 lbs), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be allowed;
 - f. storage related to the business activity and the business activity itself may be allowed in either the dwelling or accessory buildings. No exterior storage is permitted;
 - g. the major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area;
 - h. Shall provide one (1) off-street parking space in addition to those required by other Part(s) of this Bylaw; and
 - i. the dwelling unit in which a major home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.4 m² (4.0 ft.²) in area, or one (1) sign, not larger than 0.2 m² (2.0 ft.²) in the window of the dwelling unit.
- 6) A minor home occupation shall also comply with the following regulations. If the minor home occupation complies with all bylaw requirements for a minor home occupation then a development permit is not required. If the minor home occupation does not comply with all applicable regulations then it shall be considered to be a major home occupation and an approved development permit will be necessary to operate:
- a. all sales relating to the minor home occupation shall occur off the premises;
 - b. no person shall be employed on-site other than a resident of the dwelling unit;
 - c. there shall be no more than five (5) client or customer visits to the minor home occupation per week;

- d. Shall not involve the parking or maintenance of business related vehicle(s) on or about the site;
- e. storage related to the business activity and the business activity itself shall only be allowed inside the dwelling unit and not in an accessory building or outside on the site. A minor home occupation does not involve the display of goods in the interior of the dwelling unit; and
- f. there may not be a sign relating to a minor home occupation.

Bylaw 2018-12

13.1 | INDUSTRIAL HEMP PRODUCTION AND DISTRIBUTION FACILITY

Regulations within this section apply to the production and development of industrial hemp.

- 1) Industrial hemp production and distribution facilities shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2) A copy of the current license(s) and/or approvals for a proposed industrial hemp production and distribution facility, as issued by the federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 3) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 6) The minimum required lot size shall be at the discretion of the Development Authority.
- 7) Parking and loading requirements for an industrial hemp production and distribution facility shall be provided based on the requirements for an industrial use in **PART 7.20** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 9) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART 3.5(83)**.
- 10) Landscaping requirements shall be at the discretion of the Development Authority.
- 11) On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- 12) Minimum setback from any watercourse or water body shall be 30.0 m (98.0ft.).
- 13) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.

- 14) A building or structure used for security purposes for a hemp production and distribution facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.

14 | MANUFACTURED HOME PARKS

- 1) The following regulations also apply to manufactured home parks:
- a. manufactured home stalls shall be located at least 3.0 m (10.0 ft.) from a property line. This 3.0 m (10.0 ft.) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority;
 - b. all roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.1 m (30.0 ft.);
 - c. a safe, convenient, all season pedestrian walkway of at least 0.9 m (3.0 ft.) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents;
 - d. Visitor parking shall be provided as per Part 7.20 of this Bylaw. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.;
 - e. the design of manufactured home parks shall be to the satisfaction of the Development Authority;
 - f. all utilities shall be provided underground to stalls;
 - g. a minimum of ten percent (10%) of the gross lot area shall be devoted to recreational use;
 - h. all areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds;
 - i. no part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park;
 - j. each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges;
 - k. street lighting shall be to the same standard as that in a conventional residential neighbourhood;
 - l. the maximum permissible density for a manufactured home park shall be fifteen (15) manufactured homes per net developable ha (6 per ac.) of the lot being developed at each stage of development; and
 - m. the minimum area for a manufactured home stall shall be 371.6 m² (4000 ft.²).

15 | MANUFACTURED HOMES

- 1) Manufactured homes shall have Canadian Standards Association Z-240 Certification.
- 2) All accessory structures, such as patios, porches, additions and skirtings, shall be:
 - a. designed and erected as to harmonize with the manufactured homes,
 - b. considered as part of the principal building, and
 - c. erected only after obtaining a Development Permit.
- 3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- 4) The maximum allowed floor area of porches and additions shall not exceed the floor area of the manufactured home.
- 5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall or a lot on which a manufactured home is located.
- 6) The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Safety Codes Act, R.S.A. 2000, as amended.
- 7) The following regulations apply to manufactured homes located in all subdivisions:
 - a. the hitch and wheels are to be removed from the manufactured home;
 - b. all manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base pursuant to the Alberta Building Code; and
 - c. the lot is to be fully landscaped within one (1) year from the date the development is available for occupancy or use.

16 | MOTELS AND HOTELS

- 1) Notwithstanding the provisions of the district in which it is located, a motel or hotel shall, in no case, have a minimum front yard of less than 6 m (20 ft.).
- 2) Notwithstanding any other provisions of this Bylaw to the contrary, a minimum of 10% of the site area of a motel or hotel development shall be landscaped in accordance with **PART 7.14** of this Bylaw and to the satisfaction of the Development Authority.

17 | NATURAL RESOURCE EXTRACTION

- 1) A development permit shall not be issued for a sand, gravel, clay, coal, limestone, gypsum, granite, salt or mineral extraction operation until any necessary reclamation plan and permit/license is approved by the Provincial Government.
- 2) Where not required to do so by Provincial agencies, the proponent of a natural resource extraction industry shall be required to submit a reclamation plan to the Development Authority for its approval prior to the issuance of a development permit.

- 3) Where not required to do so by Provincial agencies, the proponent of a natural resource extraction industry will, at the discretion of the Development Authority, be required to post with the municipality security in the form of an irrevocable letter of credit or cash to ensure that reclamation will be completed.
- 4) A disturbed area shall be reclaimed to:
 - a. at least its former state, or
 - b. any other use, which the Development Authority feels, will be beneficial to the municipality.
- 5) The following conditions of approval may be included when processing an application for a natural resource extraction industry:
 - a. limitation of hours of operation;
 - b. requirement to enter into a Road Use Agreement with the municipality for the provision of dust control and maintenance/upgrading of roads used in direct relation to the operation;
 - c. posting of adequate signage, including company name and emergency telephone numbers, to warn of possible site or operational hazards and dangers;
 - d. methods of minimizing noise in relation to the activities of the operation; and
 - e. payment of an aggregate levy to the municipality as outlined by bylaw.
- 6) Extraction operations, such as sand, gravel and other mineral resource workings shall be allowed to proceed only after the issuance of proper licenses that indicate compliance with the appropriate Provincial legislation and regulations.
- 7) Council shall urge the Province to comply with the policies of this Part and the overall intent of the Bylaw when developing natural resource extraction activities that are exempt from control under the Act.
- 8) Resource processing should be handled as a form of industrial development, and be subject to the appropriate industrial regulations of this Bylaw.

18 | NEIGHBOURHOOD COMMERCIAL DEVELOPMENTS

- 1) Neighbourhood commercial developments located entirely within a standalone building or located within a building that also contains residential use may be allowed to locate in the **R1, R1A, R1B, R2, R3, and C1 Districts** provided the development meets all of the other regulations of this Bylaw and, further, that the development:



FIGURE 32: EXAMPLE OF A NEIGHBOURHOOD COMMERCIAL BUILDING

- a. does not include as part of its operation a gas bar or vehicular servicing component, and/or
 - b. is situated on a corner lot with safe access to a collector road.
- 2) The façade of a building containing a neighbourhood commercial development that is located in a Residential District must be integrated with the surrounding residential area.
 - 3) The height of a building containing a neighbourhood commercial development in a Residential District may not exceed twice the height and massing of adjacent building.

19 | PLACES OF WORSHIP

- 1) The site on which a place of worship is situated shall have a frontage of not less than 30 m (100 ft.) and an area of not less than 900 m² (9688 ft.²) except where a building for a minister's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1440 m² (15500 ft.²).
- 2) Minimum front, side, and rear yards shall be those required within the district in which the place of worship is located except where the height restriction of the district is exceeded. In this case, the yard setback requirement shall be at the discretion of the Development Officer.
- 3) A place of worship may be located in any District if it is an accessory use to a permitted or discretionary use in that District.
- 4) Notwithstanding any other provision of this Bylaw to the contrary, a portion of the required minimum number of parking spaces may be located on a site other than that of the subject place of worship if it is demonstrated to the satisfaction of the Development Authority that such off-site parking spaces are available for the use of the patrons of the place of worship.

20 | PRIVATE SWIMMING POOLS AND HOT TUBS

- 1) Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private in ground swimming pool or hot tub. All private swimming pools and hot tubs equal to or great than 60.96 cm (24.0 in.) do require building and safety code approval(s). Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- 2) Entry Restrictions
 - a. Every private swimming pool and hot tubs shall be secured against entry by the public other than owners, tenants, or their guests.
 - b. No privately owned outdoor swimming pool shall be constructed unless fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (6.0 ft.) in height for the length that it replaces the fence.
 - c. Every fence enclosing an outdoor swimming pool shall be at least 1.8 m (6.0 ft.) in height above the level of the grade outside the enclosure or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.

- d. No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be permitted. All private swimming pools and hot tubs equal to or greater than 60.96 cm (24.0 in.) require building and safety code approval.
- 3) Safety Requirements
 - a. A private swimming pool shall be provided with at least one exit ladder or stair from the deepest part of the pool where the greatest dimension of the pool does not exceed 9.0 m (30.0 ft.). An additional ladder or stair is to be provided at the opposite end of the pool where the pool exceeds 9.0 m (30.0 ft.).

21 | RECREATIONAL VEHICLES

- 1) No more than one (1) recreational vehicle may be stored or occupied on a lot less than 0.5 ac. in area without a development permit.
- 2) Notwithstanding **PART 8.21(1)** a development permit may be issued, for a maximum of one (1) additional recreational vehicle on a residential lot if the applicant can demonstrate that parking and lot coverage provisions can be satisfied.
- 3) Notwithstanding any other provision of this Bylaw to the contrary, no person may occupy a recreational vehicle for a period longer than 14 consecutive days in a calendar year on any lot unless a development permit has been received for the placement and use of the recreational vehicle.
- 4) If the intention of the placement of a recreational vehicle on a parcel is to rent the recreational vehicle for any consideration (whether for money or for goods or service in kind), a development permit for a recreational vehicle campground must be approved. Such a permit may only be approved in Districts where recreational vehicle campgrounds are listed as a permitted or a discretionary use.
- 5) A maximum of one recreational vehicle may be stored within a front yard on a residential lot under the following conditions. The recreational vehicle is:
 - a. Entirely contained within the lot;
 - b. Located on a hard surfaced driveway;
 - c. Located in the front yard exclusively between during the regular summer season (between April 1 and October 1); and
 - d. Removed from the front yard or relocated between October 2 and March 31 of each calendar year.

22 | RECREATIONAL VEHICLE CAMPGROUNDS

- 1) Provisions in this Part apply to both recreational vehicle campgrounds and recreational vehicle campgrounds-seasonal.
- 2) Each recreational vehicle parking space shall have a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 m² (2,691.0 ft.²).
- 3) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction,

including any necessary approvals pursuant to the Safety Codes Act, R.S.A. 2000, as amended that may be applicable.

- 4) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- 5) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft.) usable top.
- 6) The developer shall provide on-site potable water supply which meets all applicable Provincial water requirements.
- 7) The developer shall provide sewage disposal facilities which all applicable Provincial regulations.
- 8) All spaces for recreational vehicles designated for year round use must have on-site connections to municipal sewer and water systems.
- 9) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
- 10) The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 11) The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle campground area as a playground or recreational area. This area is to be clearly marked and free from all traffic hazards.
- 12) All spaces for recreational vehicles or tents shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water.
- 13) The maximum number of recreational vehicles allowed per space shall be one (1).
- 14) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 15) Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
- 16) All other site requirements shall be as required by the Development Authority.
- 17) Minimum Yard Setbacks:

Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.
- 18) Developers will be encouraged to include on their site plan an overflow area which provides that may be used temporarily, on an overflow basis, for a maximum of four (4) consecutive nights to accommodate recreational events which may result in a need for temporary additional tenting or recreational vehicle spaces.

23 | RECREATIONAL VEHICLE CAMPGROUND, WORKCAMPS

- 1) Provisions in this Part apply to recreational vehicle campground, workcamps.
- 2) Each space for a recreational vehicle shall have a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 m² (2,691.0 ft.²),
- 3) All spaces for recreational vehicles shall maintain a minimum setback of 30.0 m (98.4 ft.) from the shoreline of any body of water.
- 4) Minimum front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft.).
- 5) The maximum number of recreational vehicles allowed per space shall be one (1).
- 6) All recreational vehicle campground, workcamps shall be considered temporary developments.
- 7) All recreational vehicle campground workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 8) A development permit for a recreational vehicle campground workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year, after which a new development permit approval is required.
- 9) The Development Authority may establish whatever conditions for the approval of a recreational vehicle campground, workcamp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- 10) If all of the conditions of the development permit have not been fulfilled to the satisfaction of the Development Authority then the permit will not be considered valid.
- 11) In addition to the requirements of **PART 3.5** of the Bylaw, an application for a development permit for a recreational vehicle campground workcamp must provide the following information:
 - a. the location, type and purpose of the camp,
 - b. adjacent land uses,
 - c. the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems,
 - d. the number of persons proposed to live in the camp,
 - e. the start date for the development, date of occupancy by residents, and removal date for the camp, and
 - f. reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.
- 12) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act, R.S.A. 2000, as amended that may be applicable.

- 13) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- 14) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft.) usable top.
- 15) The developer shall provide on-site potable water supply in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 16) The developer shall provide sewage disposal facilities in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 17) All stalls designated for year round use must have on-site connections to municipal sewer and water systems.
- 18) The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 19) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 20) All other site requirements shall be as required by the Development Authority.
- 21) All recreational vehicle campground, workcamps must:
 - a. ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - b. be designed so that all points of access and egress are located to the satisfaction of the Development Authority and when required, Alberta Transportation;
 - c. be able to accommodate a minimum of twenty (20) persons and a maximum of five hundred (500) persons;
 - d. be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
 - e. if required by the development authority, provide on-site security staff to the satisfaction of the Development Authority;
 - f. provide and develop all parking on the lot to the satisfaction of the Development Authority. Normally, onsite parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
 - g. post security with the municipality sufficient to ensure removal of the development and/or reclamation of the site if needed after the recreational vehicle campground, workcamp has been removed from the site; and
 - h. be separated from adjacent land uses.

- 22) Maximum site coverage shall be such that space is available for all the parking on the site, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- 23) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- 24) The development must comply with current Building and Fire Code requirements as amended from time to time.
- 25) Because of the number of temporary workers and related traffic impacts the applicant will also be required to provide a report which details the following:
 - a. discussions with and impact on the local RCMP,
 - b. discussions with and impact on the local Emergency Medical Services,
 - c. discussions with and impact on the local Fire Department, and
 - d. discussions with and impact on the local road system including a Traffic Impact Assessment.
- 26) Any other conditions required to the satisfaction of the Development Authority.

24 | RECREATIONAL VEHICLES LOCATED IN RECREATIONAL VEHICLE CAMPGROUNDS, RECREATIONAL VEHICLE CAMPGROUNDS-SEASONAL AND RECREATIONAL VEHICLE CAMPGROUNDS-WORKCAMP

- 1) No recreational vehicle, whether located within a recreational vehicle campground or on a lot, may have associated with it any more than two (2) accessory structures or buildings, in addition to fences, benches, fire pits, and picnic tables. The two (2) accessory structures may include a small shed with a maximum size of 18.58 m² (200.0 ft.²), and a screened or roofed patio around or beside the recreational vehicle.
- 2) No structure accessory to a recreational vehicle shall be used as sleeping quarters.
- 3) The total gross floor area or ground area covered by all accessory structures and buildings or recreational vehicles shall not exceed fifty percent (50%) of the size of the lot on which the recreational vehicle campground is located.

25 | SATELLITE TELEVISION DISHES

- 1) Satellite television dishes over 0.6 m in diameter shall not be permitted within a yard abutting a public street in any residential district and shall meet the district regulations for accessory buildings in the district in which they are provided.
- 2) Satellite dishes over 0.6 m in diameter shall not be permitted on a street facing roof of a building in, or abutting, a residential district, nor shall they be visible from the road if placed on the roof of any building.
- 3) Satellite dishes shall be of a colour that, in the opinion of the Development Officer, is compatible with the surrounding area.
- 4) No advertising shall be displayed on satellite dishes.

26 | SEA CANS

- 1) The placement of a sea can on any lot in the municipality requires a development permit.
- 2) No sea cans may be located on residential lots smaller than 0.4 ha. (1.0 ac.) in area except for temporary use during construction.
- 3) A maximum of one (1) sea can may be allowed, at the discretion of the Development Authority on residential parcels equal to or greater than 0.4 ha (1.0 ac.) in area.
- 4) The maximum number of sea cans that may be placed on a lot in the C1, C2 or M1 District is at the discretion of the Development Authority.
- 5) Notwithstanding any other provision in this Bylaw, in the Urban Reserve District a maximum of two (2) sea cans may be placed on a lot without a development permit.
- 6) If a temporary development permit for a sea can has been approved by the Development Authority, then the sea can will be allowed to be placed on a site for a period of 6 months. After that period has expired the developer will be required to apply to the Town for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
- 7) Sea cans may not be stacked. The maximum height for a sea can allowed on a parcel is 3.0 m (10.0 ft).
- 8) Sea cans located in a Residential District may be a maximum of 6.0 m (20.0 ft.) in length.
- 9) The exterior finish of a sea can sited within a Commercial or Residential District must be consistent with the finish of the primary building.
- 10) Sea cans cannot be used as a dwelling, or a guest house within the municipality.
- 11) No human or animal habitation will be allowed within a sea can.

27 | SUITES, GARAGE

- 1) A garage suite shall be restricted to a site occupied by a single family dwelling.
- 2) A garage suite is prohibited from being constructed on a lot with a duplex, or multi-family dwelling.
- 3) A maximum of one garage suite is allowed on any lot on which a single family dwelling is located.
- 4) If a garage suite is developed on a lot then no additional garden suite, in-law suite or secondary suite shall be allowed.
- 5) A garage suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft.²) in floor area.
- 6) A garage suite shall remain accessory to and subordinate to the use of the garage.
- 7) The minimum floor area for a garage suite is 30.0 m² (322.9 ft.²).
- 8) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 9) A garage suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.

- 10) A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 11) At grade garage suites shall have a maximum height of 4.5 m (14.8 ft.).
- 12) Above grade garage suites shall have a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 6.5 m (21.3 ft.) for suites with a sloped roof, provided that the maximum height of the accessory building in which the garage suite is located is not higher than the height of the principal dwelling.
- 13) Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 14) A minimum of two (2) on-site parking spaces for the dwelling and one (1) on-site parking spaces for the garage suite – is required. Tandem parking may be permitted at the discretion of the Development Authority.
- 15) Windows contained within a garage suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
 - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garage suite window on an abutting site;
 - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.
- 16) A maximum of one (1) garage suite will be allowed on a site occupied by a single family dwelling.

28 | SUITES, GARDEN

- 1) A garden suite shall only be allowed, where provided for in Part 9, on a lot occupied by a single family dwelling or a duplex dwelling.
- 2) A garden suite is prohibited from being constructed on the same lot as an apartment.
- 3) A maximum of one garden suite is permitted per lot where allowed on parcels under 0.8 ha (2.0 ac) in area.
- 4) If a garden suite is developed on a lot then no additional garage suite, in-law suite or secondary suite shall be allowed.
- 5) Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
- 6) The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.



FIGURE 33: GARDEN SUITE AT GRADE

- 7) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.
- 8) A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities
- 9) The minimum floor area for a garden suite shall be 30.0 m² (322.9 ft.²).
- 10) A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft.²) in floor area.
- 11) Garden suites shall have a maximum height of 4.3 m (14.1 ft.).
- 12) A minimum of two (2) on-site parking spaces for the dwelling and one (1) on-site parking spaces for the garden suite – is required. Tandem parking may be permitted at the discretion of the Development Authority.
- 13) Windows contained within a garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
 - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garden Suite window on an abutting site;
 - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.
- 14) A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

29 | SUITES, IN-LAW

- 1) An in-law suite shall only be allowed on a lot occupied by a single family dwelling or a duplex dwelling.
- 2) An in-law suite is prohibited from being constructed within an apartment.
- 3) A maximum of one in-law suite is permitted on any single detached dwelling or duplex lot.
- 4) If an in-law suite is developed on a lot then no additional garden suite, secondary, suite or garage suite shall be allowed.
- 5) An in-law suite shall remain accessory to and subordinate to the principal dwelling. The maximum floor area of the in-law suite shall not exceed 30 percent of the existing floor area of the primary dwelling unit or 80.0 m² (860.0 ft.²) whichever is the lesser.
- 6) The minimum floor area for an in-law suite is 30.0 m² (322.9 ft.²).
- 7) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite
- 8) An in-law suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
- 9) An in-law suite does not have an entrance separate from the entrance to the main dwelling.

- 10) Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 11) A minimum of three (3) on-site parking spaces – two (2) for the dwelling and one (1) for the in-law suite – are required. Tandem parking may be permitted at the discretion of the Development Authority.

30 | SUITES, SECONDARY

- 1) A secondary suite shall be restricted to a site occupied by a single family dwelling or a duplex.
- 2) A secondary suite is prohibited from being constructed within a multi-family dwelling.
- 3) A maximum of one secondary suite or in-law suite is permitted on a site occupied by any single family dwelling or duplex.
- 4) A maximum of one secondary suite is permitted on a site occupied by any single family dwelling lot.
- 5) If a secondary suite is developed on a lot then no additional garden suite, in-law suite or garage suite shall be allowed.
- 6) A secondary suite shall remain accessory to and subordinate to the principal dwelling. The maximum floor area of the secondary suite shall not exceed 30 percent of the existing floor area of the primary dwelling unity or 80.0 m² (860.0 ft.²) whichever is the lesser.
- 7) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 8) A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 9) A secondary suite has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the building.
- 10) A secondary suite may include the conversion of a portion of existing space in the principal dwelling, the addition of new floor space to an existing dwelling.
- 11) The minimum lot size for a secondary suite is 360.0 m² (3,875.0 ft.²).
- 12) The minimum floor area for a secondary suite is 38.0 m² (400.0 ft.²).
- 13) Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 14) A minimum of two (2) on-site parking spaces for the dwelling and one (1) on-site parking spaces for the secondary suite – is required. Tandem parking may be permitted at the discretion of the Development Authority.
- 15) One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the principal dwelling pursuant to **PART 7.20** of this Bylaw. Tandem parking may be permitted at the discretion of the Development Authority.

31 | SHOPPING CENTRES

- 1) The maximum building height shall be 10.7 m (35.1 ft.) or two (2) storeys, whichever is greater.
- 2) The maximum floor area shall be equal to the site area; however, all other regulations of this Bylaw, such as required yards, parking and loading requirements, etc. shall be adhered to.
- 3) **PART 8.34** of this Bylaw contains additional provisions relating to shopping centre signs.
- 4) All shopping centres shall satisfy the Development Authority as to:
 - a. the orientation, exterior design, and architectural appearance of buildings,
 - b. the location of development in relation to adjacent land uses,
 - c. vehicular traffic flow patterns within and access to and from the site,
 - d. safe pedestrian access and egress within the site and from any pedestrian way, and
 - e. the location of exterior signs.
- 5) A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located.
- 6) The Development Authority may require any other matters, regulations, or conditions relating to the development as, in his opinion, are necessary, having regard to the nature of the proposed shopping centre development and adjacent land uses.

32 | SHOW HOMES

- 7) In addition to the requirements of **PART 3.5** of this Bylaw, a development permit application for a show home shall be accompanied by information indicating:
 - a. the location and area intended as the site for the show home,
 - b. proposed parking, exterior lighting and signs.
- 8) Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.
- 9) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

33 | SIDEWALK CAFES

- 1) A sidewalk café permit is valid from the date of issuance for one (1) year and may be renewed annually. In order to renew the permit, the developer must provide the municipality with a request indicating that there will be no changes to the sidewalk café. If any changes are required, the developer must make application for a new permit.
- 2) If the applicant is not the owner of the property, authorization and written permission of the property owner is required and must accompany the application.
- 3) A development permit will authorize only the consumption of food within the sidewalk seating area and not liquor.

- a. A permit holder who intends to serve alcohol inside any temporary sidewalk seating area requires a separate license from the Alberta Gaming and Liquor Commission. A copy of that license is to be provided to the municipality.
 - b. A copy of any approval from any involved Health Authority is to be provided to the municipality.
- 4) The area designated for the sidewalk café shall be considered an extension of the principal building and business; therefore, the location of the sidewalk café must be directly in front of the building.
- 5) The following information must be provided with the application:
 - a. details of the proposed furniture or manufacturers' brochures,
 - b. site plan showing all existing buildings, proposed café area and setbacks,
 - c. layout of the furniture including signage, tables, chairs, placement and number of planters and all other accessories,
 - d. location, structure and dimensions of any portable walls/barriers,
 - e. location of all doorways, windows and service openings,
 - f. length of restaurant/café frontage,
 - g. distance from property line to curb,
 - h. proposed width and length of sidewalk seating/café, and
 - i. proposed total area of sidewalk seating/café.
- 6) Furniture
 - a. Applicants are encouraged to select furniture that is compatible with the outdoor environment. The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use.
 - b. The furniture must fold or stack for storage, and if located on public right-of-way, be readily removed and stored within the associated indoor premises during non-business hours.
 - c. The number of tables and chairs placed within a sidewalk area must allow unobstructed access and circulation for patrons and staff. (See **FIGURES 34 & 35**).
 - d. The permit holder is responsible for ensuring that all furniture remains within the approved sidewalk seating area. No fixed tables or chairs may be used. Developers of sidewalk cafes shall be mindful of the rights of pedestrians travelling past their sidewalk café at all times during the operation of the sidewalk café. In order to ensure this, a sidewalk café is required to maintain a clear path of at least 1.5 m. (5.0 ft.) minimum at all times. In areas of higher pedestrian traffic or activity or in conditions that suggest the need for additional clearance, a clear pedestrian path greater than 1.5 m. (5 ft.) may be required by the Development Authority.
- 7) Use of Umbrellas
 - a. Umbrellas should be secured to ensure that they can withstand the effects of wind.
 - b. Umbrellas shall be removed or closed in extremely windy conditions and be removed when the outdoor seating area is not in use (off season).

- c. Umbrellas shall not be attached to railings.
- d. Umbrellas shall not encroach on, or interfere with pedestrian movement, and at least 2.0 m (6.6 ft.) in height,
- e. Umbrellas shall be manufactured from fire retardant material,
- f. Umbrellas shall be market style (not beach umbrellas),

8) Lighting

- a. Lighting for sidewalk cafes may be utilized if approved by the Development Authority. Any such lighting shall compliment the exiting building and sidewalk café design and shall not cause a glare to passing pedestrians or vehicles.

9) Outdoor Heaters

- a. Outdoor heaters may be utilized upon the approval of the Development Authority.

10) Limitations on use

- a. No portion of a sidewalk seating/café area may be used for any purpose other than seating, dining or circulation.
- b. No portion of a sidewalk seating/café area may be used for the storage of and sale of merchandise or objects other than those intended for seating, dining or circulation.
- c. The permit holder will bear all financial responsibility for any and all improvements necessary to the public space, both within and surrounding the sidewalk seating area.
- d. **Smoking is prohibited at all sidewalk/café locations.** The Tobacco Reduction Act, S.A. 2005, as amended, requires that managers or owners strictly enforce this requirement or be liable to fines.

11) Operations

- a. Hours of operation of an outdoor sidewalk seating area/café are 8:00 a.m. to 10:00 p.m. or as stated in the approved Development Permit.
- b. Sidewalk seating areas must conform to noise regulations of the current municipal Bylaw and shall be prohibited from playing amplified music, whether live or recorded.

12) Business Licensing

- a. The principal establishment for each approved sidewalk seating area shall have a valid municipal Business License.

13) Waste Management

- a. The permit holder will ensure sidewalk seating areas are maintained in a clean and hygienic state at all times and the following requirements will apply:
 - i. Tables and chairs shall be kept clean and litter shall be removed from in and around the seating area and disposed of within the commercial garbage provisions on site.
 - ii. Furniture, barriers and/or planters shall be clean, in good order and well presented.

- iii. Sidewalk seating debris must not be swept or allowed to enter into gutters, parking or traffic lanes, storm-water, catch-basins or pedestrian walkways.

14) Reinstatement of a Public Place

- a. Every sidewalk seating area shall be temporary in nature and designed so that the entire structure including chairs, tables, fencing, and planters can be easily removed during periods of non-use.

15) Insurance Requirements

- a. The permit holder will be required to hold valid comprehensive general liability insurance to the satisfaction of the municipality but the limit shall not be less than \$1,000,000 per occurrence, \$1,000,000 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability.
- b. The municipality shall be named as an additional insured for any liability arising directly or indirectly from the operation of a sidewalk café located on a public right-of-way.

16) Renewals and Amendments

- a. Development permits must be renewed annually. The permit holder shall submit their request for renewal in writing.
- b. A permit holder will be required to submit an application in writing to the Development Authority for any amendment to their existing sidewalk seating plan.

17) Approval of a sidewalk café permit will require, as a conditional of approval, that the Development Authority and the Fire Chief conduct a site inspection of the approved sidewalk café and all elements placed therein after construction to ensure that the sidewalk café and all sidewalk café elements are in compliance with the approved permit and that the developer is in compliance with all other requirements of the permit before any use of the sidewalk café may commence.

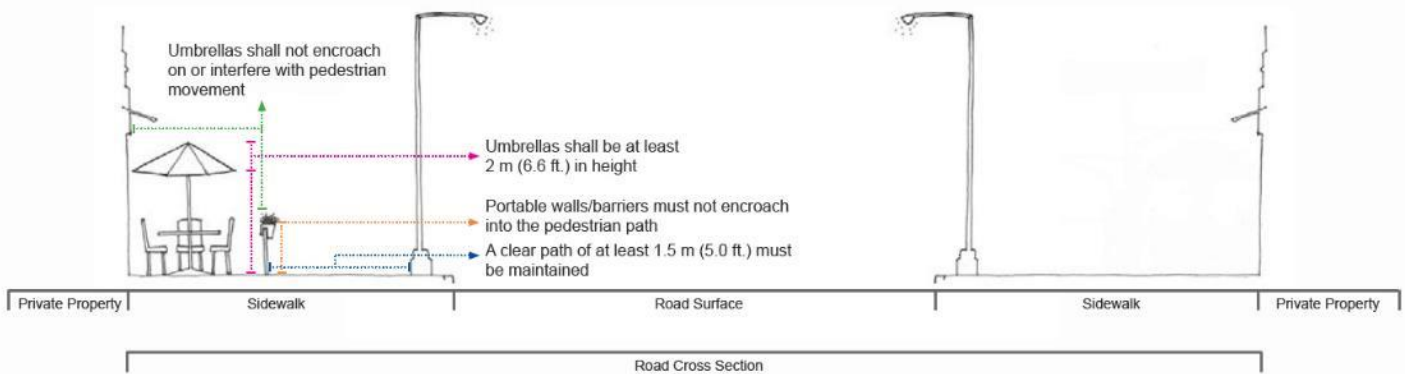


FIGURE 30: SIDEWALK CAFE EXAMPLE CROSS SECTION

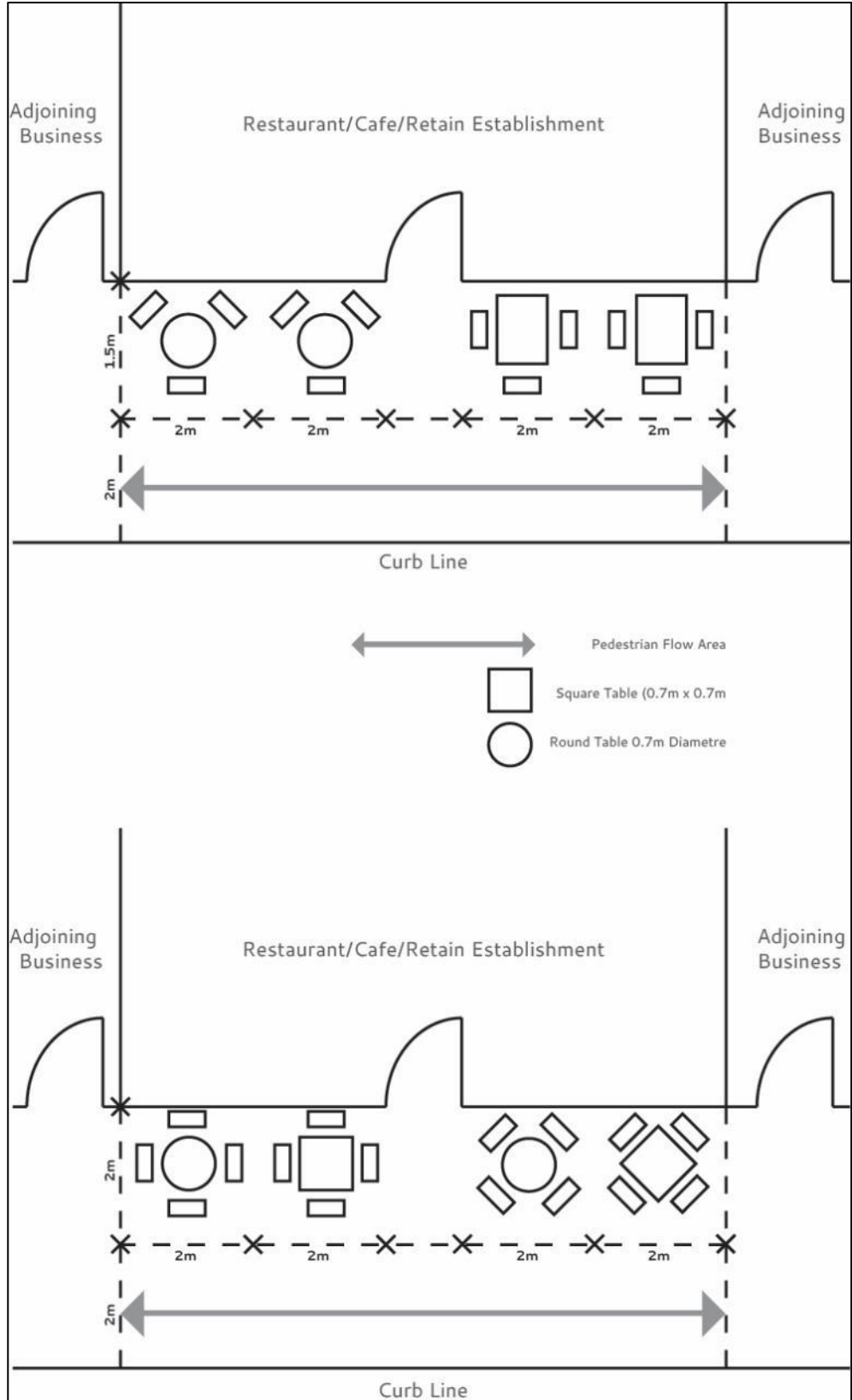


FIGURE 31: SIDEWALK CAFE SEATING EXAMPLE

34 | SIGNS

In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs:

1) Signs on Municipal Property

- a. The Council may, by resolution, set fees for the lease or site rental for signs placed on municipal property.
- b. Notwithstanding the provisions of **PART 8.34** and **PART 3.2** of this Bylaw, the Development Officer may approve a development permit application for a directional sign, poster sign, or portable sign on Town-owned land.
- c. A development permit granted under **PART 8.34(1)(b)** shall be subject to the terms and conditions:
 - i. as documented by a signed agreement between the Town and the applicant;
 - ii. as applicable to the type of sign being proposed pursuant to **PART 8.34** of this Bylaw.

2) Limitations

- a. Except as provided in **PART 3.2** of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless they have complied with the requirements of this Schedule and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
- b. The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.
- c. Provisions for election signs, property for sale or rent signs, garage sale signs, and signs for events of not-for-profit organizations are provided in **Part 3.2** of this Bylaw.
- d. No sign shall be located in such a manner that it obstructs the regular use of required on or off site parking stalls.

3) In addition to the requirements of **PARTS 3.5(1) and 3.5(3)** of this Bylaw, a development permit application for a sign shall include the following information:

- a. a letter of consent from the property owner,
- b. two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
- c. an indication of any proposed animation, moving copy, or other moving features of the sign, if applicable,
- d. method of illumination, if applicable,
- e. mounting details,

- f. the location and size of all other existing and proposed signs on the building façade or site,
 - g. mounting heights and clearances to grade, and
 - h. the amount of projection of the sign from a building, if any.
- 4) Signs as Permitted or Discretionary Uses
- a. No sign, other than an off-site sign in the Districts indicated in **PART 8.34 (4)(b)** below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in **PART 3.2** of this Bylaw, shall be allowed unless it is accessory to an existing use.
 - b. Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this Part, off-site signs shall be considered to be discretionary uses in the **Central Commercial (C1) District, in the Highway Commercial (C-2) District, in the Industrial (M1) District, and in the Urban Reserve (UR) District.**
- 5) Procedures for the Consideration of Development Permit Applications for Signs
- a. All development permit applications for signs shall follow the process outlined in **PART 3.5** of this Bylaw and be subject to appeal if applicable in accordance with **PART 4** of this Bylaw.
- 6) General Sign Regulations
- a. A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
 - i. its position, size, 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 otherwise poses a potential hazard to traffic,
 - ii. it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
 - iii. it would be situated within a site line protection area as defined in **PART 7.5** of this Bylaw.
 - b. A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
 - c. Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
 - d. A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any property line and no part of a sign may encroach onto the adjacent site or a road or lane.
 - e. Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 35 m² (377 ft.²).
 - f. At the discretion of the Development Authority a maximum of five (5) signs may be allowed on a site, including temporary signs and portable signs.
 - g. Signs will not be allowed on fences in Residential Districts or in Commercial Districts.

7) Care and Maintenance of Signs

- a. All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
- b. Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair, they may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
 - i. remove the sign and all related structural components within what the Development Authority deems to be a reasonable period of time, or
 - ii. take such measures as they may specify in the notice to alter and/or refurbish and/or repair the sign.
- c. Failure to remove the sign or to comply with the measures specified in the notice described in **PART 8.34(7)(b)** above may result in the issuance of a violation ticket as described in **PART 5.1(6)** of this Bylaw.
- d. The notice described in **PARTS 8.34 (7)(b)** above shall be considered to be a stop order for the purposes of **PARTS 5.1(1) to (5)** of this Bylaw.

8) Type of Signs

- a. A-Frame Signs
 - i. Except as provided in **PART 3.2** of this Bylaw, A-frame signs shall be allowed only in Commercial Districts.
 - ii. The maximum area of each A-frame sign face which is located on a sidewalk shall be 0.7 m² (7.5 ft.²). **FIGURE 36** illustrates area and height requirements for A-frame signs.
 - iii. The maximum area of each A-frame sign face located in another location, approved by the Development Authority, shall be 1.5 m² (16.0 ft.²)
 - iv. The maximum height of an A-frame sign which is located on a sidewalk shall be 1.0 m (3.3 ft.).
 - v. No A-frame sign shall be located on a sidewalk in such a manner so as to obstruct pedestrian flow.
 - vi. The maximum height of an A-frame sign placed in other locations shall be 1.8 m (6 ft.), measured perpendicular from the ground to the highest point of the sign when set up.
 - vii. No more than one (1) A-frame sign shall be allowed per business frontage.
 - viii. Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.

- ix. The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- x. A-frame signs are not to be used in conjunction with projecting signs at grade level.

b. Canopy Signs

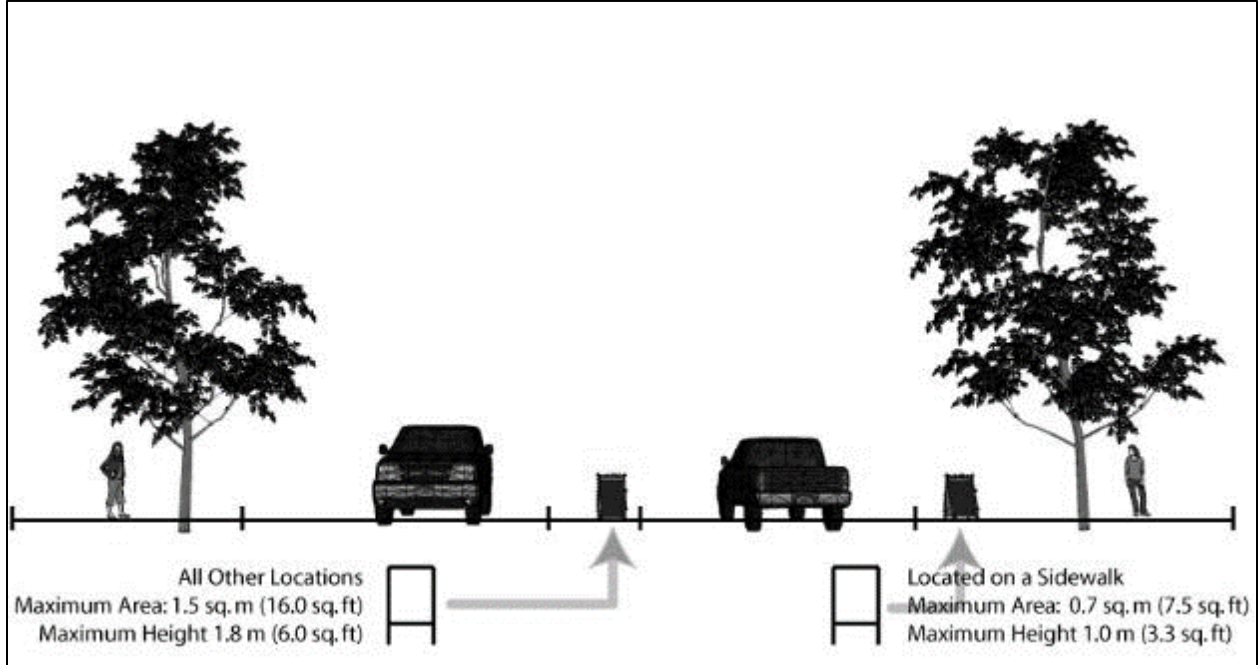


FIGURE 32: A-FRAME SIGN HEIGHT AND AREA REQUIREMENTS

Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:

- i. the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
- ii. the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
- iii. no part of the canopy shall project over a road or lane,
- iv. unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
- v. signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
- vi. each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 m² (5.4 ft.²) in area, and
- vii. all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires or similar support elements are visible from a road or lane.

c. Freestanding Signs

- i. One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft.) at road level.
- ii. Notwithstanding **PART 8.34(8)(c)(i)**, a maximum of one (1) freestanding sign may be allowed per site except:
 1. where a site has more than a 90.0 m (295.3 ft.) frontage, one (1) additional freestanding sign may be erected at the discretion of the Development Authority,
 2. where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.3 ft.) apart, and
 3. additional signs may be allowed at the discretion of the Development Authority.
- iii. The total sign area of all freestanding signs on a site shall not exceed 0.3 m² (3.2 ft.²) in area for each lineal metre of frontage, to a maximum of 12.0 m² (129.2 ft.²).
- iv. The maximum height of a freestanding sign shall be 7.0 m (23.0 ft.).
- v. Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- vi. Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any property line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

d. Portable Signs

- i. Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any property line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- ii. No more than one (1) portable sign shall be located on a site.
- iii. Notwithstanding **PART 8.34(8)(d)(ii)**, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer to another than 15.0 m (49.2 ft.).
- iv. All portable signs shall be double-faced.
- v. No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- vi. Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- vii. Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in any Residential District or the Urban Reserve (UR) District.

e. Projecting Signs

- i. No projecting sign shall project over another site, a road, or a lane.

- ii. The maximum projection shall be 1.0 m (3.3 ft.) from the property line and the sign shall be located 0.6 m (2 ft.) setback from the existing or proposed curb.
- iii. A projecting sign shall have a vertical clearance of a minimum of 3.0 m (9.84 ft.) from grade.
- iv. No more than one (1) projecting sign of 0.5 m² (5.4 ft.²) in size shall be allowed for each frontage of a commercial or industrial use.
- v. All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.
- vi. In no case shall projecting signs, for the same development, be located closer than 90 m to each other, except on corner lots where the signs are located around the corner from each other.

f. Roof Sign

- i. Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- ii. No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- iii. All roof signs shall be set back a minimum of 1.0 m (3.3 ft.) from the edge of the building on which the roof sign is located.

g. Fascia (Wall) Signs

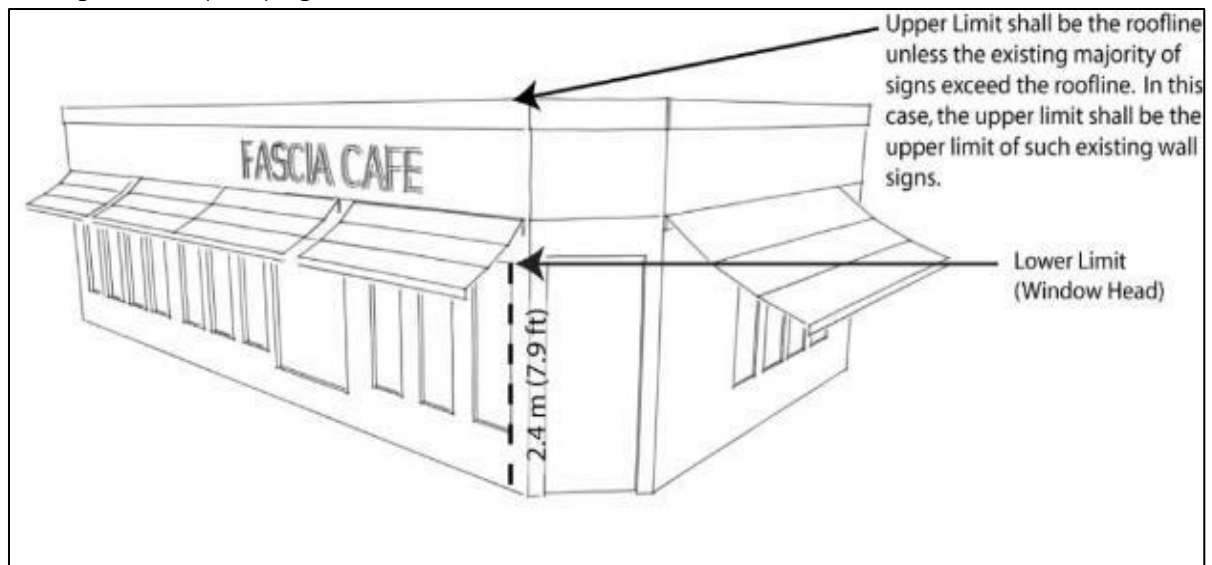


FIGURE 33 FASCIA (WALL) SIGN PLACEMENT ON A ONE STOREY BUILDING

- i. The portion of a wall which can be used for or which can be covered by a fascia sign on the front of a building shall be the space defined by the following lower and upper limits:

1. the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft.) above grade,
 2. in the case of a one storey building, the upper limit of the portion shall be either:
 - a. the roofline of a flat-roofed building, or, where there is an existing majority of fascia signs which exceed the roofline, the upper limit of such existing wall signs, or
 - b. a maximum of 0.8 m (31.5 in.) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet; or
 - c. the line of the eaves;
 3. in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 in.) above the floor elevation of the second storey.
- ii. Notwithstanding **PART 8.34(8)(g)(i)**, a fascia sign may be located:
1. below the area defined in **PART 8.34(8)(g)(i)**, provided:

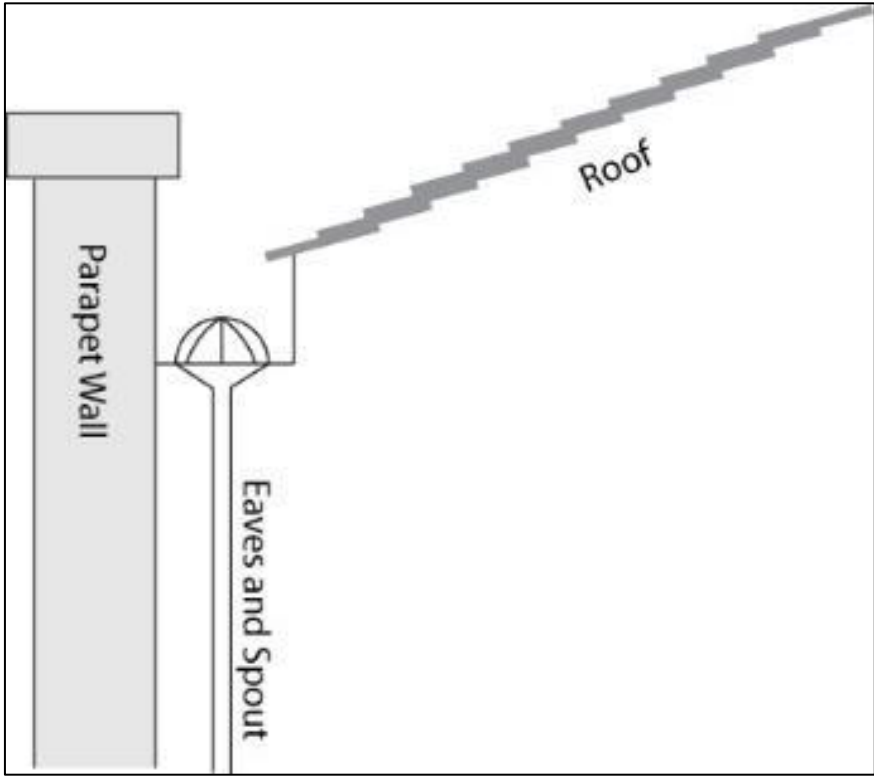


FIGURE 38: EXAMPLE OF A PARAPET WALL & EAVES

- a. the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
 - b. the sign states no more than the name of the building or the principal tenant of the building, and
 - c. the sign area does not exceed 20% of the building face below the area defined in **PART 8.34(8)(g)(i)**.
 2. between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
 - a. the sign states no more than the name of the building or the principal tenant of the building, and
 - b. the sign area does not exceed 2.5 m² (26.9 ft.²), or
 3. above the third storey window sill, provided:
 - a. the sign states no more than the name of the building or principal tenant of the building, and
 - b. there is no more than one (1) sign per building face above the third storey.
 - iii. A fascia sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
 - iv. Any other location for a fascia sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed fascia sign with adjacent developments.
 - v. Buildings fronting on more than one public right-of-way may not combine permissible signs for one frontage with another frontage for the purposes of placing the combined area or types of signs on one frontage.
 - vi. Any identification fascia signs with non-illuminated letters up to but not exceeding 7.5 cm (3 in.) in height or 0.4 m² (4 ft²) in area are not restricted and may be permitted in addition to regulated signs.
- h. Inflatable Signs
- i. An inflatable sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is no larger than 5.5 m² (59.2 ft.²) in area when inflated.
 - ii. Larger inflatable signs require a development permit be obtained before installation.
 - iii. One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
 - iv. The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.

- v. An inflatable sign can only be located on a site twice in a calendar year and not for longer than thirty (30) consecutive days.

- i. Off Site Signs

- i. Notwithstanding other regulations in this Bylaw, and at the discretion of the Development Officer, off-site signs may be erected on ground, roof, or wall locations in commercial or industrial land use districts (but in no case shall be allowed in residential land use districts) subject to the following conditions:
 1. On the same road and facing the same traffic flow, signs shall not be placed closer together than 90 m (295 ft.). Double face signs shall be considered to face both directions of flow.
 2. The maximum size of the sign face shall be at the discretion of the Development Officer but shall not exceed 28 m² (300 ft.²).
 3. Where the back of the sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Officer.
 4. No part of the sign shall be closer to any road than the front of the nearest building within 30 m (100 ft.) of it, except where a sign is located between two buildings that are within 30 m (100 ft.) of the said sign, in which case no part shall be close to any road than a line drawn from the nearest front corner of the two buildings.
 5. No part of any sign that is highway oriented and within 200 m (656 ft.) of the edge of the pavement shall be more than 7.5 m (24 ft.) above the grade of the highway or 15 m (49 ft.) above the grade of the site of the sign, whichever is the highest.

- j. Commercial and Industrial Signs

In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs where commercial or industrial uses are permitted:

- i. For each principal office building, one identification sign only, not to exceed 3 m² (32 ft.²) in area, shall be allowed.
- ii. Signs may be detached if they do not exceed a height of 2.0 m (7 ft.) or project into any required setback area.
- iii. Where a sign is not detached, it shall be placed flat against the building or be designed as part of an architectural feature thereof, or as a Canopy Sign.
- iv. One wall sign only shall be permitted to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a total area of 1 m² (10 ft.²) of copy for each lineal metre of building occupancy.
- v. If the building includes a canopy, each tenant shall be permitted one under-canopy sign of no more than 0.5 m² (5 ft.²).

- vi. No sign shall be erected which would be in view of the public from public or private property except where a permit specifying permitted locations has been granted, or where a permit for such a sign is not required pursuant to this Bylaw.
 - vii. Where, in the opinion of the Development Officer, a proposed sign in a Commercial or Industrial District might be objectionable to a resident in an adjacent residential district, the Development Officer may impose such other regulations as he feels would protect the interest of residents.
 - viii. No sign shall be allowed which resembles construction signage which uses dark lettering set against a yellowish-orange background.
 - ix. Public information signs may be permitted at the discretion of the Development Officer in Commercial or Industrial Districts only, provided that the other regulations of **PART 8.34** of this Bylaw are satisfied.
- k. Signs In or Adjacent to Residential Districts
- i. Except as provided in **PARTS 8.34(2)(b) and (c)**, no sign shall be permitted in Residential Districts except for places of worship, public education facilities, public uses, or institutional uses.
 - ii. An approved major home occupation may display a sign, in the window of the dwelling or a fascia sign placed on the dwelling, providing that the sign does not exceed 0.3 m² (3.2 ft.²) in area.
 - iii. An approved bed and breakfast establishment may display a sign, not larger than 0.2 m² (2.0 ft.²). If outside, the sign shall be placed in a location that is satisfactory to the Development Authority. Alternatively, the sign may be displayed from the inside a window of the dwelling.
 - iv. One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:
 - 1. the sign area does not exceed 5.0 m² (53.8 ft.²),
 - 2. the height of the sign does not exceed 1.5 m (4.9 ft.), and
 - 3. the sign is not internally illuminated, though it may be lit from the front.
 - v. Name or number signs shall have a surface area of no more than 0.3 m² (3.0 ft.²).
 - vi. When an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
 - vii. When, in the opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as they deem necessary, to protect the amenities of the Residential District.

I. Signs Relating to Institutional Use

- i. In any District where a place of worship or a public education facility, public use or institutional use is allowed, one (1) sign of not more than 5.0 m² (53.8 ft.²) in area shall be allowed to be erected on the site occupied by the place of worship, public education facility, public use, or institutional use.

35 | SMALL ANIMAL BREEDING AND BOARDING ESTABLISHMENTS AND KENNELS

- 1) A small animal breeding and boarding establishment or kennel which is to be located closer than 305.0 m (1,000 ft.) from a dwelling which is not related to the proposed development shall be considered a discretionary use notwithstanding the use provisions contained within this Bylaw.
- 2) No small animal breeding or boarding establishment for dogs shall be permitted on a residential parcel less than 2.02 ha (5.0 ac.) in area.
- 3) Pens, rooms, exercise runs and holding stalls may be required to be soundproofed to the satisfaction of the Development Authority.
- 4) All development permit applications may be referred to the appropriate Health Authority or animal control agency for comment prior to the Development Authority making a decision.
- 5) No building, use, or exterior exercise areas or runs that are used to accommodate the animals may be located within 6.1 m (20.0 ft.) of any property line adjacent to a dwelling or a residential parcel.
- 6) All exterior exercise areas or runs may be required to be enclosed with a fence acceptable to the Development Authority.
- 7) All dog facilities, including buildings and exterior exercise areas or runs, may be required to be sited to the satisfaction of the Development Authority.
- 8) The Development Authority may regulate the hours that dogs are allowed outdoors.
- 9) The Development Authority may regulate the number of animals based on size and type of animals, size of parcel and proximity to dwellings. Pups under six (6) months shall not be included in the number.
- 10) Developments which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- 11) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

36 | SMALL RADIO COMMUNICATIONS TOWERS

- 1) Small radio communication towers, where allowed as a discretionary use under this Bylaw, shall require an application for a Development Permit and may be approved provided that the structure and apparatus:
 - a. have Industry Canada approval;
 - b. are camouflaged and, as far as possible, have the appearance and aesthetic of other buildings allowed in the District;

- c. meet the setback requirements of the District or meets setback requirements that are satisfactory to the Development Authority;
 - d. be limited to a maximum height of 18.0 m (59.0 ft.) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
 - e. be a free-standing, ground-mounted unit;
 - f. notwithstanding **PART 8.36(1)(e)**, be a roof-mounted unit where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft.) from the typical ground surface to its highest point;
 - g. be located in a rear yard only;
 - h. not be illuminated, nor have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device;
 - i. be landscaped to screen the base of the antenna and reduce negative visual impact on adjacent properties. The Development Officer may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Officer, such measures would reduce potential negative visual impact of the structure on adjacent properties.
- 2) All small radio communications towers shall have landscaping that reflects the typical landscaping in the District.
 - 3) The development of all small radio communications towers shall follow the regulations of Industry Canada including public consultation as required.

37 | SOLAR ENERGY COLLECTION SYSTEM

- 1) Ground mounted solar energy collection systems shall be located in a side or rear yard only.
- 2) When a solar energy collection system is installed on a lot, accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
 - a. is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 12-foot obstruction located on the lot line; and
 - b. has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.
- 3) **PART 8.37(2)** does not apply to structure or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

38 | SURVEILLANCE SUITES

- 1) Surveillance suites shall not be allowed on a site unless specifically listed as a permitted or as a discretionary use within the District in which the site is located.
- 2) Site Location
 - a. A surveillance suite which is not attached to or within the principal building shall be located:
 - i. a minimum of 2.0 m (6.6 ft.) from any buildings,
 - ii. a minimum of 3.0 m (9.8 ft.) from the rear and side lines, and
 - iii. no closer to the front line than the principal building.
- 3) Maximum Size
 - a. A surveillance suite shall not be larger in area than the principal building and the maximum floor area of a surveillance suite shall be 32.6 m² (351.0 ft.²).
- 4) Building Requirements
 - a. A surveillance suite shall be placed on a permanent foundation to the satisfaction of the Development Officer. Where a surveillance suite is a manufactured unit, the unit shall be secured to a foundation and properly skirted to the satisfaction of the Development Authority.
 - b. The exterior treatment of a surveillance suite must be compatible with the design, character, and appearance of the principal building, and comply with any provisions required under **PART 7.3** of this Bylaw

39 | VETERINARY CLINICS OR HOSPITALS, ANIMAL GROOMING BUSINESSES, PET SHOPS AND KENNELS

Notwithstanding the District regulations in effect on a site, the following regulations shall apply:

- 1) A large animal veterinary clinic which is to be located closer than 305.0 m (1000 ft) from a dwelling which is not related to the proposed development shall be considered a discretionary use notwithstanding the use provisions contained within this Bylaw.
- 2) In accordance with **PART 7.17**, these uses shall be adequately protected to suppress objectionable emissions. Pens, rooms, and runs shall be adequately sound-proofed to the satisfaction of the Development Authority.
- 3) All development permit applications may be referred to the appropriate Health Authority or animal control agency for comment prior to the Development Authority making a decision.
- 4) No building or exterior exercise areas or runs that are used to accommodate the animals may be located within 6.1 m (20.0 ft.) of any property line if the clinic is to be sited adjacent to a dwelling or a residential parcel.
- 5) All exterior exercise areas or runs may be required to be enclosed with a fence acceptable to the Development Authority.

- 6) The Development Authority may regulate the hours that animals are allowed outdoors.
- 7) Facilities which house animals over-night shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- 8) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning are shared with other developments.
- 9) No kennels shall be permitted in a residential district or on any property or any district within 35 m (115 ft.) of a property in a residential district.

40 | WIND ENERGY CONVERSION SYSTEMS, LARGE

- 1) Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - a. any adjacent municipality should the proposed development be located within 2.0 km (1.2 mi.) of the municipality, and
 - b. landowners within 2.0 km (1.2 mi.) of the proposed development.
- 2) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of **PART 5.1** of this Bylaw.
- 3) Property line setbacks
 - a. A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the District in which it is located.
 - b. Where, in the opinion of the Development Authority, the setbacks referred to in **PART 8.40(3)(a)** are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
 - c. The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
- 4) Minimum Vertical Blade Clearance
 - a. The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft.) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
- 5) Public Safety Requirements

To ensure public safety, the Development Authority may require that:

 - a. a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a large wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;

- b. no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
- c. a locked device be installed on the tower to preclude access to the top of the tower; and
- d. such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the discretion of the Development Authority, make the above requirements unnecessary.

- e. All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.

6) Appearance

- a. Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the requirements of the Development Authority.
- b. No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the discretion of the Development Authority.

7) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:

- a. information provided in the application,
- b. the proximity of the proposed development to other land uses,
- c. the cumulative effect of all wind energy conversion systems approved or proposed in the area,
- d. underlying utilities, and
- e. information received from the circulation of the application and from the public.

8) Compliance With Traffic Safety Regulations

- a. Large wind energy conversion systems must comply with applicable air traffic safety regulations. A statement of compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Wind turbine towers shall not be artificially lit except as required by Navigation Canada.

41 | WIND ENERGY CONVERSION SYSTEMS, MICRO

- 1) Notwithstanding any other provisions in this Bylaw, micro wind energy conversion systems, which are systems with a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.
- 2) Micro wind energy conversion systems shall be required to conform to set back requirements for accessory buildings.

- 3) Maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.
- 4) One micro wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

42 | WIND ENERGY CONVERSION SYSTEMS, SMALL

- 1) Wind Turbine Tower Height
 - a. For property sizes between 0.1 ha (0.25 acre) and 0.2 ha (0.5 ac.) the wind turbine tower height shall be limited to 25.0 m (80.0 ft.). For property sizes of 0.2 ha (0.5 ac.) or more, there is no limitation on wind turbine tower height, subject to the setback requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
- 2) Property Line Setbacks in the Urban Reserve District
 - a. The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (10.0 ft.) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.0 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
- 3) Property Line Setbacks in the Commercial and Semi-Public Districts
 - a. The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure may extend closer than (3.0) m (10.0 ft.) to the property boundaries of the installation site. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
 - b. Mounting using guy wires shall be allowed in:
 - i. the **Industrial (M1) District**, and
 - ii. the **Urban Reserve (UR) District**.
 - c. The applicant will be required to provide the Development Authority with information regarding the proposed means of mounting the turbine prior to development approval.
- 4) Noise
 - a. The mean value of the sound pressure level from small wind energy conversion systems shall not exceed more than 6.0 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m/s (22.0 mph) and except during short-term events such as utility outages and/or severe wind storms.

- 5) Compliance with Building Code and Alberta Utility Commission
 - a. Development permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, and anchoring method, all drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the Alberta Utility Commission and International Building Code requirements must be provided with the development permit application. All drawings must be certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
- 6) Compliance with Air Traffic Safety Regulations
 - a. Small wind energy conversion systems must comply with applicable air traffic safety regulations. A statement of compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Wind turbine towers shall not be artificially lit except as required by Navigation Canada.
- 7) Compliance with Existing Electric Codes
 - a. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.
- 8) Utility Notification
 - a. No small wind energy conversion system that is tied into a grid shall be installed until evidence has been given that the power utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's power utility is sufficient. No response or evidence of approval from the power utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.
- 9) Number per Lot
 - a. One small wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

43 | WIRELESS COMMUNICATIONS FACILITIES

- 1) The municipality will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria.

- 2) Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the site will be given priority status.
- 3) The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege.
- 4) For development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation.
- 5) Guyed-tower structures are to be located on properties so as to allow for a distance from the base to boundary setbacks that is no less than equal to the final structure height. In all cases, base and anchor structures must be designed for the soil conditions present. A professionally engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed.

Self-supporting towers are to be located respecting Provincial and federal building and safety codes. In all cases the base structures must be designed for the soil conditions present. A professionally engineered design with supporting soil profiles must accompany the application for development.

- 6) Multiple tower structures will require individual development permit applications.
- 7) Applications for the development of wireless facilities must include in the development application letters from the following authorities:
 - a. Transport Canada, governing painting and lighting of the applicant's tower for aeronautical safety,
 - b. NavCanada, governing aircraft communication and instrumentation immunity from the applicant's tower transmissions, and
 - c. Industry Canada, governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed exempt operators must provide a stamped letter from a licensed professional radio frequency engineer guaranteeing these conditions will be met.
- 8) Appropriate fencing around the base, anchors and site limiting public access to the tower and exposure to high radio frequency energy fields must be provided with consideration of community aesthetics.
- 9) The application for development must include consideration to minimizing environmental damage through the following measures:
 - a. Consultation with Federal and Provincial environmental agencies to ensure the site selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development.
 - b. The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.

- 10) As a condition of obtaining a development permit the applicant agrees to the following:
 - a. The site will be reclaimed within six (6) months of cessation of operation.
 - b. The site reclamation will comply with Provincial legislation, regulations, and policy.
- 11) Applicants for development of a wireless communications facility within 0.5 miles (0.8 km) of a residential area must demonstrate attention to community aesthetics in their choice of structure.
- 12) A public consultative process shall commence with an advertisement of the intent to establish a wireless communications facility in the local newspapers and a letter to the neighbouring property owners 120 days prior to the anticipated date of construction. The applicant will be required to submit a copy of their public consultation program for approval by the Development Authority.

44 | WORKCAMPS

- 1) All workcamps shall be considered temporary developments.
- 2) At no time shall the total number of all workcamps within the municipality accommodate more than 500 persons.
- 3) All workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 4) A development permit for a workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year after the three (3) year period, after which a new development permit approval is required.
- 5) The Development Authority may establish whatever conditions for the approval of a workcamp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- 6) If all of the conditions of the development permit have not been fulfilled to the satisfaction of the Development Authority then the permit will not be considered valid.
- 7) In addition to the requirements of **PART 3.5** of this Bylaw, an application for a development permit for workcamp must provide the following information:
 - a. the location, type and purpose of the camp,
 - b. adjacent land uses,
 - c. the method for connecting the proposed development to municipal water,
 - d. sewage, waste disposal and storm water systems,
 - e. the number of persons proposed to live in the camp,
 - f. the start date for the development, date of occupancy by residents, and removal date for the camp, and
 - g. reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.

- 8) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act, R.S.A. 2000, as amended that may be applicable.
- 9) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- 10) All internal roads shall be the responsibility of the Developer for both construction and future maintenance.
- 11) The developer shall provide on-site potable water supply in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 12) The developer shall provide sewage disposal facilities in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 13) The developer shall provide natural gas facilities in accordance with the municipality's requirements as well as all applicable Provincial regulations.
- 14) The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 15) All work camps must:
 - a. ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - b. be designed so that all points of access and egress are located to the satisfaction of the Development Authority and, when required, Alberta Transportation, and/or adjacent municipality;
 - c. be able to accommodate a minimum of fifty (50) persons;
 - d. be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
 - e. provide on-site security staff to the satisfaction of the Development Authority;
 - f. all parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority. Normally, on-site parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
 - g. post security with the municipality sufficient to remove and/or reclaim the site if the workcamp remains on site after the project is either completed or if the work has stopped to the extent that the municipality no longer feels that the workcamp is necessary to the project, or to reclaim the site if needed after the workcamp has been removed from the site; and
 - h. be separated from adjacent land uses.

- 16) Maximum site coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- 17) Adjacent buildings in workcamps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Safety Codes Act, R.S.A. 2000, as amended and by the Development Authority.
- 18) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- 19) The development must comply with current Building and Fire Code requirements as amended from time to time.
- 20) Because of the number of temporary workers and related traffic impacts the applicant will also be required to provide a report which details the following:
 - a. discussions with and impact on the local RCMP,
 - b. discussions with and impact on the local Emergency Medical Services,
 - c. discussions with and impact on the local Fire Department, and
 - d. discussions with and impact on the local road system including a Traffic Impact Assessment.
- 21) The development must comply with any other conditions required to the satisfaction of the Development Authority.

PART 9 – LAND USE DISTRICTS

1 | ESTABLISHMENT OF DISTRICTS

1) For the purpose of this Bylaw, the Town of Bon Accord is divided into the following Districts:

DISTRICT NAME	SYMBOL
Low Density Residential District	R1
Low Density Residential District	R1A
Spruce Meadows Residential District	R1B
Medium Density Residential	R2
High Density Residential	R3
Manufactured Home Park Residential District	RMHP
Central Commercial District	C1
Highway Commercial District	C2
Industrial District	M1
Park and Recreation	P
Institutional	I
Urban Services	US
Urban Reserve	UR
Direct Control	DC
Direct Control 1	DC1

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- 2) For the purposes of this Bylaw, the **R1, R1A, R1B, R2, R3, RMHP, Districts** shall be considered to be **Residential Districts**, the **C1, and C2 Districts** shall be considered to be **Commercial Districts** and the M1 district shall be considered an **Industrial District**.
- 3) The boundaries of the Districts listed in **PART 9.1(1)** are as delineated on the **Land Use District Map**, contained in **PART 11** of this Bylaw.
- 4) Where uncertainty exists as to the boundaries of Districts as shown on the **Land Use District Map**, the following rules shall apply:

- a. Where District boundaries are shown to approximate the following, they shall be deemed to be:
 - i. the lot boundaries, or
 - ii. the municipal boundaries, or
 - iii. the centre lines of railway rights-of-way, or
 - iv. the centre lines of the right-of-way of a road or lane.
 - b. In circumstances not covered by **PART 9.1(4)(a)**, the location of the boundary shall be determined:
 - i. where dimensions are set out on the **Land Use District Map**, by the dimensions so set, or
 - ii. where no dimensions are set out on the **Land Use District Map** with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- 5) Where Districts have been established in accordance with a proposed subdivision of land, the boundaries of the District shall be understood to conform to the boundaries of the certificate of title or as shown on the Plan of Survey or Descriptive Plan when it is registered in a Land Titles Office. Prior to the registration, the District boundaries shall be determined on the basis of the dimensions stated in the proposed plan of subdivision or on the scale of the **Land Use District Map** where dimensions are not provided.
 - 6) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
 - 7) After the Council has fixed a District boundary pursuant to the provisions of **PART 9.1 (6)** above, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
 - 8) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.
 - 9) **PARTS 9.1(3) to (8)** above also apply to the overlay regulatory areas and their boundaries shown on the **Land Use District Map**.

2 | LOW DENSITY RESIDENTIAL (R1) DISTRICT

1) Purpose

The purpose of this District is to provide for residential development in the form of low density single detached housing on a variety of lot sizes.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Day homes
- ii. In-law suites
- iii. Minor home occupations
- iv. Public parks
- v. Secondary suites
- vi. Single detached dwellings
- vii. Solar energy collection systems
- viii. Wind energy conversion systems, micro
- ix. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Bed and breakfast establishments
- ii. Child care facilities
- iii. Family care facilities
- iv. Garage suites
- v. Group homes
- vi. Major home occupations
- vii. Modular Home
- viii. Neighbourhood commercial development
- ix. Places of worship
- x. Public utilities that have no office or workshop as a part of the development
- xi. Relocated buildings
- xii. School
- xiii. Sea cans (for temporary construction use only)
- xiv. Show homes
- xv. Small radio communications towers
- xvi. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

xvii. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Minimum site depth
 - i. In the case of road and lane systems: 30.5 m (100 ft.)
 - ii. In the case of laneless systems: 33.5 m (110 ft.)
- b. Minimum site width
 - i. internal sites: 15.2 m (50.0 ft.)
 - ii. corner sites: 16.75 m (55.0 ft.)
- c. Minimum site area
 - i. In the case of road and lane systems:
 - 1. internal sites: 463.60 m² (5000 ft.²)
 - 2. corner sites: 510.87 m² (5500 ft.²)
 - ii. In the case of laneless systems:
 - 1. internal sites: 509.2 m² (5500 ft.².)
 - 2. corner site : 561.12 m² (6050 ft.².)

4) Development Regulations

- a. Maximum Site Coverage: 45%.
 - i. Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.
- b. Minimum Required Front Yard
 - i. The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).
- c. Minimum Required Side Yard
 - i. The minimum required side yards on each site shall be a minimum of 1.5 m (4.9 ft.) on each side.
 - ii. Notwithstanding **PART 9.2(4)(c)(i)**, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
 - iii. Corner and double fronting sites shall provide side yards as provided pursuant **PART 7.4** of this Bylaw.
 - iv. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.

- d. Minimum Required Rear Yard
 - i. The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).
- e. Minimum Floor Area
 - i. Single detached dwellings

1. 1 storey	93.0 m ² (1000 ft ²)
2. 1½ storey	
a. upper floor	37.0 m ² (400 ft. ²)
b. lower floors	70.0 m ² (750 ft. ²)
3. Split Level – all floors	111.0 m ² (1200 ft ²)
4. 2 storey – each floor	60.0 m ² (650 ft. ²)
5. Bi-level – per floor	74 m ² (800 ft ²)
6. At the discretion of the Development Officer, the minimum floor area for each dwelling unit may be reduced to, but not less than, 79 m ² (850 ft ²).	
 - ii. Other uses - at the discretion of the Development Authority
- f. Maximum Height
 - i. The height of buildings shall not exceed 10 m (33 ft.) or 2 ½ storeys,
- g. Parking
 - i. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
 - ii. Parking and loading on the site shall be provided in accordance with **PART 7.20** of this Bylaw.

5) Additional Regulations

- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.2** of this Bylaw.
- e. Private swimming pools and hot tubs shall be developed in accordance with **PART 8.20** of this Bylaw.
- f. No signs shall be allowed in the R1 District except as provided for in **PART 8.34** of this Bylaw.
- g. The exterior design of dwellings shall ensure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines, and elevational treatment of wall openings and finishing materials.

3 | LOW DENSITY RESIDENTIAL (R1A) DISTRICT

1) Purpose

The purpose of this District is to provide for residential development in the form of low density single detached housing on a variety of lot sizes.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Day homes
- ii. In-law suites
- iii. Minor home occupations
- iv. Public parks
- v. Secondary suites
- vi. Single detached dwellings
- vii. Solar energy collection systems
- viii. Wind energy conversion systems, micro
- ix. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Bed and breakfast establishments
- ii. Child care facilities
- iii. Family care facilities
- iv. Garage suites
- v. Group homes
- vi. Major home occupations
- vii. Modular Home
- viii. Neighbourhood commercial development
- ix. Places of worship
- x. Public utilities that have no office or workshop as a part of the development
- xi. Relocated buildings
- xii. School
- xiii. Sea cans (for temporary construction use only)
- xiv. Semi-detached dwelling (duplex)
- xv. Show homes
- xvi. Small radio communications towers

- xvii. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xviii. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Minimum site depth
 - i. In the case of road and lane systems: 30.5 m (100 ft.)
 - ii. In the case of laneless systems: 33.5 m (110 ft.)
- b. Minimum site width
 - i. internal sites: 15.2 m (50.0 ft.)
 - ii. corner sites: 16.75 m (55.0 ft.)
- c. Minimum site area
 - i. In the case of road and lane systems:
 - 1. internal sites: 463.60 m² (5000 ft.²)
 - 2. corner sites: 510.87 m² (5500 ft.²)
 - ii. In the case of laneless systems:
 - 1. internal sites: 509.2 m² (5500 ft.²)
 - 2. corner site: 561.12 m² (6050 ft.²)

4) Duplex Subdivision Regulations

- a. Minimum site depth for duplexes
 - i. In the case of road and lane systems: 30.5 m (100 ft.)
 - ii. In the case of laneless systems: 33.5 m (110 ft.)
- b. Minimum site width for each duplex (per duplex unit):
 - i. A site for an up/down duplex (which has 2 dwelling units within it) must be the same width as a site for a side-by-side duplex (which has 2 dwelling units within it).
 - ii. In the case of road and lane systems (per dwelling unit):
 - 1. internal sites: 7.62 m (25.0 ft.)
 - 2. corner sites: 8.38 m (27.5 ft.)
 - iii. In the case of laneless systems (per dwelling unit):
 - 1. internal sites: 7.62 m (25.0 ft.)
 - 2. corner sites: 8.38 m (27.5 ft.)
- c. Minimum site area for each duplex containing 2 dwelling units:
 - i. A site for an up-down duplex (which has 2 dwelling units within it) must be the same area as a site for a side-by-side duplex (which has 2 dwelling units within it).

- ii. In the case of road and lane systems (per dwelling unit):
 - 1. internal sites: 232.4 m² (2500 ft.²)
 - 2. corner sites: 255.6 m² (2750.0 ft.²)
- iii. In the case of laneless systems (per dwelling unit):
 - 1. internal sites: 255.3 m² (2750.0 ft.²)
 - 2. corner sites: 280.7 m² (3025.0 ft.²)

5) Development Regulations

- a. Maximum Site Coverage: 45%.
 - i. Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.
- b. Minimum Required Front Yard
 - i. The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).
- c. Minimum Required Side Yard
 - i. The minimum required side yards on each site shall be a minimum of 1.5 m (4.9 ft.) on each side.
 - ii. Notwithstanding **PART 9.3 (5)(c)(i)** above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
 - iii. Corner and double fronting sites shall provide side yards as provided pursuant **PART 7.3** of this Bylaw.
 - iv. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
- d. Minimum Required Rear Yard
 - i. The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).
- e. Minimum Floor Area
 - i. Single detached dwellings
 - 1. 1 storey 93.0 m² (1000 ft²)
 - 2. 1½ storey
 - a. upper floor 37.0 m² (400 ft.²)
 - b. lower floors 70.0 m² (750 ft.²)
 - 3. Split Level – all floors 111.0 m² (1200 ft²)
 - 4. 2 storey – each floor 60.0 m² (650 ft.²)

5. Bi-level – per floor 74 m² (800 ft²)
 6. At the discretion of the Development Officer, the minimum floor area for each dwelling unit may be reduced to, but not less than, 79 m² (850 ft.²).
 - ii. Other uses - at the discretion of the Development Authority
 - f. Maximum Height
 - i. The height of buildings shall not exceed 10 m (33 ft.) or 2 ½ storeys,
 - g. Parking
 - i. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
 - ii. Parking and loading on the site shall be provided in accordance with **PART 7.20** of this Bylaw.
- 6) Additional Regulations
- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
 - b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
 - c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
 - d. Accessory buildings shall be developed in accordance with **PART 8.2** of this Bylaw.
 - e. Private swimming pools and hot tubs shall be developed in accordance with **PART 8.20** of this Bylaw.
 - f. No signs shall be allowed in the R1A District except as provided for in **PART 8.34** of this Bylaw.
 - g. The exterior design of dwellings shall ensure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines, and elevational treatment of wall openings and finishing materials.

4 | RESIDENTIAL SPRUCE MEADOWS (R1B) DISTRICT

- 1) Purpose
 - a. The purpose of this District is to provide for residential development in the Spruce Meadows subdivision.
- 2) Permitted and Discretionary Uses
 - a. Permitted Uses
 - i. Day homes
 - ii. In-law suites
 - iii. Minor home occupations
 - iv. Public parks
 - v. Secondary suites
 - vi. Single detached dwellings
 - vii. Solar energy collection systems
 - viii. Wind energy conversion systems, micro
 - ix. Buildings and uses accessory to permitted uses
 - b. Discretionary Uses
 - i. Bed and breakfast establishments
 - ii. Child care facilities
 - iii. Family care facilities
 - iv. Garage suites
 - v. Group homes
 - vi. Major home occupations
 - vii. Modular Home
 - viii. Neighbourhood commercial development
 - ix. Place of Worship
 - x. Public utilities that have no office or workshop as a part of the development
 - xi. Relocated buildings
 - xii. Sea cans (for temporary construction use only)
 - xiii. Show homes
 - xiv. Small radio communications towers
 - xv. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
 - xvi. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Minimum site depth
 - i. In the case of road and lane systems: 30.5 m (100 ft.)
- b. Minimum site width
 - i. internal sites: 15.2 m (50.0 ft.)
 - ii. corner sites: 16.75 m (55.0 ft.)
- c. Minimum site area
 - i. In the case of road and lane systems:
 - 1. internal sites: 463.60 m² (5000 ft.²)
 - 2. corner sites: 510.87 m² (5500 ft.²)

4) Development Regulations

- a. Maximum Site Coverage: 45%
 - i. Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.
- b. Minimum Required Front Yard
 - i. The front yard in this district shall be the area extending from the right of way of Spruce Meadows Lane to the front line or front wall of the main building on the lot.
 - ii. The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).
- c. Minimum Required Side Yard
 - i. The minimum required side yards on each site shall be a minimum of 1.5 m (4.9 ft.) on each side.
 - ii. Notwithstanding **PART 9.4(5)(c)(i)**, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
 - iii. Corner and double fronting sites shall provide side yards as provided pursuant to **PART 7.4** of this Bylaw.
 - iv. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
- d. Minimum Required Rear Yard
 - i. The rear yard in this district shall be the area extending from the right of way of 52 Street extending to the rear line or rear wall of the main building on the lot.
 - ii. The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).

e. Minimum Floor Area

i. Single detached dwellings

- | | | |
|--|----------------------|-------------------------|
| 1. 1 storey | 93.0 m ² | (1000 ft ²) |
| 2. 1½ storey | | |
| a. upper floor: | 37.0 m ² | (400 ft. ²) |
| b. lower floors | 70.0 m ² | (750 ft. ²) |
| 3. Split Level – all floors | 111.0 m ² | (1200 ft ²) |
| 4. 2 storey – each floors | 60.0 m ² | (650 ft. ²) |
| 5. Bi-level – per floor | 74 m ² | (800 ft ²) |
| 6. Other uses - at the discretion of the Development Authority | | |

f. Parking

i. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

g. Parking and loading on the site shall be provided in accordance with **PART 7.20** of this Bylaw.

5) Additional Regulations

- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.2** of this Bylaw.
- e. Private swimming pools and hot tubs shall be developed in accordance with **PART 8.20** of this Bylaw.
- f. No signs shall be allowed in the R1B District except as provided for in **PART 8.34** of this Bylaw.
- g. The exterior design of dwellings shall ensure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines, and elevational treatment of wall openings and finishing materials.

5 | MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT

1) Purpose

- a. The purpose of this District is to provide for residential development, predominantly in the form of medium density, ground oriented, multiple dwelling developments, but with the possibility of some apartment density at fairly low densities for apartments.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Day homes
- ii. In-law suites
- iii. Minor home occupations
- iv. Modular homes
- v. Public parks
- vi. Row Housing
- vii. Secondary suites
- viii. Semi-detached dwelling (duplex)
- ix. Single detached dwellings
- x. Solar energy collection systems
- xi. Wind energy conversion systems, micro
- xii. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Apartments
- ii. Bed and breakfast establishments
- iii. Boarding and lodging houses
- iv. Child care facilities
- v. Family care facilities
- vi. Garage suites
- vii. Group care facilities
- viii. Group homes
- ix. Major home occupations
- x. Neighbourhood commercial development
- xi. Places of worship
- xii. Public utilities that have no office or workshop as a part of the development
- xiii. Relocated buildings

- xiv. Sea cans (for temporary construction use only)
- xv. Secondary suites
- xvi. Senior citizens' homes
- xvii. Show homes
- xviii. Supportive living facility
- xix. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xx. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations for Single Detached Dwellings

- a. Minimum site depth
 - i. In the case of road and lane systems: 30.5 m (100 ft.)
 - ii. In the case of laneless systems: 33.5 m (110 ft.)
- b. Minimum site width
 - i. In the case of road and lane systems:
 - 1. internal sites: 12.2 m (40.0 ft.)
 - 2. corner sites: 13.7 m (45.0 ft.)
 - ii. In the case of laneless systems:
 - 1. internal sites: 13.7 m (45.0 ft.)
 - 2. corner sites: 15.0 m (49.2 ft.)
- c. Minimum site area
 - i. In the case of road and lane systems:
 - 1. internal sites: 372.0 m² (4,004.2 ft.²)
 - 2. corner sites: 418.0 m² (4,499.3 ft.²)
 - ii. In the case of laneless systems
 - 1. internal sites: 459.0 m² (4,940.6 ft.²)
 - 2. corner sites: 503.0 m² (5,414.2 ft.²)

4) Subdivision Regulations for Row Housing

- a. Minimum site depth: 36.5 m (119.75 ft.)
- b. Minimum site width: 21.0 m (68.9 ft.)
- c. Minimum site area: 766.5 m² (8,250.7 ft.²)

5) Subdivision and Development Regulations for Duplexes

- a. The subdivision and development regulations for duplexes shall be the same as for duplexes within the R1 District.

6) Subdivision and Development Regulations for Apartments

- a. The subdivision and development regulations for apartments shall be the same as for apartments within the R3 District.

7) Development Regulations for Single Detached Dwellings

- a. Maximum Site Coverage: 50%
 - i. Of the 50% site coverage, a maximum of 12% total site coverage may be covered by accessory buildings.
- b. Minimum Required Front Yard
 - i. The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).
- c. Minimum Required Side Yard
 - i. The minimum required side yards on each site shall be a minimum of 1.5 m (5 ft.) on each side.
 - ii. Notwithstanding **PART 9.5(7)(c)(i)** above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
 - iii. Corner and double fronting sites shall provide side yards as provided pursuant to **PART 7.4** of this Bylaw.
 - iv. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
- d. Minimum Required Rear Yard
 - i. The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).
- e. Minimum Floor Area
 - i. Single detached dwellings

1. 1 storey	93.0 m ²	(1000 ft ²)
2. 1½ storey		
a. upper floor		37.0 m ² (400 ft. ²)
b. lower floors		70.0 m ² (750 ft. ²)
3. Split Level – all floors		111.0 m ² (1200 ft ²)
4. 2 storey – each floor		60.0 m ² (650 ft. ²)
5. Other uses - at the discretion of the Development Authority		

- f. Maximum Height
 - i. The height of buildings shall not exceed 10 m (33 ft.) or 2 ½ storeys.
 - g. Parking
 - i. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
- 8) Development Regulations Row Housing and Other Uses
- a. Maximum Site Coverage: 40%
 - i. Of the 40% maximum site coverage, a maximum of 12% of the total site coverage may be covered by accessory buildings.
 - b. Minimum Required Front Yard
 - i. The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, a minimum front yard of not less than 7.6 m (24.9 ft.) shall normally be required. The Development Authority may allow a smaller front yard setback if the parking is in the rear.
 - c. Minimum Required Side Yard
 - i. The minimum required side yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a side yard setback of less than 8.0 m (26.2 ft.) for row housing or apartment developments higher than two (2) stories.
 - ii. Corner and double fronting sites shall provide side yards as provided pursuant to **PART 7.4** of this Bylaw.
 - iii. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
 - d. Minimum Required Rear Yard
 - i. The minimum required rear yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a rear yard setback of less than 7.6 m (24.9 ft.).
 - e. Maximum Height
 - i. 11.0 m (36.1 ft.) or 3 storeys, whichever is the lesser
 - f. Maximum Density
 - i. 50 dwelling units per net residential ha (20.2 units per net residential ac.)
 - g. Minimum Floor Area
 - i. 1 storey 80 m² (860 ft.²)
 - ii. 1½ storey and split level
 - 1. upper floor 32.5 m² (349.8 ft.²)

- | | |
|--|---|
| 2. lower floors | 51 m ² (549 ft. ²) |
| iii. 2 storey | |
| 1. upper floor | 46.5 m ² (500.5 ft. ²) |
| 2. lower floors | 55.5 m ² (597.4 ft. ²) |
| iv. 3 storey | |
| 1. upper floors | 46.5 m ² (500.5 ft. ²) |
| 2. lower floors | 55.5 m ² (597.4 ft. ²) |
| v. Apartments, per dwelling unit | 51.0 m ² (549.0 ft. ²) |
| vi. Senior citizens' homes, per unit: | 42.0 m ² (452.0 ft. ²) |
| vii. Other uses: at the discretion of the Development Authority | |
| h. Minimum Proportion of Site Covered in Landscaping: 35% | |
| i. Parking | |
| i. A parking area shall be provided for each development in a location satisfactory to the Development Authority. | |
| ii. Parking and loading on the site shall be provided in accordance with PART 7.20 of this Bylaw. | |
| iii. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw. | |

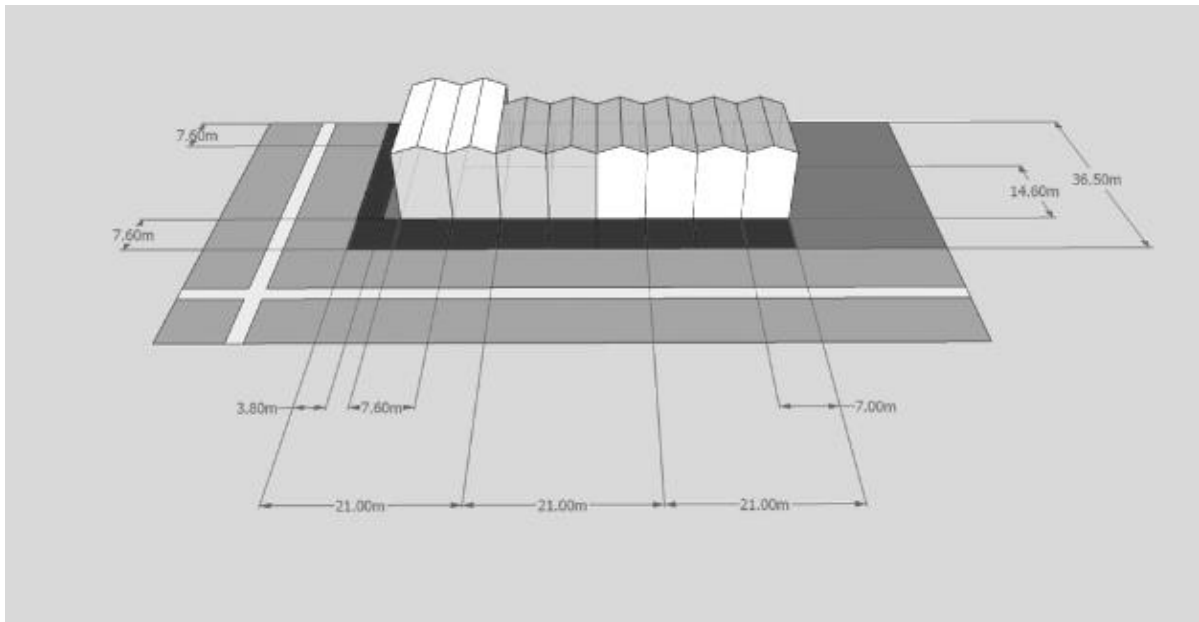


FIGURE 36: MINIMUM ROW HOUSING REQUIREMENTS

9) Additional Regulations

- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.

- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.2** of this Bylaw.
- e. Private swimming pools and hot tubs shall be developed in accordance with **PART 8.20** of this Bylaw.
- f. No signs shall be allowed in the R2 District except as provided for in **PART 8.34** of this Bylaw.
- g. The exterior design of dwellings shall ensure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines, and elevational treatment of wall openings and finishing materials.

6 | HIGH DENSITY RESIDENTIAL (R3) DISTRICT

1) Purpose

- a. The purpose of this District is to provide for residential development in the form of high density dwelling developments, with the possibility of incorporating some minor, convenience types of retailing to serve the occupants of the development and the immediate neighbourhood.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Apartments
- ii. Minor home occupations
- iii. Public parks
- iv. Row Housing
- v. Solar energy collection systems
- vi. Wind energy conversion systems, micro
- vii. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Boarding and lodging houses
- ii. Child care facilities
- iii. Day homes
- iv. Family care facilities
- v. Group care facilities
- vi. Major home occupations
- vii. Neighbourhood commercial development
- viii. Places of worship
- ix. Public utilities that have no office or workshop as a part of the development
- x. Sea cans (for temporary construction use only)
- xi. Senior citizens' homes
- xii. Show homes
- xiii. Supportive living facility
- xiv. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xv. Buildings and uses accessory to discretionary uses

3)

- 4) Subdivision Regulations
 - a. Minimum site area: 880.0 m² (9,472.2 ft.²)
- 5) Development Regulations for Row Housing
 - a. The development regulations for row housing shall be the same as for row housing within the R2 District.
- 6) Development Regulations for Apartments and Similar Uses
 - a. Maximum Site Coverage: 30%
 - b. Maximum Height
 - i. 11.0 m (36.1 ft.) or 3 storeys, whichever is the lesser.
 - ii. Notwithstanding **PART 9.6(5)(b)(i)**, a maximum of 4 storeys may be allowed at the discretion of the Development Authority if:
 - 1. the building includes sprinklers, and
 - 2. the municipality’s Fire Chief, Public Works Foreman and engineer are satisfied that fire suppression requirements can be satisfied.
 - c. Maximum Density
 - i. 100 dwelling units per net residential ha (40.4 dwelling units per net residential ac.).
 - d. Minimum Floor Area
 - i. Dwelling unit 51.1 m² (550.0 ft.²)
 - ii. Dwelling unit in a Supportive Living Facility 42.0 m² (450.0 ft.²)
 - iii. Other uses – at the discretion of the Development Authority
 - e. Minimum Required Yards
 - i. Front:
 - 1. 1 and 2 stories 7.6 m (24.9 ft.)
 - 2. 3 storey buildings 9.0 m (29.5 ft.)
 - ii. Side: one-half the height of the building or 15% of the total site width, whichever is the greater
 - iii. Rear: one-half the height of the building or 7.6 m (24.9 ft.), whichever is the greater
 - iv. Notwithstanding the above, corner and double fronting sites shall provide side yards as provided pursuant to **PART 7.4** of this Bylaw.
 - v. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
 - f. Minimum Proportion of Site Covered in Landscaping: 35%

- g. Parking
 - i. A parking area shall be provided for each development in a location satisfactory to the Development Authority.
 - ii. Parking and loading on the site shall be provided in accordance with **PART 7.20** of this Bylaw.
 - iii. Parking areas shall be so provided that a garage (either attached or detached) may be built in the future to conform to the minimum requirements of this by-law.
 - iv. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
- h. In addition to the above, all development shall take place to the satisfaction of the Development Authority with respect to:
 - i. provision of storage of garbage, and access thereto,
 - ii. access for firefighting purposes,
 - iii. light between buildings,
 - iv. privacy for dwelling units within and adjacent to the development,
 - v. orientation of the buildings and the general appearance of the development, and
 - vi. pedestrian access to and from the road adjacent to the development.

7) Additional Regulations

- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.2** of this Bylaw.
- e. Private swimming pools and hot tubs shall be developed in accordance with **PART 8.20** of this Bylaw.
- f. No signs shall be allowed in the R3 District except as provided for in **PART 8.34** of this Bylaw.
- g. The exterior design of dwellings shall ensure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines, and elevational treatment of wall openings and finishing materials.

7 | MANUFACTURED HOME PARK RESIDENTIAL (RMHP) DISTRICT

1) Purpose

- a. The purpose of this District is to provide for residential development in the form of a manufactured home park.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Manufactured homes in a manufactured home park for which a development permit has been issued
- ii. Minor home occupations
- iii. Public parks
- iv. Solar energy collection systems
- v. Wind energy conversion systems, micro
- vi. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Child care facilities
- ii. Day homes
- iii. Major home occupations
- iv. Manufactured home parks
- v. Neighbourhood commercial development
- vi. Places of worship
- vii. Public utilities that have no office or workshop as a part of the development
- viii. Schools
- ix. Show homes
- x. Single Family Dwelling for the owner-operator of each mobile home park
- xi. Small radio communications towers
- xii. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xiii. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Minimum park site area: 2.02 ha (5.0 acres).

4) Development Regulation

- a. For a Manufactured Home Park:

- i. Maximum Density: 15 manufactured homes per net ha (6 per net ac.)
- ii. Minimum required front yard: 7.6 m (24.9 ft.)
- iii. Minimum required side and rear yards: 4.6 m (15.1 ft.)
- iv. Adequate common storage areas, separate from the manufactured home, shall be provided for the storage of any furniture, domestic equipment, or seasonal recreational equipment and other equipment not capable of being stored within the manufactured homes. Such storage areas shall be enclosed or screened by trees, landscape features or fences, or a combination thereof to the satisfaction of the Development Authority.
- v. All roadways within a manufactured home park shall be paved and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.1 m (30.0 ft.).
- vi. A safe, convenient, all season pedestrian walkway of at least 0.9 m (3.0 ft.) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents.
- vii. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
- viii. The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- ix. All municipal utilities shall be provided underground to stalls.
- x. A minimum of ten (10%) of the gross site area shall be devoted to recreational use.
- xi. All areas not occupied by a manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority within one (1) year from the date of issuance of the development permit for a manufactured home park. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
- xii. No part of the park shall be used for non-residential purposes except such uses as are required for a convenience retail store and for the management and maintenance of the park.
- xiii. Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- xiv. Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- xv. Sign requirements
 1. Only one main, free-standing, identification sign of residential character and appearance shall be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second

and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.

- a. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- xvi. As a condition of approval of a development permit for a manufactured home park, all of the above noted matters may be required to be implemented to the satisfaction of the Development Authority.
- xvii. The Development Authority may establish time parameters for the implementation of any of the conditions of approval that may be established.
- xviii. The Development Authority may provide for phasing of a manufactured home park development, implementation of a development permit, or the completion of the conditions under which a development permit may be approved.
- xix. Minimum proportion of site covered in landscaping - 30%
- b. For a Manufactured Home Stall:
 - i. Minimum Stall Area: 375.0 m² (4,036 ft.²)
The boundaries of each lot shall be clearly marked by permanent markers.
 - ii. Maximum Stall Coverage: 40%
 - iii. Minimum Floor Area of a Manufactured Home
 - 1. Single-wide manufactured home: 66.9 m² (720.0 ft.²)
 - 2. Double-wide manufactured home: 83.6 m² (900.0 ft.²)
 - iv. Minimum Required Yards within Stalls
 - 1. Front 3.0 m (9.8 ft.)
 - 2. Side 1.2 m (3.9 ft.)
 - 3. Rear 3.0 m (9.8 ft.)
 - v. Minimum Distance between Manufactured Homes: 4.6 m (15.1 ft.)
 - vi. All accessory structures, such as patios, porches, additions and skirtings, shall be:
 - 1. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes,
 - 2. considered as part of the principal building, and
 - 3. erected only after obtaining a development permit.
 - vii. A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home, or suitable parking constructed to the satisfaction of the Development Authority.
 - viii. The hitch and wheels are to be removed from the manufactured home.

- ix. The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
 - x. No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall.
 - xi. All manufactured homes shall be placed on a foundation or base as required by the Development Authority. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
 - xii. All parts of a manufactured home stall which are not occupied by a manufactured home, accessory buildings, parking areas or driveways shall be fully landscaped to the satisfaction of the Development Authority within one (1) year of the date of the issuance of the development permit for the placement of a manufactured home.
 - xiii. Notwithstanding any other regulation of this Bylaw to the contrary, no manufactured home shall be allowed within the R-MHP District which:
 - 1. is more than ten (10) years old at the time of development permit application, OR
 - 2. does not meet current industry standards.
 - xiv. Notwithstanding any other regulation of this Bylaw to the contrary, no manufactured home shall be allowed in the R-MHP District which is less than 4.87 m (16.0 ft.) in width.
 - xv. As a condition of the approval of any development permit for a manufactured home park, all the above noted matters shall be required to be implemented to the satisfaction of the Development Authority.
 - xvi. The Development Authority may establish time parameters for the implementation of any of the conditions of approval that may be established.
- c. In addition to the above, all development shall take place to the satisfaction of the Development Authority with respect to:
- i. provision of storage of garbage, and access thereto,
 - ii. access for firefighting purposes,
 - iii. light between buildings,
 - iv. privacy for dwelling units within and adjacent to the development,
 - v. orientation of the buildings and the general appearance of the development, and
 - vi. pedestrian access to and from the road adjacent to the development.

5) Additional Regulations

- a. Secondary suites, in-law suites and garage suites shall not be allowed in the R-MHP District.
- b. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
- c. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.

- d. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- e. Accessory buildings shall be developed in accordance with **PART 8.2** of this Bylaw.
- f. No accessory buildings shall have a height which is greater than the height of the manufactured home to which it is accessory.
- g. Private swimming pools and hot tubs shall be developed in accordance with **PART 8.20** of this Bylaw.
- h. No signs shall be allowed in the R-MHS District except as provided for in **PART 8.34** of this Bylaw.
- i. No development permit for an individual manufactured home may be issued by the Development Authority until a development permit has been issued for the manufactured home park in which the manufactured home is to be located and any conditions associated with the permit have been substantially implemented to the satisfaction of the Development Authority.
- j. Amenity areas shall be provided for all manufactured home parks in accordance with **PART 7.2** of this Bylaw.

8 | CENTRAL COMMERCIAL (C1) DISTRICT

1) Purpose

- a. The purpose of this District is to provide all residents of the community and trading area with access to a wide variety of retail and service establishments, predominantly in storefront developments in the downtown core of the Town

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Business support services establishments
- ii. Commercial schools
- iii. Eating and drinking establishments
- iv. General retail establishments
- v. Government services
- vi. Health services
- vii. Hotels
- viii. Household repair services
- ix. Libraries and cultural exhibits
- x. Neighbourhood commercial development
- xi. Office uses
- xii. Off-street parking lots
- xiii. Personal service shops
- xiv. Public parks
- xv. Public Uses
- xvi. Public utilities
- xvii. Solar energy collection systems
- xviii. Veterinary clinics
- xix. Wind energy conversion systems, micro
- xx. Buildings and uses accessory to permitted uses

3) Discretionary Uses

- Bylaw 2018-12
- a. Alcohol retail sales
 - b. Amusement establishments, indoor
 - c. Auctioneering establishments
 - d. Automotive and equipment repair shops, light
 - e. Automotive and recreation vehicle sales/rental establishments, light

- f. Bed and breakfast establishments
 - Bylaw 2018-12 g. Cannabis retail sales establishments
 - h. Child care facilities
 - i. Community recreation services
 - j. Drinking establishments
 - k. Drive-In Business
 - l. Entertainment establishments
 - m. Equipment rental establishments
 - n. Exhibition and convention facility
 - o. Fleet services
 - p. Funeral services
 - q. General commercial use
 - Bylaw 2018-12 r. Head shop
 - s. Limited contractor services
 - t. Minor repair shops
 - u. Motels
 - v. Multi-use developments
 - w. Places of worship
 - x. Private clubs
 - y. Public utility buildings
 - z. Shopping centres
 - aa. Sidewalk cafés
 - bb. Small radio communications towers
 - cc. Surveillance suites
 - dd. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
 - ee. Buildings and uses accessory to discretionary uses
- 4) Subdivision Regulations
- a. Minimum site depth: 30.0 m (98.4 ft.)
 - b. Minimum site width: 5.0 m (16.4 ft.)
 - c. Minimum site area: 150.0 m² (1,613.76 ft.²)
- 5) Development Regulations

- a. The design, siting, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
 - b. Where groups of buildings are built, or buildings which are to accommodate a number of individual establishments on one site, development requirements shall be determined by the Development Authority having in mind the overall development and the parking requirements of this Bylaw.
 - c. Maximum Site Coverage
 - i. 100%, provided that adequate provision is made, in the opinion of the Development Authority, for access, parking, loading and garbage facilities.
 - d. Minimum Required Front Yard
 - i. None
 - e. Minimum Required Side Yard
 - i. None, unless the site abuts a Residential District, in which case the minimum required side yard shall be 2.5 m (8.2 ft.) or one-half the height of the building, whichever is the greater.
 - f. Minimum Required Rear Yard
 - i. None, except as required to provide loading, parking, or garbage facilities.
 - g. Maximum Height
 - i. 12.0 m (39.4 ft.), or, at the discretion of the Development Authority, the maximum height of a more restrictive abutting District.
 - h. Access, Parking and Loading
 - i. Parking and Loading shall be provided in accordance with **PART 7.20**.
 - ii. Each site shall have direct access to a lane at one side or the rear.
 - i. Outdoor Storage
 - i. No outdoor storage shall be allowed in the C-1 District, even as an accessory use to a permitted or a discretionary use which is allowed.
- 6) The following regulations shall apply to dwelling units within the C-1 District:
- a. Dwelling units shall be allowed only in buildings where at least part of the first storey is used for commercial purposes. Dwelling must be secondary or subservient to the commercial use.
 - b. Dwelling units shall have access at grade which is separate from any access for any commercial use.
 - c. Dwelling units shall meet the requirements for dwelling units in the High Density Residential (R-3) District, except for minimum site area, minimum required yards, and maximum site coverage, which shall all be at the discretion of the Development Authority.

- d. Where more than two (2) dwelling units are to be provided, a minimum of 7.5 m² (80.7 ft.²) of amenity area per dwelling unit shall be provided in accordance with the regulations of this Bylaw.
- 7) Additional Regulations
- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
 - b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
 - c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
 - d. Accessory buildings shall be developed in accordance with **PART 8.1** of this Bylaw.
 - e. No signs shall be allowed in the C-1 District except as provided for in **PART 8.34** this Bylaw.

9 | HIGHWAY COMMERCIAL (C2) DISTRICT

1) Purpose

- a. The purpose of this District is to provide a variety of goods and services, predominantly those which are travel-oriented, to the community and the surrounding region.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Automotive and equipment repair shops, light
- ii. Automotive and recreational vehicles sales/rental establishments, light
- iii. Retail stores
- iv. Drive-in businesses
- v. Drive-in restaurants
- vi. Eating and drinking establishments
- vii. Fleet services
- viii. Gas bars
- ix. General retail establishments
- x. Highway commercial uses
- xi. Hotels
- xii. Kennels
- xiii. Motels
- xiv. Office uses
- xv. Personal Service Shops
- xvi. Private clubs
- xvii. Public Parks
- xviii. Public Utilities
- xix. Service Stations
- xx. Solar energy collection systems
- xxi. Veterinary clinics
- xxii. Wind energy conversion systems, micro
- xxiii. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- Bylaw 2018-12
 - i. Alcohol retail sales
 - ii. Amusement establishments, indoor

- iii. Amusement establishments, outdoor
- iv. Auctioneering establishment
- v. Automotive and equipment repair shops, heavy
- vi. Animal hospitals
- vii. Automotive and recreational vehicle sales/rental establishments, heavy
- viii. Bus depots
- Bylaw 2018-12 ix. Cannabis retail sales establishments
- x. Entertainment establishments
- Bylaw 2018-12 xi. Head shops
- xii. Institutional uses
- xiii. Places of worship
- xiv. Public uses
- xv. Recreational Uses
- xvi. Recreational vehicle campgrounds
- xvii. Recreational vehicle campgrounds, seasonal
- xviii. Recreation vehicle storage facilities
- xix. Sea cans
- xx. Small radio communications towers
- xxi. Surveillance Suites
- xxii. Truck and recreational vehicle sales/rental establishments
- xxiii. Veterinary clinics, large animal
- xxiv. Wind energy conversion systems, small
- xxv. Wireless communications facilities
- xxvi. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xxvii. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to allow for the clustering of a variety of uses in a compact area.

4) Development Regulations

- a. The siting and architectural appearance of all developments and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent developments and that there may be adequate protection afforded to the amenities of any adjacent residential uses.

- b. Coverage of all buildings may be 80 percent, provided that adequate provision is made for parking, loading, and garbage facilities and activities.
 - c. Minimum Required Front Yard
 - i. 7.6 m (24.9 ft.) or if fronting a provincial highway, as required by Alberta Transportation.
 - d. Minimum Required Side Yard
 - i. The minimum required side yard shall be 10% of the width of the site or 4.5 m (14.8 ft.), whichever is the less. The minimum required side yard may be reduced to 1.5 m (4.9 ft.) provided, in the opinion of the Development Authority, the location of buildings and the appearance of the site would be improved.
 - ii. Corner and double fronting sites shall provide side yards as provided pursuant to **PART 7.4** of this Bylaw.
 - iii. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
 - e. Minimum Required Rear Yard
 - i. 8.0 m (25.0 ft.) when adjacent to a Residential District; otherwise, 6.0 m (19.7 ft.) at the level of the first storey of the development. Upper storeys of a development may extend to the rear line except in a site abutting a Residential District. Where not adjacent to a Residential District, the minimum required rear yard may be reduced to 1.5 m (4.9 ft.) provided, in the opinion of the Development Authority, the location of the buildings and the appearance of the site would be improved.
 - f. Maximum Height
 - i. 12.0 m (39.4 ft.), except that at the discretion of the Development Officer this height may be increased with the approval of the Fire Chief.
 - g. Parking and Loading
 - i. Parking and Loading shall be provided in accordance with **PART 7.20** of this Bylaw.
 - ii. Outdoor storage shall not normally be allowed in C-2 district unless approved by the Development Authority, and subject to the following conditions:
 - 1. Accessory to a permitted or discretionary use which is allowed.
 - 2. Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.
 - 3. A fence or other screen is to be provided to a height of at least 1.5 m (5.0 ft.) surrounding the outdoor storage where it would be visible from a road or from an adjacent building.
- 5) Additional Regulations
- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
 - b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.

- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.1** of this Bylaw.
- e. Signs shall be allowed in the C-2 District as provided for in **PART 8.34** of this Bylaw.

10 | INDUSTRIAL (M1) DISTRICT

1) Purpose

- a. The purpose of this District is to provide for business and industrial uses which create little or no nuisance or hazard beyond the site upon which they are located, but which, by their nature, are better suited to locations away from concentrations of population.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Automotive and equipment repair shops, heavy
- ii. Automotive and equipment repair shops, light
- iii. Automotive and recreational vehicles sales/rental establishments, heavy
- iv. Automotive and recreational vehicles sales/rental establishments, light
- v. Business support services establishments
- Bylaw 2018-12 vi. Cannabis production and distribution facilities
- vii. Equipment rental establishments
- viii. Extensive agriculture
- ix. Fleet services
- x. General contractor services
- Bylaw 2018-12 xi. Industrial hemp production and distribution facilities
- xii. Industrial vehicle and equipment sales/rental establishments
- xiii. Light industrial uses
- xiv. Limited contractor services
- xv. Office uses
- xvi. Outdoor storage
- xvii. Public parks
- xviii. Public uses
- xix. Public utilities
- xx. Recycling depots
- xxi. Sea cans
- xxii. Self-service storage facilities
- xxiii. Service stations
- xxiv. Solar energy collection systems
- xxv. Trucking and cartage establishments

- xxvi. Truck and recreational vehicle sales/rental establishments
- xxvii. Veterinary clinics
- xxviii. Wind energy conversion systems, micro
- xxix. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Agricultural industry
- ii. Amusement establishments, outdoor
- iii. Animal hospitals
- iv. Auctioneering establishments
- v. Drive-in businesses
- vi. Eating and drinking establishments
- vii. Greenhouses and plant nurseries
- viii. Institutional Uses
- ix. Kennels
- x. Large animal veterinary clinics
- xi. Large wind energy conversion systems
- xii. Major utility services
- xiii. Recreational uses
- xiv. Recreational vehicle campgrounds, seasonal
- xv. Recreational vehicle storage
- xvi. Small animal breeding and boarding establishments
- xvii. Small radio communications towers
- xviii. Surveillance suites
- xix. Staging area
- xx. Wireless communications facilities
- xxi. Wind energy conversion systems, small
- xxii. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xxiii. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Minimum site area: 650.0 m² (6,996.5 ft.²)

4) Development Regulations

- a. Minimum Site Coverage: 60%

- b. A fire protection and emergency response plan may be required with a development permit application. It will be submitted to the municipality's Fire Chief for consideration prior to the Development Authority's consideration of approval. Its implementation will be a condition of any approval by the Development Authority.
- c. Minimum Required Front Yard
 - i. 6.0 m (19.7 ft.), unless a greater yard is deemed necessary by the Development Authority. No loading, parking, or storage area shall be allowed within the required minimum front yard.
- d. Minimum Required Side Yard
 - i. The minimum required side yard shall be 6.0 m (19.7 ft.) on one side and 1.5 m (4.9 ft.) on the other for a building up to a height of 4.5 m (14.8 ft.). For a building over 4.5 m (14.8 ft.) the minimum required side yard shall be increased by 0.3 m (1 ft.) for every 1.0 m (3.3 ft.) of height up to a maximum requirement of 6.0 m (19.7 ft.).
 - ii. Corner and double fronting sites shall provide side yards as provided pursuant to **PART 7.4** of this Bylaw.
 - iii. On corner sites, site lines shall be protected pursuant to **PART 7.5** of this Bylaw.
- e. Minimum Required Rear Yard
 - i. At the discretion of the Development Authority, except that where the rear yard is adjacent to a Residential District or a railway line, the minimum required rear yard shall be 5.0 m (16.4 ft.).
- f. Maximum Height
 - i. At the sole discretion of the Development Authority
- g. Setbacks from Pipeline Rights-of-Way
 - i. No building shall be located closer than 15.0 m (49.2 ft.) to the centreline of a pipeline right-of-way or the centreline of a pipeline within a pipeline right-of-way, whichever distance is the lesser.
- h. Parking and Loading
 - i. Parking and Loading shall be provided in accordance with **PART 7.20** of this Bylaw.
- i. Access
 - i. Each site shall have direct access to a road designed and constructed to have regard for continuity of traffic flow, safety of vehicles, and avoidance of dangerous intersections, all in the opinion of the Development Authority.
- j. Outdoor Storage
 - i. All outdoor storage shall be screened to the height considered necessary by the Development Authority.
- k. Landscaping

- i. All yards shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority. In this regard, when adjacent to Residential Districts, particular reference will be made to **PART 7.14(11)** of this Bylaw.

- I. Upkeep of Site

- i. The entire site and all buildings shall be maintained in a neat and tidy manner to the satisfaction of the Development Authority. This shall include the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

- 5) Additional Regulations

- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.1** of this Bylaw.
- e. No signs shall be allowed in the M1 District except as provided for in **PART 8.34** of this Bylaw.

11 | PARK (P) DISTRICT

- 1) Purpose
 - a. The general purpose of this District is to permit and regulate the use of land for recreation uses, mainly of a public nature, which have a primary orientation toward the general community.
- 2) Permitted and Discretionary Uses
 - a. Permitted Uses
 - i. Public Parks
 - ii. Recreational Uses
 - iii. Buildings and uses accessory to permitted uses
 - b. Discretionary Uses
 - i. Cemeteries
 - ii. Public Utilities
 - iii. Public or quasi-public buildings
 - iv. Public or quasi-public uses
 - v. Public utilities
 - vi. Public utility buildings
 - vii. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned uses
 - viii. Buildings and uses accessory to discretionary uses
- 3) Regulations
 - a. All site requirements shall be at the discretion of the Development Authority. The design, siting, landscaping, screening, and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts.
 - b. Parking and Loading shall be provided in accordance with **PART 7.20** of this Bylaw
- 4) Additional Regulations
 - a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
 - b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
 - c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
 - d. Accessory buildings shall be developed in accordance with **PART 8.1** of this Bylaw.
 - e. No signs shall be allowed in the M1 District except as provided for in **PART 8.34** of this Bylaw.

12 | URBAN SERVICES (US) DISTRICT

1) Purpose

- a. The general purpose of this District is to allow the use of land for service, mainly of a public nature, which has a primary orientation to the community. Land within the US District will normally be owned by the municipality or other government agency.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Assisted living facilities
- ii. Indoor recreation facility
- iii. Institutional uses
- iv. Extensive recreation
- v. Government services
- vi. Library or cultural exhibit
- vii. Natural areas
- viii. Office uses
- ix. Places of Worship
- x. Protective and emergency services
- xi. Public parks
- xii. Public or quasi-public buildings
- xiii. Public or quasi-public uses
- xiv. Public utilities
- xv. Public utility buildings
- xvi. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Amusement establishments, indoor
- ii. Amusement establishments, outdoor
- iii. Cemeteries
- iv. Day care facilities
- v. Group care facilities
- vi. Private clubs
- vii. Public uses
- viii. Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses

ix. Buildings and uses accessory to discretionary uses

3) Subdivision Requirements

- a. All site requirements shall be at the discretion of the Development Authority. The design, siting, landscaping, screening, and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts.

13 | URBAN RESERVE (UR) DISTRICT

1) Purpose

- a. The purpose of this District is to protect significant tracts of predominantly vacant land for future urban development, and to allow a limited range of low intensity uses which are consistent with that intent.

2) Permitted and Discretionary Uses

a. Permitted Uses

- i. Extensive agriculture
- ii. Major home occupations
- iii. Minor home occupations
- iv. Public utilities
- v. Sea cans
- vi. Single detached dwellings
- vii. Solar energy collection systems
- viii. Wind energy conversion systems, micro
- ix. Buildings and uses accessory to permitted uses

b. Discretionary Uses

- i. Agricultural industry
- ii. Animal hospitals
- iii. Animal services facilities
- iv. Garage suites
- v. Greenhouses and plant nurseries
- vi. Group care facility
- vii. Group home
- viii. Guest ranches
- ix. In-law suites
- x. Intensive agriculture
- xi. Kennels
- xii. Large animal veterinary clinics
- xiii. Major utility services
- xiv. Natural resource extraction industry
- xv. Recreational use
- xvi. Park models

- xvii. Places of worship
- xviii. Public parks
- xix. Public uses
- xx. Private clubs
- xxi. Recreational vehicle campgrounds
- xxii. Recreational vehicle campgrounds, seasonal
- xxiii. Secondary suites
- xxiv. Small animal breeding and boarding establishments
- xxv. Small radio communications towers
- xxvi. Staging area
- xxvii. Temporary uses which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the site in the future
- xxviii. Wind energy conversion systems, small
- xxix. Wireless Communications Facilities
- xxx. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- xxxi. Buildings and uses accessory to discretionary uses

3) Subdivision Regulations

- a. Only one of the following two subdivision options shall be allowed in the UR District:
 - i. the subdivision of a quarter section of land into two equal-sized lots of a minimum of 30.0 ha (74.1 ac.) more or less, or
 - ii. the subdivision of a lot of between 1.0 ha (2.47 ac.) and 2.02 ha (5.0 ac.) in size from a quarter section of land to accommodate a single detached dwelling and accessory use. Only one such lot shall be allowed on a quarter section.
- b. at the discretion of the Subdivision Authority the minimum parcel size for a residential use may be expanded to accommodate existing farmstead structures.
- c. Notwithstanding **PART 9.13(3)(a)**, the following additional subdivisions may be allowed in this District:
 - i. the subdivision of a lot to accommodate a public use, a public park, a public utility, or a major utility service, or
 - ii. the subdivision of a lot when the lot is physically severed from the balance of the title area by a permanent man-made or natural feature. The presence of an underground pipeline does not constitute a physical severance for the purpose of this Bylaw.

4) Development Regulations

- a. Maximum Height
 - i. 11.0 m (36.1 ft.), except in the case of buildings which are part of or accessory to extensive agriculture other than a dwelling.
- b. All other site regulations shall be at the discretion of the Development Authority however, no building shall be erected within thirty (30) meters of any surveyed municipal road right-of-way.
- c. The Development Authority may specify the length of time any use is approved in this District, having regard to the servicing and future development of the subject area.

5) Additional Regulations

- a. Fences shall be developed in accordance with **PART 7.12** of this Bylaw.
- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.1** of this Bylaw.
- e. No signs shall be allowed in the M1 District except as provided for in **PART 8.34** of this Bylaw.

14 | DIRECT CONTROL (DC) DISTRICT

- 1) General Purpose
 - a. To provide for the development of land uses under individually unique or special circumstances requiring site-specific controls where the application of conventional land use districts would be inappropriate or inadequate.
- 2) Permitted and Discretionary Uses
 - a. In approving a bylaw for a Direct Control District for a particular site, Council shall specify those uses that may be allowed.
- 3) Subdivision Development Regulations
 - a. In approving a bylaw for a Direct Control District for a particular site, Council shall establish the development standards that apply.
- 4) Administrative Provisions
 - a. This District shall only be applied where the following conditions are met:
 - i. 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 surrounding area and its compatibility with the scale and character of surrounding development;
 - ii. The use of any other District on the site would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of uses in the District be realized; and
 - iii. The development is of a unique form or nature not contemplated or reasonably regulated by another District.
 - b. In addition to the information required by this Bylaw for an amendment application, the applicant shall also provide the following:
 - i. Support rationale explaining why the proposed District is desirable for the site having regard for the conditions listed in Part 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 written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to those concerns;
 - iv. Plans and elevations that would help substantiate the need for the District and establish the development standards that would apply to the site; and
 - v. Any other information as 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. The Development Authority for those uses to be decided upon; and

ii. Those development standards for which a variance may be granted.

5) Sites Subject to Direct Control

- a. The allowable uses and specific regulations for a particular site subject to Direct Control are described in the applicable bylaw (listed below, if any).

1) Area of Application

- a. This District applies to the area specified on Appendix A attached to this Bylaw, approximately 0.96 hectares, within the West ½ of the North-East Quarter Section 18, Township 56, Range 23, West of the Fourth Meridian, Bon Accord.

2) Purpose

- a. The purpose of this District is to provide for small-scale cannabis and hemp production and distribution to suppliers of cannabis, and accessory uses required to support such operations which create little or no nuisance or hazard beyond the site upon which they are located, and is adequately buffered from adjacent uses, based upon the Industrial (M1) District.

3) Permitted Uses

- a. Cannabis production and distribution
- b. Creation and production establishment
- c. Greenhouses and plant nurseries
- d. Industrial hemp production facility
- e. Office uses
- f. Outdoor storage
- g. Sea cans
- h. Solar array
- i. Solar energy collection systems
- j. Solar panels, roof mounted
- k. Buildings and uses accessory to permitted uses
- l. Other uses which, in the opinion of Council, are similar to the above mentioned permitted uses

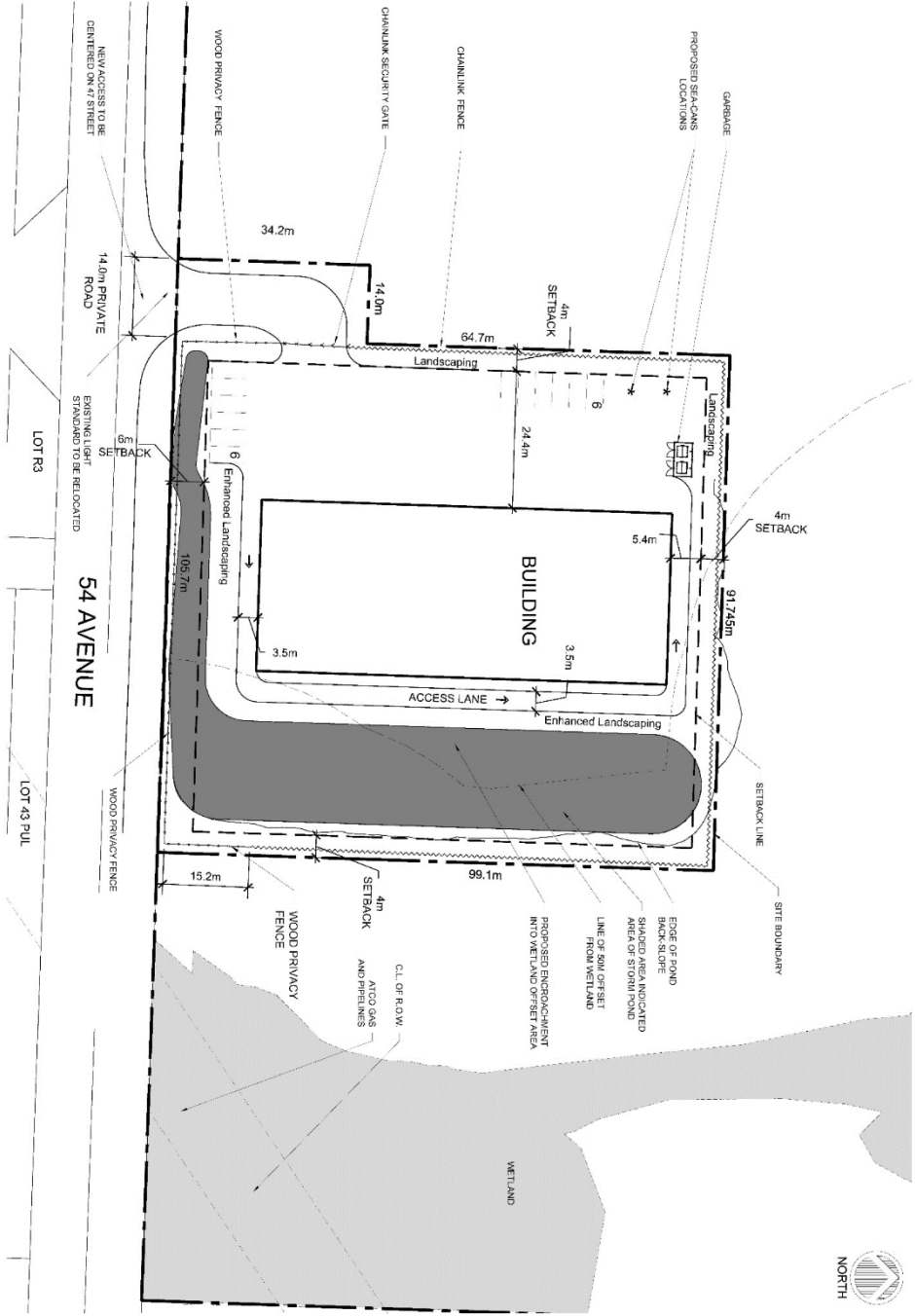
4) Development Regulations

- a. Development shall be in general accordance with the Site Plan and Elevations, as shown in **Appendix A and Appendix B to PART 9.15.**
- b. Notwithstanding any other regulations within this District, Council shall have the discretion to vary any Regulation of this District as they deem reasonable to accommodate the intended development with the exception of height and site coverage.
- c. Maximum Site Coverage: 25%
- d. Minimum Required Front Yard
 - i. A minimum Front Yard of 6.0 m (19.7 ft.) shall be provided. No loading, parking, or storage area shall be allowed within the required minimum front yard.

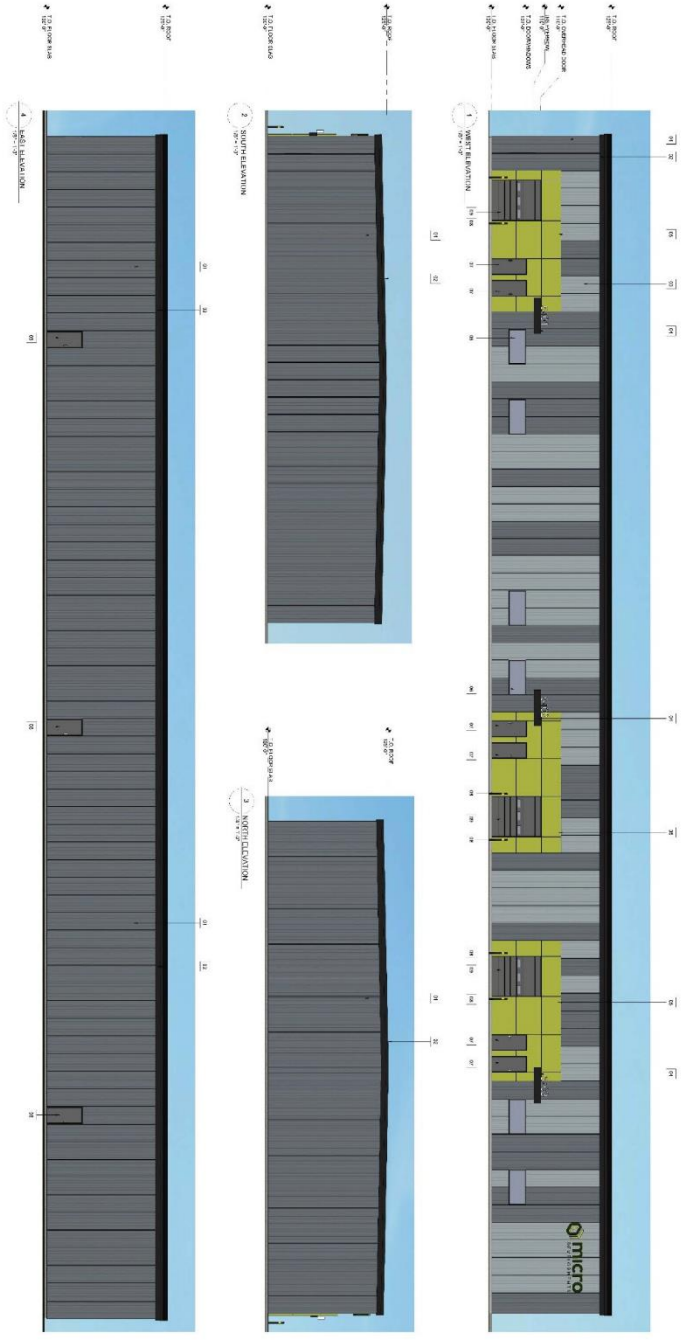
- e. Minimum Required Side Yard
 - i. A minimum Side Yard along the East site boundary of 4.0 m (13.1 ft.) shall be provided.
 - ii. A minimum Side Yard along the West site boundary of 4.0 m (13.1 ft.) shall be provided.
 - f. Minimum Required Rear Yard
 - i. The minimum rear yard of 4.0 m (13.1 ft.) shall be provided.
 - g. Maximum Height
 - i. The maximum building height shall be 10.0 m (32.8 ft).
 - h. Parking and Loading
 - i. A minimum of 12 Parking Spaces shall be required in order to accommodate employees and visitors, in accordance with **PART 7.20.4.b.** of the Land Use Bylaw.
 - ii. 3 loading spaces shall be provided on site in general accordance with Appendix A in accordance with **Part 7, Section 20.7** of this Bylaw.
 - i. Landscaping
 - i. All yards shall be landscaped with trees, shrubs and planted ground cover in general accordance with the Site Plan provided in **Appendix A to PART 9.15.**
 - ii. Enhanced Landscaping shall be provided in the Front Yard and the East Side Yard. This shall be achieved by planting more of the site's required landscaping in these areas, and less along the other sides of the site.
 - iii. Landscaping may be provided inside the fenceline, in consideration of security for the site.
 - j. Storm Water Management Facility
 - i. A private storm water management facility will be provided on the site in general accordance with **Appendix A to PART 9.15.**
 - k. Screening Fence
 - i. Notwithstanding **Part 7.12** of this Bylaw the Front of the site, being the edge adjacent and parallel with 54 Avenue to the south, and a portion of the East side of the site in general accordance with Appendix A, shall be screened from view with a wood slat fence or similar to a minimum Height of 2.0 m (6.6 ft) and a maximum Height of 2.5 m (8.2 ft). The design, materials, colour, and general aesthetic of the screening fence shall be to the satisfaction of the Council.
 - l. Upkeep of Site
- 5) Additional Regulations
- a. Notwithstanding 4.k. above, all other Fences shall be developed in accordance with **PART 7.12** of this Bylaw.

- b. Landscaping shall be provided in accordance with **PART 7.14** of this Bylaw and in general accordance with the site Plan in **Appendix A** to **PART 9.15**.
- c. Grading and drainage of the site shall be provided in accordance with **PART 7.11** of this Bylaw.
- d. Accessory buildings shall be developed in accordance with **PART 8.1 and Part 8.3** of this Bylaw.
- e. No signs shall be allowed except as provided for in **PART 8.34** of this Bylaw.

Appendix A – Site Plan



Appendix B – Elevations



PART 10 – COMING INTO FORCE

1 | REPEALING EXISTING CONTROLS

- 1) Bylaw #2000-06 and any and all amendments thereto are hereby repealed upon the final passing of this Bylaw.

2 | COMING INTO FORCE

- 1) This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

READ A FIRST TIME this _____ day of _____, 2016.

Mayor of the Town of Bon Accord

CAO of the Town of Bon Accord

READ A SECOND TIME this _____ day of _____, 2016.

Mayor of the Town of Bon Accord

CAO of the Town of Bon Accord












READ A THIRD TIME AND FINALLY PASSED this _____ day of _____, 2016.

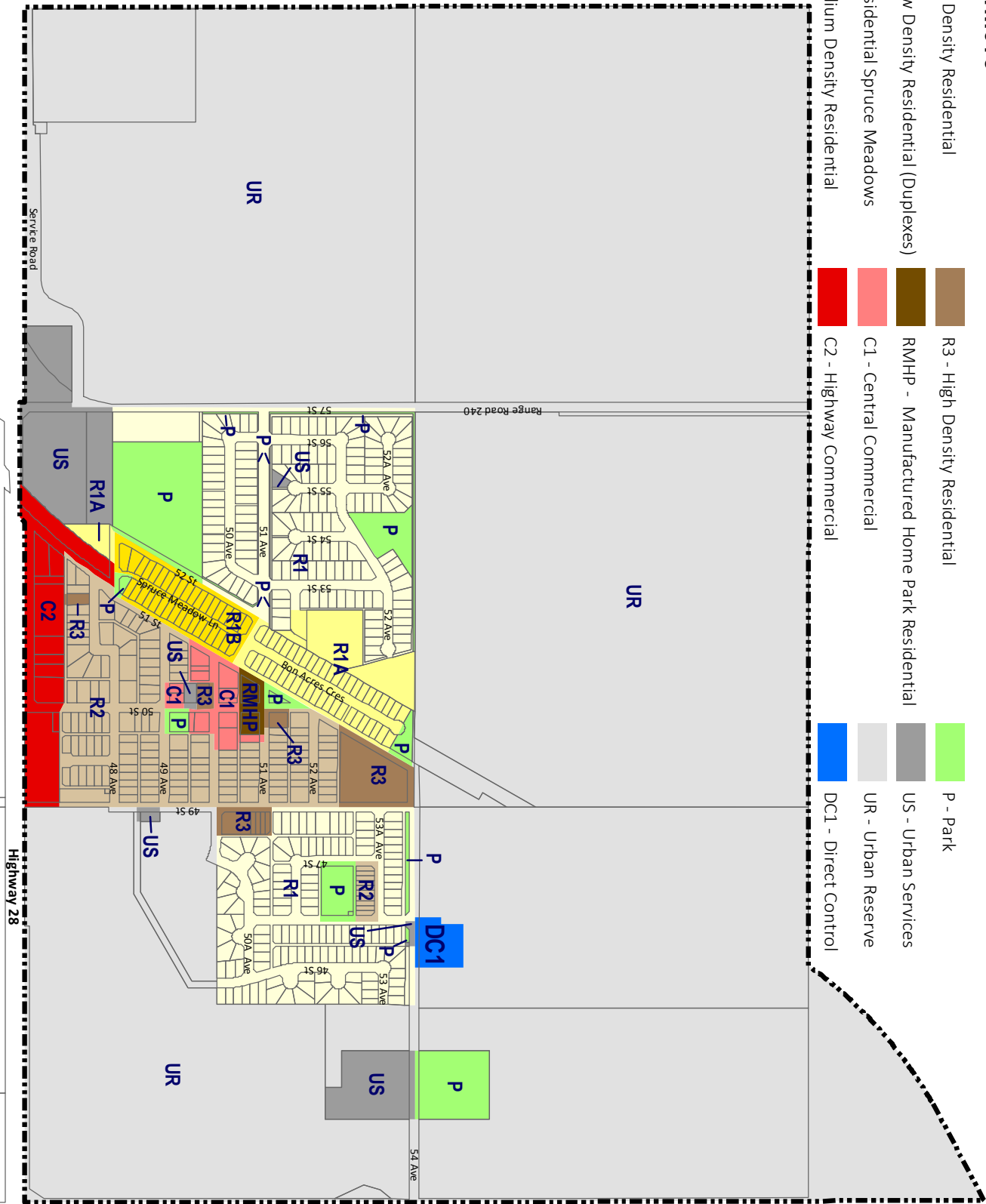
Mayor of the Town of Bon Accord

CAO of the Town of Bon Accord

PART 11 – LAND USE DISTRICT MAP

LAND USE DISTRICTS

	R1 - Low Density Residential		R3 - High Density Residential		P - Park
	R1A - Low Density Residential (Duplexes)		RMHP - Manufactured Home Park Residential		US - Urban Services
	R1B - Residential Spruce Meadows		C1 - Central Commercial		UR - Urban Reserve
	R2 - Medium Density Residential		C2 - Highway Commercial		DC1 - Direct Control



Consolidated to include Bylaws:
 No. 2013-11
 No. 2020-12

TOWN OF BON ACCORD LAND USE DISTRICT MAP

Digital Information:
 Geogratis and Ahtah's
 Projection:
 UTM NAD 83 12N



APPENDIX A - SUSTAINABLE RESOURCE DEVELOPMENT GUIDELINES

Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.

Water Feature	Minimum ER Width ²	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland ¹	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (≥ 15 m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (≤ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

¹ Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).

² In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.

Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less. The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley. 	<ul style="list-style-type: none"> Residential development within a floodplain is discouraged. Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines). The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes ($>15\%$)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	