



INNISFAIL

LAND USE BYLAW



BYLAW NO. 1747-2026
SCHEDULE A

Amendment Number	Date of Adoption	Brief Description
1747-2026	May 25, 2026	Adoption of new Land Use Bylaw.

HOW TO USE THIS BYLAW

This Bylaw establishes regulations which govern how land and buildings can be developed or used within the Town of Innisfail. The regulations vary depending on where the land is located and what kind of development is proposed.

Every action undertaken by the Town and the Development Authority must be consistent with any land use policies established pursuant to provincial legislation.

If you are not sure you understand the regulations, or if you would like someone to guide you through the process, simply call or visit the Development Officer at the Town Office.

Step 1

Locate the property in question on the Land Use District Map attached as Schedule "A" to this Bylaw.

The map divides the Town into Land Use Districts. Each District has a land use designation such as "R-1A" (SINGLE DETACHED DWELLING DISTRICT), "LDR" (LOW DENSITY RESIDENTIAL DISTRICT), or "CB" (CENTRAL BUSINESS DISTRICT). Note which District the property is located in.

Step 2

Check the Table of Contents and find the District that you are interested in. In each District you will find a list of permitted and discretionary uses. Although most development standards can be found in **Section 4.0 – GENERAL REGULATIONS**, there are a few Districts that have specific regulations. Check the list of uses to see if there is a match with what you wish to do with the property. Uses are defined in the **DEFINITIONS FOR USES** section in this Bylaw.

Step 3

Review the Table of Contents to see if there are any general regulations which may apply to your project. For example, **Section 4.0 – GENERAL LAND USE REGULATIONS** deals with such items as accessory buildings and uses, parking and loading, landscaping etc. It also includes regulations for home occupations, vehicle uses, and other uses and topics.

Step 4

Discuss your project with the Town. Staff can assist you with your application and explain the process whether you are applying for a development permit, subdivision, or an amendment to this Bylaw.

We hope this "how to" guide has been useful. Again, if you need help, please ask!

*NOTE: This page is intended only to assist readers and does not form part of this Bylaw.

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SECTION 1.0 PURPOSE AND APPLICATION OF THIS BYLAW

1.1 SHORT TITLE

- (1) This Bylaw may be cited as "Town of Innisfail Land Use Bylaw".

1.2 PURPOSE

- (1) The purpose of this Bylaw is to, amongst other things,
 - (a) Divide the municipality into districts.
 - (b) Prescribe and regulate for each district the purposes for which land and buildings may be used.
 - (c) Establish a method of making decisions on applications for development permits including the issuing of development permits.
 - (d) Provide the way notice of the issuance of a development permit is to be given; and
 - (e) Implement the municipality's statutory plans.

1.3 BYLAW CONTENT

- (1) This Bylaw consists of all the sections outlined including all Schedules and Maps.

1.4 COMPLIANCE WITH OTHER LEGISLATION

- (1) Compliance with the requirements of this Bylaw does not exempt any person from
 - (a) The requirements of any federal, provincial or other municipal legislation.
 - (b) Complying with any easement, covenant, agreement or contract affecting the development.
 - (c) The obligation to obtain any other permit, license or other authorization required by this or any other bylaw.
 - (d) From the requirements of any statutory plan.

1.5 TRANSITIONAL PROVISIONS

- (1) An application for subdivision or Development Permit which is deemed complete on or after the effective date of this Bylaw shall be evaluated under the provisions of this Bylaw.
- (2) An application for a development permit or subdivision approval which is deemed complete, pursuant to **section 3.8.1 – Development Applications** and **section 3.8.9 – Subdivision Applications**, respectively, prior to the coming into force of this Bylaw shall be evaluated under the provision of Bylaw No. 1470 as amended or under this Bylaw at the discretion of the applicant, the Development Authority or the Subdivision Authority.
- (3) An application to amend Bylaw No. 1470 that has not been given third reading by the Council prior to coming into force of this Bylaw shall be considered by the Council pursuant to this Bylaw and any other relevant planning consideration.

1.6 ESTABLISHMENT OF GENERAL REGULATIONS

- (1) General Regulations set forth in this Bylaw are hereby adopted by reference to being part of this Bylaw and are to be amended in the same manner as any other part of this Bylaw.

1.7 ESTABLISHMENT OF LAND USE DISTRICT REGULATIONS

- (1) Land Use District Regulations set forth in this Bylaw are hereby adopted by reference to being part of this Bylaw and are to be amended in the same manner as any other part of this Bylaw.

1.8 SEVERABILITY

- (1) If one or more provisions of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

SECTION 2.0 INTERPRETING THIS BYLAW

2.1 LANGUAGE AND INTERPRETATION

- (1) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to this Bylaw.
- (2) Imperial equivalents are provided beside every metric value in this Bylaw for convenience. Such equivalents are rounded to the nearest whole number. The metric value is the actual standard to be used.
- (3) Whenever drawings or graphic illustrations are provided, these are used to assist in interpreting and understanding this Bylaw. Where a conflict or inconsistency exists between a drawing and the remainder of this Bylaw, the text shall prevail.
- (4) Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neutral. Words have the same meaning whether they are capitalized or not.

2.2 ILLUSTRATIONS AND MEASUREMENTS

- (1) Drawings and graphic illustrations
 - (a) Whenever drawings or graphic illustrations are provided, these are used to assist in interpreting and understanding this Bylaw. Where a conflict or inconsistency exists between a drawing and the remainder of this Bylaw, the text shall prevail.
- (2) Measurements
 - (a) Whenever metric measurements are presented in this Bylaw, metric values are used and shall take precedence. Imperial equivalents provided, in parenthesis, are approximate and intended for information only.
 - (b) Where a measurement or an amount is calculated based on a rate or ratio, the required measurement or amount may be rounded to the nearest whole number. Where a requirement states a specific measurement with a decimal place, the requirement found in this Bylaw stands and shall not be rounded.

2.2 DEFINITIONS

- (1) For the purposes of this Bylaw, all words shall carry their customary meaning or as defined in the *Municipal Government Act, RSA 2000 c.-M-26*, as amended, the *Matters Related to Subdivision and Development Regulation (AR 84/2022)*, as amended, or the *National Building Code – Alberta Edition [NBC-(AE)]*, as amended from time to time.

DEFINITIONS FOR USES

A

Accessory building or use means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site.

Accessory residential building means an accessory building to a residence, and includes such things as a detached garage, carport, garden shed (or storage) and greenhouse.

Adult entertainment means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, adult mini-theatres, exotic dancing, lap dancing, topless or bottomless waiters or waitresses and nude mud wrestling.

Agricultural operation means an agricultural activity conducted for gain or reward, or in the hope or expectation of gain or reward, and includes but is not limited to:

- a) The cultivation of land.
- b) The raising of poultry and livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act.
- c) The raising of fur-bearing animals, birds or fish.
- d) The production of agricultural field crops.
- e) The production of fruit, vegetables, sod, trees, shrubs and other special horticultural crops.
- f) The production of eggs and milk.
- g) The production of honey.
- h) The operation of agricultural machinery and equipment, including irrigation pumps; and
- i) The application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes,
- j) The production of flowers, plants, shrubs, trees, vegetables and similar vegetation for wholesale and/or retail sale using a commercial greenhouse. It may also include sales of associated gardening merchandise and landscaping materials. This does not include a medicinal marijuana facility, Cannabis Production & Distribution or Cannabis Store.

Agricultural processing means where agricultural products are collected or stored during shipment to or from farms where agricultural products may be sorted, cleaned, or otherwise prepared or processed into finished or semi-finished products which may then be shipped to a wholesale or retail outlet for further

processing. This use includes grain elevators, feed mills, flour mills, seed cleaning plants, slaughterhouses, and other like facilities involved in the production of value-added agricultural products.

Animal care services – major means a development for the purposes of treatment, boarding, or training of animals that includes retail sales of associated products. Typical uses are veterinary clinics or hospitals, boarding and breeding kennels, impounding and quarantining facilities, and animal shelters.

Animal care services – minor means a development for the purposes of care, treatment and grooming and/or sales of domestic animals and retail sales of associated products conducted entirely within a building and on an outpatient basis but does not include overnight boarding. Typical uses are pet grooming salons and small-animal veterinary clinics.

Apartment means a residential building comprised of three or more dwelling units having a shared entrance.

Arts or crafts studio means a building or portion thereof used for the production and retail sale of uniquely finished product by an artist or craftsperson and includes, but shall not be limited to, works created by painting, ceramics, weaving, knitting, sculpture, photography, candle makers, stained glass, glass blowing and textile arts.

Auction facility means land and/or buildings that are used for the public sale of property or goods to the highest bidder but does not include livestock auction market.

Autobody and paint shop means development for the repair and/or painting of motor vehicle bodies and frames, and for damaged motor vehicle appraisal services.

Automotive sales and service means a business which typically offers sale, rental and/or lease of passenger vehicles, light trucks, vans, motorcycles and other similar vehicles that may include automotive dealership, indoor showroom and outdoor sales area and typically offers mechanical repair, oil, lube and similar repairs and maintenance to vehicles, and may include a gas bar, but does not include an autobody and paint shop.

B

Bed and breakfast establishment means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

Bulk fuel sales and station means a development for the purpose of handling petroleum products in bulk quantities and includes dispensing equipment and supplementary tanker vehicle storage. Commercial card-lock pumps and retail fuel sales may be included as accessory use.

Business support services means the provision of a service to other businesses on a commercial basis which

supports the operation of the business being served and includes such services as janitorial services, property management services, courier services, copying, printing, lithographing and publishing services including binding of documents.

Bus depot means a facility providing for the arrival and departure of passengers and freight carried by bus.

C

Campground means a place intended to accommodate temporary camping, including the erection of tents or the parking of trailers, holiday trailers or recreational vehicles.

Cannabis facility means a use where cannabis is grown, processed, packaged, tested, destroyed or stored in accordance with a license issued by Health Canada.

Cannabis store means a use where cannabis is sold for consumption off the premises and may include accessory retail or rental of merchandise and information services. The premises must be federally and provincially licensed.

Car wash means a facility used for the purposes of washing motor vehicles.

Casino means a facility for patrons to participate in gaming and gambling opportunities as the principal use but does not include bingo halls.

Child care facility means a facility that provides care and supervision for seven (7) or more minors for more than three (3) but less than twenty-four (24) consecutive hours in each day that the facility is operating and is intended to be operated for them at least twelve (12) consecutive weeks per year.

Commercial recreation and entertainment means a facility which provides for recreation or entertainment for a gain or a profit. This includes movie theatres, live theatres, dancing, arcades, billiard or pool halls, bingo halls, bowling alleys, gymnasiums, racquet courts, simulated golf, roller skating, golf course and associated facilities/uses, ski hill and associated facilities/uses, and fitness facilities and other similar types of uses or areas but does not include adult entertainment or drinking establishments.

Commercial school means a facility for instruction and education which is not maintained at public expense, and which may or may not offer courses equivalent to those offered at publicly supported education facilities or private instruction as a home occupation.

Concrete or cement products manufacturer means an establishment primarily engaged in one of the following: (1) fabricating Portland, natural, masonry, pozzolanic, and other hydraulic cements; (2) acting as batch or mixing plants, the production of concrete delivered to a purchaser in a plastic and unhardened state; (3) fabricating concrete pipe, brick, and block; or (4) fabricating other concrete products (except block, brick and pipe).

Contractor services - major means a development used in the delivery and support of construction related activities. Typical uses include, but are not limited to, building construction, landscaping, concrete installation, excavation, drilling, paving, road construction, sewer or similar services of a construction nature which may require outdoor on-site storage space for materials or mobile equipment normally associated with the contractor service.

Contractor services - minor means a development used in the delivery and support of construction related activities. Typical uses include, but are not limited to, building construction, electrical, heating, plumbing, or similar services of a construction nature which do not require outdoor on-site storage space for materials.

Convenience store means a retail store which serves the day-to-day needs of neighbourhood residents and employees.

Crematorium means an establishment with one or more cremation chambers used only for the reduction of the human body to ashes by heat and where funeral services will not be permitted to be conducted.

Cultural, natural and recreational facilities or areas means any facility provided or operated by a municipality or by other groups or organizations for the purposes of delivering services such as community meeting rooms, community centres, drop-in centres, museums, art galleries, art studios, libraries, arenas, gymnasiums, swimming pools, playgrounds, parks, skate parks, trails, golf course and associated facilities, fitness facilities, ski hill and associated facilities, and other public and quasi-public uses not included above.

D

Dangerous goods occupancy means any occupancy where dangerous goods, as defined in the *Transportation of Dangerous Goods Act*, are unloaded, loaded, stored, processed, or otherwise handled in quantities more than the amounts set forth in section 4.37 on a permanent or ongoing basis.

Data processing facility means a building, dedicated space within a building, or a group of buildings used to house computer systems and associated infrastructure and components for the digital transactions required for processing data. This includes, but is not limited to, digital currency processing, non-fungible tokens, and blockchain transactions.

Detached dwelling means a residential building containing only one dwelling unit, which is not attached to any other residential building but shall not include a manufactured home.

Drinking establishment means a development licensed to serve alcoholic beverages for consumption on the premises as regulated by the Alberta Gaming, Liquor and Cannabis Commission.

Drive-through business means an establishment for on-site service to customers who remain in their motor vehicles. A drive-through business may include banking, food services, dry cleaning, but does not include a drive-in theatre. A drive through shall be deemed an accessory component of the principal use.

Duplex means a residential building consisting of only two dwelling units, located side by side or one above the other, each having a separate entrance and not attached to any other residential building.

Dwelling unit for the occupancy of the owner, operator or caretaker means a dwelling unit which is accessory to other development on a parcel for one or more persons who is/are responsible for either building operations or providing security for either the building or parcel.

E

Educational facility means the use of land or buildings for the purpose of instruction and other public services and facilities related to the operation of provincially accredited educational facilities.

Essential public services means a development that is necessary for the continued health, safety or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations, hospitals, public utilities as defined under Part 17 of the *Municipal Government Act* including public utility buildings, offices and equipment used in connection with them, municipal administrative offices, other government services not related to emergency services, public works shop and storage yard and cemeteries.

F

Fertilizer storage and distribution means a facility designed for the storage and distribution of a broad range of fertilizers that prevents moisture ingress, temperature variations and contamination from degradation of fertilizer quality.

Food production facility means a development that consists of the processing of raw materials, including live animals into a semi-finished or finished food and/or beverage product including the preparation, cooking and serving of food and beverages to clients at remote locations and events. Any indoor display, retail sales, office or administrative support area shall be a secondary use. This use does not include Cannabis Production & Distribution or a micro-brewery.

Food services means a development where meals and beverages are prepared and served to customers which may include the sale of alcoholic drinks for consumption on the site and may include cafes, restaurants (including eat-in and take-out), and tea houses.

Fourplex means a residential building, other than row housing, containing four dwelling units.

Freight and transportation depot means a facility for the storage and distribution of freight shipped by air, rail or road transportation and includes a facility for the parking, storage and servicing of vehicles used in the transportation of freight or passengers for commercial purposes.

Funeral home means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held.

G

General industrial - major means development used principally for one or more of the following activities, where such activities are likely to have an impact on the environment or adjacent land uses, by virtue of potential emissions, effects or appearance:

- i. The processing of raw materials.
- ii. The manufacturing or assembling of semi-finished or finished goods, products or equipment.
- iii. The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial business or cleaning, servicing or repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts or adjacent to residential districts.
- iv. The storage or transshipping of materials, goods and equipment, including the outdoor storage of the same.
- v. The indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the activities identified above.
- vi. The use of chemical or physical processes to extract gases directly from ambient air.

General industrial - minor means development used principally for one or more of the following activities and where such activities are likely to have a negligible impact on the environment or adjacent land uses by virtue of its appearance, noise, size, odour, or other operational characteristics:

- i. The manufacturing or assembling of semi-finished or finished goods, products or equipment.
- ii. The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts or adjacent to residential districts.
- iii. The storage or transshipping of materials, goods and equipment.
- iv. The distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to Retail stores or other sales use classes defined in this Bylaw or resale to individual customers.
- v. The training of personnel in general industrial operations; and,

- vi. Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the activities identified above, including automotive and equipment repair shops, composting depots and landfill sites, at the discretion of the Development Authority.

H

Health services means an establishment primarily engaged in providing professional medical, surgical or similar services to individuals, including the offices of physicians, dentists, and other health practitioners, out-patient care facilities, blood banks, oxygen, medical and dental laboratories, and miscellaneous types of medical supplies and services.

Home occupation – Class 1 means an accessory use of a dwelling unit by a resident for a small-scale business which is incidental to the primary use as a residence and undetectable from outside the dwelling unit and are “desk and telephone” type home offices that require few deliveries, require no outdoor storage, do not generate any non-residential traffic, and do not have signage.

Home occupation – Class 2 means an accessory use of a dwelling unit or private garage by a resident for a small-scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries. In accordance with the foregoing, home occupation – class 2 uses may include such activities as music lessons, offices and indirect sales, but may not include such uses as medical clinics, veterinary clinics or retail sales.

Hotel means a building in which rooms are provided for temporary sleeping accommodation where each room has access from a common interior corridor and in which food and beverage services are also available.

I – K

Industrial support services means development or use of buildings where the principal use provides support services to industry, where offices and administrative functions are secondary to the use. The use includes but is limited to the following: building security; cleaning or maintenance services; laboratories; oilfield services; project design; management services; and for purposes of accessory sale and distribution of commercial industrial products to general industrial use.

Institutional services facility means a facility providing cultural, educational, or community services to the public and includes uses such as a food bank.

L

Light equipment rental shop means an establishment providing the rental of tools, small sized equipment or vehicles, or similar goods and equipment to individuals on a short-term basis and includes the storage and incidental maintenance of the rented items.

Light repair service means the repair and maintenance of small commercial and commercial equipment, vehicles and personal or household items where there are no nuisances created or emitted which could cause adverse effects on the users of adjacent lands.

Liquor store means a building or part of a building for the retail sale of alcohol.

Livestock auction facility means a place or establishment where livestock is received, held, or kept for sale, and where the livestock are sold or offered for sale, at either a public auction or private sale.

M

Manufactured home means a single detached dwelling unit that is designed and constructed entirely within a factory environment, built in compliance with the applicable standards of the Canadian Standards Association, containing factory installed electrical, plumbing and heating systems and suitable for long-term occupancy, and which is designed to be transported on either its own wheels and chassis or other means to a suitable site.

Manufactured home park means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis.

Mechanized excavation, stripping and grading of land means in preparation of the development of a parcel the use of mechanized equipment to:

- a. Excavate the ground, excluding common household gardening and ground care.
- b. Clear trees and/or ground cover from any public or private undeveloped, partially developed, or developed parcel, public lands or public right-of-way.
- c. Grade soil, sand, rock, gravel, sediment, or other material on a parcel in a manner that alters the natural contour of the land.

Micro-brewery means an establishment where the principal use is the production of alcoholic beverages including wine, beer, and others, and may have areas and facilities for the storage, packaging, bottling, canning and shipping of the products made, and may include an area where food and beverages are

prepared and served for consumption on the premises and/or retail sales of beverages that are produced on-site.

Mini-storage warehouse means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from either the exterior or interior of the building, designed to be rented or leased for the storage of household items, personal goods, materials and equipment. This may also include the storage of recreational and other vehicles within the parcel.

Mixed-use development means a building designed for residential use in combination with one or more complementary commercial or public land uses, including but not limited to such examples as residential and retail development, residential, office and retail development, and residential and public assembly uses, and where the residential dwelling units typically occupy the floors above ground level.

Motel means a building or a group of buildings on a parcel designed and operated to provide temporary sleeping accommodation for travellers and contains separate sleeping units, each of which may be provided with direct exterior access.

Multiple housing development means two or more buildings containing dwelling units located on a parcel of land where all the buildings, structures, recreation areas, vehicular areas, landscaping and all other features have been planned as a unified development.

N

Neighbourhood shopping centre means a shopping centre serving the needs of the immediate neighbourhood.

O

Open storage yard means a principal use of land involving the outdoor storage of products, materials, goods or equipment.

P - Q

Parking facility means a structure or area provided for the parking of motor vehicles

Personal services means the provision of a service to individuals on a commercial basis which is related to the care or appearance or well-being of the individual, cleaning or repair of personal effects and includes such services as photographers, travel agents, beauty salons, dry cleaners but does not include health services or businesses which are primarily retail and similar types of uses.

Personal storage means a type of asset or other property that an owner or related person does not use for business purposes or as an investment. The asset is used primarily for the owners' or other related persons' individual purposes and for their own enjoyment.

Private club means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, or business organization, without on-site residences. Private clubs may include rooms for eating, drinking and assembly.

Professional services means the provision of non-physical products or services generally within an office by individuals or companies to help manage or improve specific areas of businesses. They derive most of their value from the knowledge, expertise, and talent of professionals, and can include services offered by freelancers, small businesses, or large firms. Examples include services provided by architects, accountants, insurance agencies and mortgage brokers, lawyers, notaries, engineers, banks and other financial services, surveyors but does not include services provided by health services or personal services.

R

Recreational vehicle sales, rental, service and/or storage means a development used for the sales, rental, service and/or storage of recreational vehicles.

Recycling depot means a development for collecting, sorting, and temporarily storing recyclable materials where all storage is contained within an enclosed building but does not include auto wreckers.

Religious assembly means a facility used for worship and related religious, charitable, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses included churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Residential care means a use where social, physical or mental care is provided to five (5) or more persons who live full time in the facility, and that has always at least one staff person at the facility when at least one resident is within the facility. May have a max of ten (10) residents (low density district).

Retail store means the use of a building or portion thereof for the display and sale of goods and services within a building to the public and includes storage in the building of merchandise associated with such display and sale. Uses include, but are not limited to, sale of groceries, beverages, household goods, pet stores, furniture, and appliances, clothing, hardware, printed matter, confectionery, tobacco but not cannabis products, pharmaceutical and personal care items, office equipment, stationary, gift ware, arts and crafts and other similar goods from within an enclosed building. Additional services such as postal outlets and the repair of anything sold or rented by the retail store. This use does not include Warehouse Sales or a retail store requiring outdoor storage or a store selling liquor.

Row housing means a residential building containing three (3) or more dwellings separated by common walls and is located either on a single lot, or each dwelling is on its own individual lot. Each dwelling unit

shall have a separate, direct front and rear entrance from the exterior. This definition applies to forms of housing that include townhouses and triplexes.

S

Sales and service outlet for farm and heavy equipment, building supplies and manufactured homes means a facility providing for the sale, rental, service or repair of farm and heavy equipment, building supplies or manufactured homes.

Secondary suite means a dwelling unit located within the principal dwelling, on a second storey integral to a detached garage, or as an accessory building where the principal use of the parcel is a detached dwelling or side-by-side duplex unless otherwise specified in the district.

Service station means a development used for the retail sale of gasoline, other petroleum products a limited range of vehicle parts and accessories, and may include electrical vehicle charge site, convenience retail services and facilities for servicing, washing and limited vehicle repair or accessories.

Shopping centre means a group of retail and personal service uses designed, developed and managed as a single unit and characterized by the sharing of common parking areas and driveways.

Show home means a permanent dwelling which is used for the temporary purpose of illustrating to the public the type or character of a dwelling(s) to be constructed in other parts of a subdivision or development area. A Show home may contain offices related to the sale of other sites or dwellings in the area.

Sign means a device, notice or medium, including its support system and other components, that is used or is intended or capable of being used, to attract attention for advertising identification or for information purposes.

Solar generation facility means a principal use of a parcel involving a grouping of solar collectors, supporting structures and devices that are capable of collecting and distributing energy from the sun and transforming it into thermal, chemical or electrical energy, for the primary purpose of feeding or selling power to the provincial electrical transmission grid or a local distribution system for use of the majority of the power created offsite. This use includes any associated solar panels, solar modules, supports or racks, inverters, electrical transformers or substations required for the operation.

Solid waste transfer station means a development for the collection and temporary holding of municipal solid waste in a storage container before being transported to a landfill or a waste-to-energy facility.

Stacked row housing means a building containing three or more dwelling units where each unit may have a separate access to outside grade and where dwelling units may be situated either wholly or partially over or under other dwelling units.

W – Y

Waste to energy facility means a facility that involves converting waste, primarily municipal solid waste (MSW), through waste treatment technology that converts waste into energy by using heat to generate electricity, heat, or other forms of energy and may include carbon capture technology as part of its system.

Wholesale or retail warehousing means a facility for the indoor storage of wholesale or retail goods and merchandise that may include sales directly to the public.

Wrecking and salvage yard means land and buildings that are used for the storage and dismantling or demolition of old or wrecked motor-vehicles, machinery or scrap metal for the purpose of recycling their components.

Z

Zoo means a facility primarily for public viewing and the breeding of live animals and include associated storage areas, office areas and indoor and outdoor animal enclosures as well as accessory uses and services provided to visitors of the facility such as food service kiosks and gift shops.

DEFINITIONS FOR TERMS

For the purposes of this Bylaw, the following words, terms, and phrases, wherever they occur, shall have the meaning assigned to them as noted in this section.

A

Adjacent land means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream.

Amenity area – common means space designed for active or passive recreational use that is available for all residents of a development. Examples include, but are not limited to an outdoor courtyard, rooftop terrace, indoor gym for exercising, etc.

Amenity area – private means space designed for active or passive recreational use that is available for residents of a single unit. Examples include, but are not limited to private balcony, deck, or patio

B

Basement means a habitable portion of a building which is partly underground, but which has more than 50 percent of the distance between the floor level and the underside of the ceiling joists above the adjacent ground elevation.

Buffer means a row of trees, shrubs, earth berm, fencing or combination of these items to provide visual screening and separation between sites and Districts.

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 public road.

Building height means the height of a Building, determined by measuring the vertical distance between the grade and the highest point of a Building, excluding elevator housing, mechanical housing, roof stairway entrance, ventilating fan, steeple, chimney, smokestack, fire wall, parapet wall, flagpole or similar improvement not structurally essential to the Building.

Building permit means permission or authorization in writing pursuant to the Safety Codes Act to commence the use, occupancy, renovation, relocation, construction or demolition of any building.

C

Cantilever means the portion of a building which projects to provide additional liveable interior space, and which has no foundation or supports below. This does not include a balcony.

Carriageway means a portion of road that allows traffic movement without any disturbance consisting of two or more traffic lanes.

Cemetery means a use of land or a building for internment of the deceased.

Condominium means a form of property ownership in which each owner holds title to their individual unit, plus a fractional interest in the common areas of the multi-unit project, may include strata or bareland.

Council means the Council of the Town of Innisfail.

Court means the Court of Kings Bench.

Crime prevention through environmental design (CPTED) means a set of principles intended to prevent crime by changing or managing the physical environment to produce behavioural effects that will reduce the incidences and fear of crime.

D

Deck means a platform or floor structure normally adjoining a building and which is greater than or equal to 0.3 m (1 ft) in height and intended for use as an outdoor amenity space.

Demolition means the act of safely and efficiently tearing down buildings and other artificial structures.

Density means the number of dwelling units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

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 in, on, over or under land of any of them, 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 for the purposes of this Bylaw includes:

- a) Removal of topsoil and/or placement of fill.
- b) Demolition of a building.
- c) Increase in the number of dwelling units in a building.
- d) Placing of waste material or refuse on any property.
- e) Use of land for parking trailers, portable dwellings, skid shacks of any other type of portable building.
- f) Use of land for the storage or repair of motor vehicles or other machinery or equipment.
- g) Installation of signs.

Development agreement means a written agreement between the municipality and a developer which establishes circumstances and conditions under which a development may be carried out.

Development Authority means a person or persons delegated the authority to exercise development powers and duties on behalf of the municipality pursuant to the *Act*.

Development Officer means a person delegated to fulfil the role of Development Officer pursuant to this Bylaw.

Development permit means a document authorizing a development issued pursuant to this Bylaw. A development permit is separate and distinct from a building permit.

Discretionary use means a use of land, or a building referred to as a discretionary use in the Land Use Districts of this Bylaw which may be compatible with the other uses in the District and for which, subject to the provisions of this Bylaw, a development permit may be issued, with or without conditions.

District means a Land Use District.

Driveway means a vehicle access route between a road and a garage, carport, or parking area located on the same parcel, but does not include a parking pad.

E

Eaveline means the horizontal line on a structure that marks the bottom edge of the overhang of a roof and where there is no overhang, the eaveline should be the horizontal line at the intersection of the roof and wall.

Electric vehicle charge site means a site where electric vehicle batteries can be charged that may be an accessory use to the principal use of a parcel or may be the principal use of a parcel.

Enclosed means surrounded or closed in on all sides with a solid material.

Encroachment means any obstruction or intrusion extending from a property onto an adjoining public right-of-way or onto an adjoining parcel.

Encroachment agreement means a written agreement between the municipality and a property owner which establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality or a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by a different property owner.

Enforcement officer means a person delegated to enforce any or all the provisions of this Bylaw.

F

Façade means the exterior wall of a building exposed to public view, or that wall viewed by persons not within the building.

Fence means a vertical physical barrier constructed or installed to prevent visual intrusions, unauthorized access, or to provide sound abatement.

Floor area means

- a) For residential buildings, the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential buildings, or
- b) For commercial buildings, the total area of all floors in a building measured from the outside of exterior walls including basements and cellars but excluding mall areas.

Front parcel boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street.

Front yard means that portion of the site extending across the full width of the site from the front parcel boundary of the site to the front wall of the main building situated on the parcel.

G

Grade means the elevation of the existing ground in an undisturbed natural state, or an approved design grade as described in a grading plan or a building grade certificate.

Grading plan means a drawing or application prepared by a professional surveyor or similar professional discipline which specifies elevations for buildings, foundations, drainage features, thoroughfares, lanes,

passages and the finished ground levels of development sites.

Gross floor area means the sum of all the floor area spaces within a building, including basements and mezzanines.

H – I

Hard surfacing means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area but does not include gravel or granular materials.

Highway means lands used or surveyed for use as a public highway and includes all other definitions for highway in accordance with provincial legislation.

Indoor car showroom means a specialized space designed to display and sell vehicles.

L

Landscaped area means an area of land made attractive using landscaping; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways.

Landscaping means the modification and enhancement of a lot or site using the following elements:

- a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other similar ground cover, or
- b) hard landscaping consisting of materials such as brick, stone, concrete blocks, tile, wood or other similar materials, or
- c) a combination of natural landscaping and hard landscaping but does not include walkways or sidewalks deemed integral to building access.

Landscaping plan means a scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and caliper of trees and shrubs, the size, colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction and details of any other features or horticultural elements.

Land Use Bylaw means this Bylaw and amendments thereto.

Land Use District means an area of land designated on the Land Use District Map for which a specific set of land uses and regulations have been set forth in this Bylaw or, in the case of a Direct Control District, are determined by Council.

Lane means a public road which provides a secondary means of access to a parcel(s), and which is registered in the Land Titles Office.

Loading space means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials.

M

Mobile commercial sales means the sale of food and/or other items from a motorized vehicle.

Municipality means the Town of Innisfail.

Municipal Government Act means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended from time to time.

Municipal Planning Commission or **MPC** means the Commission established pursuant to provincial legislation and a bylaw.

N

Non-conforming building means a building

- a) That is lawfully constructed or lawfully under construction at the date a land use bylaw 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 this Bylaw.

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) That on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw.

O

Office means a facility providing for the administration, management or direction of an agency, business or organization but excludes such uses as retail sales, personal services, professional services, health services,

places of amusement or places of public assembly.

Off-street parking means parking required on the parcel where a building is situated.

Open storage means an accessory use of land involving the outdoor storage of products, materials, goods or equipment in connection with an approved principal use.

Owner means the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land and, in respect of any property other than land, the person in lawful possession of it.

Outdoor display means an accessory use of land for the purpose of showing finished products and merchandise for sale to the public in connection with approved principal use.

P

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

Parcel, corner means a parcel abutting two or more streets, other than a lane, at their intersection or abutting two parts of the same street forming an interior angle of less than 135 degrees

Parcel, coverage means the area covered by principal and accessory buildings, which includes any enclosed and/or covered areas such as verandas and decks but does not include projections.

Parcel, depth means the distance measured along each side parcel boundary of a parcel.

Parcel, interior means a parcel abutting only one street other than a lane.

Parcel, through means a parcel that has two front parcel lines abutting two public streets (excluding lanes), which are typically parallel or nearly parallel to each other. In practical terms, only one of these front faces is considered a proper front for the parcel, while the other may not provide direct access.

Parcel, width means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary.

Parking pad means a hard surfaced area on a residential parcel intended for the parking of vehicles but does not include a driveway.

Permanent foundation means:

- a) a foundation meeting CSA Z240.10.1:19 standard, or
- b) an engineer approved wood foundation, or
- c) a poured concrete basement, or

- d) a concrete block foundation.

Permitted use means a use of land or a building referred to as a permitted use in the Land Use Districts of this Bylaw and for which a development permit shall be issued, with or without conditions, where the use meets the applicable provisions of this Bylaw.

Principal building means a building which is considered the principal use of the parcel on which it is constructed or placed which, in the opinion of the Development Authority:

- a) Occupies the major or central portion of a parcel.
- b) Is the main building among one or more buildings on a parcel; or,
- c) Constitutes by a reason of its use the primary purpose for which the parcel is used.

Principal use means the primary or main use on a parcel.

Private wastewater means a wastewater system not connected to the Town's wastewater collection system, which therefore stores and/or processes wastewater effluent on site. Appropriate system technologies may include holding tanks, packaged sewage treatment plans, septic tank systems, or any similar technology as approved by the Province of Alberta.

Private water means a water system not connected to the Town's water distribution system, which therefore provides water from an on-site well or cistern.

Q

Qualified professional means a person with experience and training in a pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or subject to the satisfaction of the Development Authority.

R

Rear parcel boundary means the registered boundary or boundaries of a parcel which is or are opposite the front parcel boundary.

Rear yard means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear property boundary of the parcel.

Recreational vehicle (RV) means a vehicle that is designed, constructed, and equipped, either temporarily or permanently, as a temporary accommodation for travel or vacation purposes or a vehicle used for recreational purposes and includes but is not limited to motorhomes, travel trailers, boats, off-highway vehicles and associated trailers.

Retaining wall means a wall constructed for holding in place a mass of earth or the like, such as at the edge of a terrace or excavation.

Road means land:

- a) Shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or
- b) Used as a public road.

and includes a bridge forming part of a public road and any structure incidental to a public road but does not include a highway.

S

Screening means the total or partial visual concealment of a building, equipment, structure or activity by a berm, fence, vegetation or wall.

Sea/land container means a prefabricated metal structure designed for use as an individual shipping container that is used by the landowner as an accessory building/structure.

Setback means a distance additional to minimum yard requirements which may be required on parcels adjacent a road.

Side parcel boundary means the registered boundary or boundaries of a parcel which is or are not considered a front parcel boundary or a rear parcel boundary.

Side yard means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest part of the principal building.

Site means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a single development which may include one or more structures.

Soft sided building means any building that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded.

Solar collector means a device used to collect sunlight that is part of a system that transforms energy from the sun into thermal, chemical, or electrical energy.

Statutory plan means a Municipal Development Plan, Intermunicipal Development Plan, an area structure plan or an area redevelopment plan adopted by a bylaw of the municipality, or any one or more of them.

Street means any category of public road except a lane.

Structural alteration means any change to the roof, foundation or exterior walls of a structure that results in the expansion of the useable floor area of a structure or reduces existing setback distances. For the purposes of this Bylaw, this definition is used in determining whether changes to buildings require a development permit.

Subdivision Authority means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw.

Subdivision and Development Appeal Board means a board established pursuant to provincial legislation and bylaw.

Subdivision and Development Regulation means *Matters Related to Subdivision and Development Regulation (AR 84/2022)*, as amended.

T - V

Telecommunication antenna structures means an antenna and/or supporting structure for the transmission and/or receiving of radio communication, including but not limited to radio and television transmission, two-way radio, land-mobile systems, fixed point microwave and amateur radio systems. Communication towers are governed under federal approvals. This use may also include radio transmitting stations, towers and equipment for emergency vehicles and taxis.

Temporary building means a building constructed offsite without a foundation and placed on a parcel for periods of time generally between six months to a year. An example of this use is an ATCO office trailer used as an office or lunchroom at a construction site but does not mean a mobile home or similar type of dwelling located on a parcel while constructing a detached dwelling thereon.

X

Xeriscaping means a landscaping approach which requires little or no water through the use drought tolerant plantings, mulch, and hard landscaping that does not include concrete or asphalt.

Y

Yard means an area of open space on a parcel which is required to be unoccupied and unobstructed by any structure or a portion of a structure above grade of the graded lot unless otherwise permitted in this Bylaw as shown in Figure 2.1.

Flankage Yard means a yard abutting a road of a corner lot. The flankage yard is determined by the horizontal dimension measured from the side parcel boundary at a right angle to the nearest point of a wall of any building and/or structure on a parcel.

Front Yard means a yard extending across the full width and depth of a parcel from the front parcel boundary to the nearest point on the exterior of any building and/or structure.

Rear Yard means a yard extending across the full width of a parcel from the rear parcel boundary to the nearest point of the exterior any building and/or structure situated on a parcel measured at right angles to the rear property line.

Side Yard means a horizontal dimension measured from the side property boundary at a right angle to the nearest point of a wall of any building and/or structure on a parcel

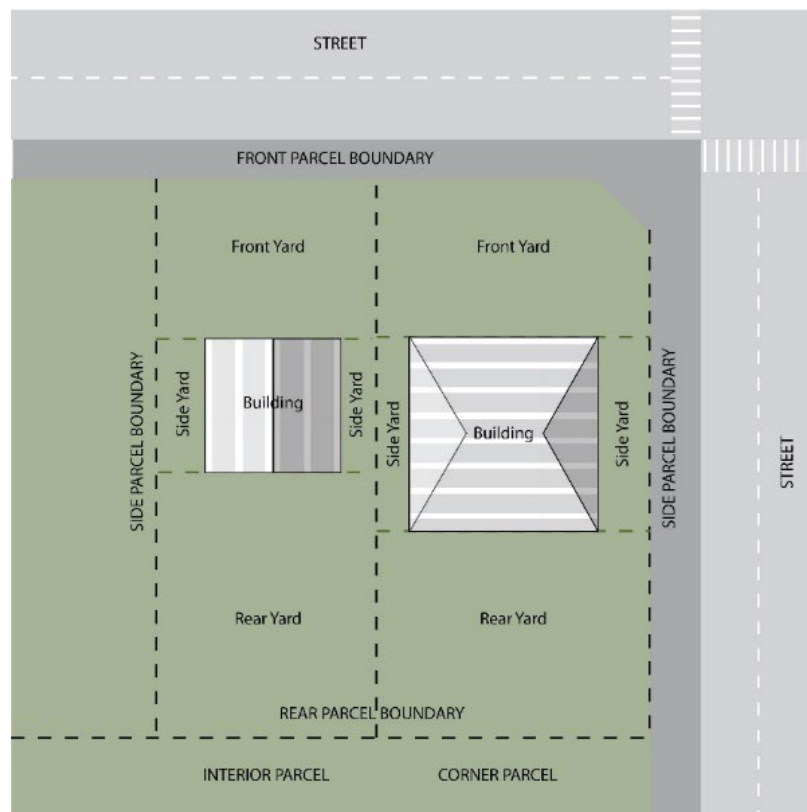


Figure 2.1: Illustration showing locations of yards of a property.

SECTION 3.0 OPERATIONS AND ADMINISTRATIVE PROCEDURES

3.1 APPLICABILITY

These operating and administrative procedures shall apply to all actions related to development, subdivision and bylaw amendment applications as well as development and subdivision authorities.

3.2 DEVELOPMENT OFFICER

- (1) The Development Officer shall be a person or persons designated in writing by the Chief Administrative Officer.
- (2) The Development Officer shall
 - (a) Receive, ensure the completeness and process all applications for development permits and applications to amend this Land Use Bylaw.
 - (b) Review each development permit application to ascertain its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use definition or make application to amend this Bylaw.
 - (c) Keep and maintain for inspection by the public a copy of this Land Use Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge.
 - (d) Keep a register of all applications for development, including the decisions thereon and the reasons; therefore.
 - (e) Issue decisions and if necessary, state terms and conditions for development permit applications for those uses listed as Permitted Uses in the subject land use district.
 - (f) At their discretion, refer to the Municipal Planning Commission for its consideration any development permit application with respect to a Permitted Use.
 - (g) Refer to the Municipal Planning Commission for its consideration any development permit application with respect to a Discretionary Use and such other matters as the Municipal Planning Commission may direct.
 - (h) Issue decisions and if necessary, state terms and conditions for development permit applications for those uses listed as Discretionary Uses in the subject land use district where in the Municipal Planning Commission's opinion the proposed development meets all the standards of the Land Use Bylaw and is compatible with the surrounding uses.

- (i) Provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw.
- (3) For the purposes of subdivision applications, the Development Officer shall:
 - (a) Receive, review, administer and process such applications submitted to the Municipality in accordance with the requirements of the Act, the Mattes Related to Subdivision and Development Regulation, and this Bylaw.
 - (b) Determine the completeness of all subdivision applications in accordance with legislation and regulation.
 - (c) Issue all notifications in respect of all applications in accordance with the legislation and regulation.
 - (d) Refer subdivision applications to the Municipal Planning Commission for review and decision and prepare and present summaries of these applications and recommendations to it.
- (4) The Development Officer has the authority to render a decision on the following matters:
 - (a) Extending the time to determine if a subdivision application is complete under legislation if agreed to by an Applicant.
 - (b) Extending the time to render a decision on a subdivision application under legislation if agreed to by an Applicant.
 - (c) Extending the time for submission of a subdivision plan or other instrument in accordance with the legislation and regulation.
 - (d) Endorsing an approved subdivision plan in accordance with the legislation and regulation.

3.3 ESTABLISHMENT OF FORMS

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

3.4 ESTABLISHMENT OF FEES

- (1) The Development Permit application fee and fees for other matters arising through this Bylaw shall be as established by resolution of Council. Council may at any time by resolution increase, decrease or establish new fees for matters covered by this Bylaw.
- (2) Each application for a development permit shall be accompanied by a non-refundable processing fee.

3.5 MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission shall:
 - (a) Issue decisions and, if necessary, state terms and conditions for development permit applications for those uses listed as Permitted Uses which the Development Officer refers to the Municipal Planning Commission.
 - (b) Issue decisions and if necessary, state terms and conditions for development permit applications for those uses listed as Discretionary Uses which the Development Officer refers to the Municipal Planning Commission.
 - (c) Consider and if necessary, state terms and conditions or provide direction on any other planning or development matter referred to by the Development Officer/Administration.
- (2) The Municipal Planning Commission may:
 - (a) Direct the Development Officer/Administration to review, research or make recommendations on any planning and development matter.
 - (b) Make recommendations to Council on development and/or planning matters.

3.6 DEVELOPMENT PERMIT REQUIRED

Except as provided in Section 3.7 of this Bylaw, no person shall commence a development or allow a development to continue within the Town without first obtaining a development permit.

3.7 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) No development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Bylaw:
 - (a) Works of maintenance, repair or alteration to a building provided that such works do not include structural alterations or change the use or intensity of the use on the site.

- (b) The completion of any development which was lawfully approved or under construction at the date this Bylaw or any amendment thereto came into effect, provided that the development is completed in accordance with the terms of any permit granted by the town, and it is completed within twelve (12) months of this Bylaw coming into effect.
- (c) The use of any such development referred to in subsection (b) for the purpose for which development was commenced.
- (d) The erection, construction or maintenance of gates, fences, walls or any other means of enclosure in a residential district.
- (e) A temporary building, the sole purpose of which is incidental to the carrying out of construction of a development for which a permit may have been issued under this Bylaw. Such building is to be removed within thirty (30) days of substantial completion of the development or as otherwise determined by the Development Officer. Temporary buildings for the purpose of housing homeowners during construction are not permitted in residential districts.
- (f) The stripping or stockpiling of soil, installation of utilities and construction of roads in a subdivision area where a development agreement has been duly executed.
- (g) The installation, maintenance and repair of utilities.
- (h) Any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation.
- (i) Development specified in the *Municipal Government Act*, which includes:
 - (i) A highway or road,
 - (ii) A well or battery within the meaning of the *Oil and Gas Conservation Act*,
 - (iii) A pipeline or an installation or structure incidental to the operation of a pipeline, or
 - (iv) Any other thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings, or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in right of Alberta, or a municipal corporation.
- (j) The construction or placement of an accessory building having a floor area of less than 9.3 m² (100 ft²), not exceeding 2.4 m (8 ft.) in height and meeting all requirements for accessory buildings in this Bylaw on a parcel in a residential district.

- (k) The use of a building or part thereof as a temporary polling station, candidate's campaign offices or any other temporary official use in connection with a federal, provincial or municipal election, referendum or census.
- (l) Statutory and official notices of government authorities.
- (m) The construction, maintenance and repair of private walkways, paths, driveways, parking pads, patios, and unenclosed decks.
- (n) Landscaping which does not include the construction of water features or increases surface run off rates and/or the volume of drainage off the property or changes the grade of the property at any property boundary.
- (o) The placement of manufactured homes in an approved manufactured home park provided a development permit for the manufactured home park has been issued and/or a development agreement duly executed.
- (p) Satellite dishes with a dish diameter equal to or less than 1 meter (3 ft.) in width.
- (q) The construction of retaining walls less than 1 m (3 ft.) in height and where all surface drainage remains on the same property as the retaining walls.
- (r) A sea/land container on a parcel in an industrial district.
- (s) Demolition of a building or structure where a development permit has been issued for a new development on the same site, and the demolition of the existing building or structure is implicit and final site conditions have been addressed in that permit.
- (t) Demolition of a building having a floor area of less than 10.0 m² (108 ft²) and where no excavation remains, and site grading and drainage meets the requirements of this Bylaw.
- (u) Installation of solar collectors attached to a wall or roof surface of a principal or accessory building.
- (v) Mobile Commercial Sales on a temporary basis provided a Town of Innisfail business license has been obtained and is not located within a residential district. Written authorization from the property owner shall be provided to the Town upon request.
- (w) Home occupation – class 1.
- (x) Above ground hot tubs, whirlpools and swimming pools in a residential district.
- (y) Temporary events, such as garage sales, customer appreciation events, or community events,

contained wholly within the property and not exceeding 3 consecutive days.

(z) Natural areas, parks, playgrounds and playfields, and trails

(aa) Electric vehicle charge sites as an accessory use.

(bb) Telecommunication antenna structures regulated through a federal government agency.

3.8 CONTENT OF APPLICATIONS

3.8.1 Development Applications

- (1) An application for a development permit shall be made on the prescribed form, signed by the owner or authorized agent, and submitted to the Development Officer. The following information, where applicable, shall accompany an application in addition to information requirements outlined in this section:
- (a) One scaled site plan showing
 - (i) North arrow.
 - (ii) Scale of plan.
 - (iii) Legal description of property.
 - (iv) Municipal address.
 - (v) Lot lines shown with dimensions.
 - (vi) Location of all existing and proposed buildings dimensioned to property lines.
 - (vii) Utilities, site drainage and existing and proposed site grades.
 - (viii) Location and size of existing trees.
 - (ix) For multi-unit, commercial, industrial, recreational, public and other similar uses
 - Loading and parking provisions.
 - Access locations to and from the site.
 - Garbage and storage areas and the fencing or screening proposed for same.
 - Location and approximate dimensions of all existing and proposed parks, playgrounds and other amenity areas treatment of landscaped areas and all sign locations and designs.
 - (b) Information describing any noxious, toxic, radioactive, flammable or explosive materials proposed for use or storage on site.
 - (c) Plans showing elevations, floor plan and the perspective of the proposed development including a description of the exterior finishing materials and colours.
 - (d) A copy of the Certificate of Title to the land less than thirty (30) days old from the date of filing a development permit application and, if the applicant is not the owner, a statement of

the applicant's interest in the land together with the written consent of the owner to the application.

- (e) If the proposed development is to be serviced by private water and/or wastewater an application shall include engineering plans or a statement of intent respecting the provision of water and/or wastewater services, and a groundwater supply study, conducted by a qualified consultant, and
- (f) Such other plans and information as the Development Officer or the Municipal Planning Commission may consider necessary to properly evaluate the proposed development.

3.8.2 Mechanized Excavation, Stripping and Grading Applications

- (1) In addition to those items shown in 3.8.1(1)(a)(i to viii), the following will be required for this type of application:
 - (a) A grading plan prepared by a Qualified Professional that shows rough and finished lot grading elevations, drainage, fencing, retaining walls and landscaping features include sidewalks, driveways or other information as required by the Development Authority.

3.8.3 Demolition Applications

- (1) An application for a demolition permit shall be made on the prescribed form, signed by the owner or authorized agent, and submitted to the Development Officer for the demolition of one or more buildings having a floor area greater than 9.3 m² (100 ft²), and will take place in advance of obtaining approval for redevelopment of the site or replacement of the buildings. This application shall be processed as permitted use in Land Use Districts.
- (2) In addition to the requirements of **section 3.8.1(1) – Development Applications**, the Development Authority may require an application that involves the demolition of a building to be accompanied by a statement indicating how the demolition will be carried out to avoid or minimize the creation of nuisances to surrounding properties during the demolition process.

3.8.4 Sign Applications

- (1) An application for a sign permit shall be made on the prescribed form, signed by the owner or authorized agent, and submitted to the Development Officer. Further information on signs is provided in **section 5.0 – Sign Regulations**.
- (2) A development permit application for a sign shall include the following information:
 - (a) The location of the sign by elevation drawing or site plan of the property showing distance to front and side property lines, approaches or driveway locations and distances from an

- existing building.
- (b) The overall dimensions of the sign.
- (c) The amount of projection from the face of the building or above the building roof or parapet wall.
- (d) The height of a freestanding sign.
- (e) The amount of projection over public property.
- (f) The height of sign above ground level.
- (g) The manner of illuminating the sign in any form of animated or intermittent lights.

3.8.5 Home Occupation – Class 2 Applications

- (1) An application for a Home occupation – class 2 shall be made by submitting to the Development Officer the prescribed form which shall, among other things, include a detailed description of the amount of materials and equipment proposed to be stored on site, the number of vehicles related to the business, the amount of client contact proposed at the site and hours of operation. Further information on this type of home occupation can be found in **section 4.35.2 – Home Occupations – Class 2**.
- (2) If the applicant is not the registered owner of the property, a letter from the owner is required granting the applicant permission to use the property for the proposed home occupation.

3.8.6 Landscaping Applications

- (1) Where a landscaping plan is required as part of, or as, a development permit application, the following information is required to be included in a plan:
 - (a) The location of existing plant materials to be retained, planting materials to be installed, berms walls, fences, outdoor furniture, lighting, decorative paving, and hard landscaping. The scaled landscape plan shall include the following:
 - i. Plant material list identifying the name, quantity and size of plant material.
 - ii. Location of temporary erosion and sediment control measures that will be utilized until landscaping is successfully vegetated.
 - iii. Minimum number of trees and shrubs, in the required coniferous/deciduous ratio, required to be provided pursuant to the requirements of **section 4.27 - LANDSCAPING**.
 - iv. Total number of trees and shrubs proposed to be provided and the proposed coniferous/deciduous ratio.

3.8.7 Relocation of Buildings Applications

- (1) In addition to the regulations outlined in section 3.8.1(1)(a) (i to viii), the following information requirements

may be required at the time of application:

- (a) A written inspection within thirty (30) days of application, at the applicant's expense, by a Qualified Professional certifying its structural condition as well as any deficiencies relating to the NBC(AE) or other Safety Code disciplines, municipal standards, regulations and bylaws.
- (b) Coloured photographs of all sides and interior of the building.
- (c) A statement of the age, size and general condition of the building.
- (d) An indication of the improvements proposed to the building including preparing elevation drawings of each side of the building and drawings that detail the interior layout, including dimensions.

3.8.8 Land Use Bylaw Amendment Applications

- (1) An application for an amendment to this Bylaw shall be made on the prescribed form, signed by the owner or authorized agent, accompanied by a fee, and submitted to the Development Officer. The following information shall be included in the application:
 - (a) Specify the nature of the requested amendment.
 - (b) Reasons in support of the amendment.
 - (c) If the application is for a change of Land Use District, include the legal description or a drawing showing the location and dimensions of the property to be changed.
 - (d) State the applicant's interest in the lands.
 - (e) Attach a Certificate of Title issued within thirty (30) days prior to the application date.
 - (f) Be accompanied by an application fee, the amount of which shall be determined from time to time by resolution of Council.

3.8.9 Subdivision Applications

- (1) An application for a subdivision shall be made on the prescribed form, signed by the owner or authorized agent, accompanied by a fee, and submitted to the Development Officer or service agency. The following information shall be included in the application:
 - (a) Name of registered owner of land to be subdivided including contact information.

- (b) Name of agent authorized to act on behalf of the registered owner including contact information, if necessary.
- (c) Legal description and area of land to be subdivided.
- (d) Location of land to be subdivided.
- (e) Description of existing and proposed use of land to be subdivided.
- (f) Description of physical characteristics of land to be subdivided.
- (g) Description of existing buildings and structures on the land and whether they are to be demolished or moved.
- (h) Description of the manner of providing water and sewer disposal when the subdivision is not serviced with municipal water and wastewater systems.
- (i) Current copy of Certificate of Title issued within thirty (30) days prior to the application date for each parcel affected in the application, including copies of any rights-of-way, restrictive covenants, easements, etc. that are registered on the title.
- (j) Copy of a proposed plan drawn at a scale of not less than 1:2000. If the drawing is unclear or otherwise unsuitable for circulation and review, the application will be returned as incomplete. The drawing should show the information required under the prescribed form.

3.9 REVIEW OF APPLICATIONS

- (1) Upon receipt of a development or subdivision application, the Development Officer shall determine whether an application is complete within twenty (20) days. An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20-day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.
- (2) If the Development Officer deems a development permit or subdivision application to be complete, the Development Officer shall issue a letter to the applicant indicating:
 - (a) The date the application was received and deemed complete.
 - (b) Confirmation the Development Authority or Subdivision Authority will begin processing the application.

- (c) The date forty (40) days to process a development application expires.
 - (d) The sixty (60) days to process a subdivision application expires.
- (3) If the Development Officer determines any development permit or subdivision application is incomplete, the Development Officer shall issue a letter to the applicant, indicating the following:
 - (a) The application is considered incomplete;
 - (b) A detailed list of the outstanding documents and/or information required by the Development Officer for the application to be considered complete;
 - (c) The return date for when the required outstanding documents and/or information must be submitted to the Development Officer, as either set out in the letter, or as agreed upon between the applicant and Development Officer, prior to the expiry date of the twenty (20) day review period.
- (4) If the Development Officer determines that the information and documents required as a result of 3.09(3) are complete, the Development Officer must issue a letter to the applicant indicating:
 - (a) The application is complete;
 - (b) Confirmation the Development Authority or Subdivision Authority will begin processing the application.
 - (c) The date when the forty (40) days to process a development application expires, or
 - (d) The date when the sixty (60) days to process a subdivision application expires.
- (5) If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete a development or subdivision application on or before the date referred to in the letter issued to the applicant in 3.09(3), the application is deemed to be refused.
- (6) If the development or subdivision application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within seven (7) days of the expiry date.
- (7) Despite the fact that the Development Officer has issued a letter acknowledging a development or subdivision application as complete, while reviewing an application, the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.

- (8) If the Development Officer does not decide on a development or subdivision application's completeness within twenty (20) days of receiving an application, or within an alternative timeline agreed upon between the applicant and Development Officer, the application is deemed to be complete.

3.10 WAIVER OF INFORMATION REQUIREMENTS

The Development Officer may deal with an application for a Permitted Use and decide thereon without all the information required under **section 3.8.1(1) – Development Applications** if, in their opinion, a decision can be properly made without such information. Complete information shall be provided for all applications to be reviewed by the Municipal Planning Commission or Council.

3.11 DEVELOPMENT AND SUBDIVISION REFERRALS

- (1) The Development Authority or Subdivision Authority may refer to Red Deer County for input any matter or any application for a development permit or subdivision application that may influence lands within the County.
- (2) The Development Authority or the Subdivision Authority may refer any application to any other agency or department for comment.

3.12 DEVELOPMENT SECURITIES

- (1) The Development Authority may require an applicant to provide security to ensure compliance with this Bylaw, a development permit, an agreement under this clause, a subdivision approval, and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title of the parcel.

3.13 DEVELOPMENT PERMIT DECISIONS AND CONDITIONS

3.13.1 Permitted Uses

- (1) The Development Officer or the Municipal Planning Commission shall approve an application for a development permit for Permitted Uses if the application conforms to the requirements of this Bylaw, the *Act* and Regulation and statutory plans, and may attach conditions to the permit necessary to ensure any of the following:
 - (a) Arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant.
 - (b) Arrangements satisfactory to the Development Authority for vehicular and pedestrian access

from public roads, sidewalks and trails, on-site vehicle and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant.

- (c) That the applicant enters into a development agreement or an interim agreement, which shall form part of such a development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all the following:
 - (i) To construct or pay for the construction of a road required to give access to the development.
 - (ii) To construct, or pay for the construction of:
 - (a) a pedestrian walkway system to serve the development, or
 - (b) 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.
 - (iii) To install, or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development.
 - (iv) To construct or pay for the construction of:
 - (a) off-street or other parking facilities; and
 - (b) loading and unloading facilities.
 - (v) To pay to the Town the costs paid by the Town to its Engineers, Planners, or any other person for the preparation or review of site development plans, review of construction drawings, materials testing, inspections, monitoring of construction, and any other engineering, planning and legal costs and expenses which the Town incurs in connection with the preparation, administration and enforcement of the development agreement.
- (d) That the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the *Act*.
- (e) That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the parcel.
- (f) That the applicant provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.
- (g) That the applicant provides and causes to be registered on the applicable title(s) any easements, right-of-way agreements, encroachment agreements or restrictive covenants as well as any other condition(s) imposed by the Development Authority to uphold this Bylaw

which in the opinion of the Development Authority are required.

- (2) If an application for a development permit for permitted uses does not conform to the requirements of this Bylaw, the *Act* and Regulation and statutory plans, the Development Authority:
 - (a) May refuse the application giving reasons for the refusal; or
 - (b) May approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of this Bylaw, the *Act* and Regulation and statutory plans; or,
 - (c) May approve the application pursuant to **section 3.14 – VARIANCES** and subject to conditions listed in subsection (1).

3.13.2 Discretionary Uses

- (1) The Municipal Planning Commission, in its discretion, may approve a development permit application for a discretionary use subject to:
 - (a) The conditions listed under the Permitted Uses section above; and
 - (b) Any conditions that the Municipal Planning Commission may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
 - (i) Limiting the time of operations including hours of the day, days of the week, and parts of the year.
 - (ii) Limiting the number of patrons.
 - (iii) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development.
 - (iv) Regarding the location, character and appearance of buildings.
 - (v) Regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site.
 - (vi) Establishing the period during which a development may continue.
- (2) The Municipal Planning Commission, in its discretion, may refuse a development permit application for discretionary uses giving reasons for its refusal.

3.14 VARIANCES

- (1) The Development Authority may approve, with or without conditions, an application for development that does not comply with this Bylaw if, in its opinion:

- (a) The proposed development 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 development conforms with the use prescribed for that land or building in this Bylaw.
- (2) In approving an application for development pursuant to subsection (1) the Development Authority shall adhere to the following:
 - (a) Except as otherwise provided in this Bylaw, there shall be no variance in maximum density regulations.
 - (b) Where a standard or regulation is listed as "as determined by the Development Authority" no additional variance from the determination made by the Development Authority shall be allowed.
 - (c) Except as otherwise provided in this Bylaw, where the decision on an application is being made by the Development Officer, a variance may be granted for
 - (i) Minimum yards or setbacks.
 - (ii) Maximum building height.
 - (iii) Maximum accessory residential building size, and
 - (iv) Maximum projection into a minimum required yard.

provided that the variance results in a development having no less than ninety percent (90%) of any minimum regulation and no more than one hundred and ten percent (110%) of any maximum regulation.
- (3) In the event that a variance is granted, the Development Authority shall specify the nature of the approved variance in the development permit approval.

3.15 NOTIFICATION OF DECISION

3.15.1 Development

- (1) When a decision is made by the Development Authority on a development permit application, the Development Officer shall on the same day that it is produced in writing:
 - (a) Provide written notice of the decision to the applicant sent by either regular mail or electronic means; and

- (b) Arrange for notice to be published on the Town's website stating the legal description, civic address, the nature of the development, and the provisions for appeal for the following:
 - (i) Permitted Uses where no regulations have been varied.
 - (ii) Discretionary uses, with or without variances.
 - (c) In addition to (b) above, arrange for notice of the decision to be published in a newspaper circulating in the Town stating the civic address and the nature of the development for the following:
 - (i) Permitted Uses where regulations have been varied.
 - (ii) Discretionary uses, with or without variances.
- (3) When the Development Authority refuses an application for a development permit, notice of the decision shall contain the reasons for the refusal.
- (4) Where this Bylaw requires a document to be sent to a person, the document may be sent by electronic means if:
 - (a) the recipient has consented to receiving documents by electronic means and has provided an email address, website or other electronic address for that purpose, and
 - (b) it is possible to make a copy of the document from the electronic transmission.

3.15.2 Subdivision

- (1) A decision of the Subdivision Authority must be given in writing to the applicant and to the government departments, persons and local authorities to which the Subdivision Authority is required by the subdivision and development regulations to give a copy of the application.
- (2) A decision of the Subdivision Authority must state:
 - (a) Whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal, and
 - (b) If an application for subdivision approval is refused, the reasons for the refusal.
- (3) If an application for subdivision approval is refused, the Subdivision Authority may refuse to accept for consideration, with respect to the same land or part of the same land, a future application for subdivision approval submitted to it within the six (6) month period after the date of the Subdivision Authority's decision to refuse the application.
- (4) Subsection 3.15.2(3) does not apply in the case of an application that was deemed to be refused because the applicant did not submit all the outstanding information and documents on or before the date the Development Officer requested it be submitted.

3.16 EFFECTIVE DATE OF A DEVELOPMENT PERMIT

- (1) A development permit shall not become effective until twenty-one (21) days after the notice of decision has been provided pursuant to **section 3.15 – NOTIFICATION OF DECISION**. Any development proceeded with by the applicant prior to the expiry of this period is done solely at their risk.
- (2) Where an appeal is made pursuant to the *Act*, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

3.17 EXPIRY AND VALIDITY OF A DEVELOPMENT PERMIT

- (1) A development permit shall cease to be valid twelve (12) months after the date on which the permit became effective in accordance with **section 3.16 – EFFECTIVE DATE OF PERMIT** unless, prior to the expiry of the twelve (12) months, the applicant has commenced development, or the Development Authority has granted an extension of time in writing.
- (2) The applicant may apply in writing to the Development Officer for an extension of the time to commence their development. The Development Officer may only grant one extension for up to a maximum of twelve (12) additional months.
- (3) Once work on an approved development has commenced, the development permit remains valid for twenty-four (24) months after the date on which the permit became effective in accordance with **section 3.16 – EFFECTIVE DATE OF PERMIT** unless, prior to the expiry of the twenty-four (24) months, the development has been substantially completed to the satisfaction of the Development Officer or the Development Officer has granted an extension of time in writing.
- (4) Once a development is substantially completed to the satisfaction of the Development Officer, the development permit runs with the land.
- (5) In determining whether a development is substantially completed under this section, the Development Authority shall consider the following:
 - (a) Construction of all buildings described in the development permit and the presence of sufficient exterior cladding on each building to create the appearance in the approved building elevations.
 - (b) Completion of finished site grading and landscaping so that no water ponding, water run-off or dust creation issues are likely.
 - (c) Installation of all required paving and hard surfacing shown in the development permit; and
 - (d) Whether any outstanding details are minor finishing items that would be like the routine maintenance of any existing developed property.

- (6) A development permit issued according to this Bylaw is not a building permit and notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a building permit has been issued pursuant to applicable bylaws and regulations.

3.18 MODIFICATION, SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

- (1) The Development Authority may modify, cancel, suspend or revoke a development permit if:
 - (a) There is a contravention of any condition under which each permit was issued.
 - (b) The permit was issued in error.
 - (c) The permit was issued based on incorrect information or misrepresentation.
 - (d) The original application is revised after issuance of a development permit.

3.19 RE-APPLICATION FOR A DEVELOPMENT PERMIT

- (1) Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same parcel until six (6) months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

3.20 APPEALS

3.20.1 Development

- (1) An application for a development permit shall be deemed refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the forty (40) day period.
- (2) Where the applicant has entered into an agreement with the Development Officer to extend the forty (40) day period described in subsection (1), an application for a development permit shall be deemed refused when a decision thereon is not made by the Development Authority by the end of the agreed upon extension period, and an applicant may appeal in writing, as provided for in this Bylaw.
- (3) Where the Development Authority

- (a) fails to issue a development permit to a person, or
- (b) refuses an application for a development permit, or
- (c) issues a development permit subject to conditions, or
- (d) issues an order under the *Act*,

the person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the *Act*.

- (4) A person applying for a development permit or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Clerk of the Subdivision and Development Appeal Board within the following time periods:
 - (a) In the case of an appeal by an applicant for a development permit, within twenty-one (21) consecutive days of the date of the written decision on the application or the date of the deemed refusal.
 - (b) In the case of an appeal by a person affected by a stop order or a decision made by the Development Authority, within twenty-one (21) consecutive days of the date on which the order or decision was made.
 - (c) In the case of an appeal by a person affected by a development permit issued by the Development Authority, within twenty-one (21) consecutive days of the date on which notice of the issuance of the development permit was given.

The written notice of appeal must contain reasons for the appeal.

- (5) Despite subsection (3), 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

3.20.2 Subdivision

- (1) An application for subdivision shall be deemed refused when a decision thereon is not made by the Subdivision Authority within sixty (60) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the sixty (60) day period.
- (2) Where the applicant has entered into an agreement with the Development Officer to extend the sixty (60) day period described in subsection 3.20.2(1), an application for subdivision shall be deemed refused when a decision thereon is not made by the Subdivision Authority by the end of the agreed upon extension

period, and an applicant may appeal in writing, as provided for in this Bylaw..

(3) Where the Subdivision Authority

- (a) fails to issue a subdivision decision, or
- (b) refuses a subdivision application, or
- (c) issues a subdivision decision subject to conditions,

the person applying for the subdivision affected by a decision may appeal by filing a notice of appeal within fourteen (14) days after receipt of the written decision of the Subdivision Authority or deemed refusal by the Subdivision Authority in accordance with the Act.

(4) For the purpose of subsection 3.20.2(3), the date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed or electronically sent to the applicant.

(5) A notice of appeal under this section must contain:

- (a) The legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) The reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(6) If the applicant files a notice of appeal within fourteen (14) days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

3.21 CONTRAVENTION AND ENFORCEMENT

(1) The provisions of this Bylaw may be enforced by way of a stop order; injunction or such other relief as may be available under the *Act*, including the following:

- (a) Where the Development Authority finds that a development or use of land or building is not in accordance with Part 17 of the *Act*, this Bylaw, and the *Matters Related to Subdivision and Development Regulation* (AR 84/2022), a development permit or subdivision approval, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

- (i) Stop the development or use of the land or building in whole or in part as directed by the notice, or
- (ii) Demolish, remove or replace the development, or
- (iii) Carry out any other actions required by the notice so that the development or use of the land or building complies with Part 17 of the *Act*, the Subdivision and Development Regulation, this Bylaw, a development permit or subdivision approval,

within the time set out in the notice.

- (b) Any person who receives an order under subsection (a) may appeal to the Subdivision and Development Appeal Board pursuant to this Bylaw.
- (c) The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (a) against the certificate of title for the land that is the subject of the order. A caveat registered under this subsection must be discharged once the order has been complied with.
- (d) Where a person fails or refuses to comply with an order directed to them under subsection (a) above, or an order of the Subdivision and Development Appeal Board under the *Act* within the time specified, the Town may seek a Court order for any or all of the following:
 - (i) A declaration that the person who received an order is in breach of this Bylaw, an order issued under this Bylaw and/or the Subdivision and Development Appeal Board's decision relating to an appeal of an order.
 - (ii) An injunction ordering the person who received an order referred to in subsection (a) to comply with this Bylaw within a certain period.
 - (iii) An order providing that, if compliance has not been achieved within the period stated in the Court order, that the Town or persons appointed by it has the right to enter upon the land and building and take steps necessary to achieve compliance with this Bylaw.
 - (iv) An order that legal costs and the costs to achieve compliance incurred by the municipality can be added to the tax roll for the land that is the subject of the court order.
 - (v) A provision that the court order may be registered against the certificate of title for the land that is the subject of the Court order and discharged only on full compliance with the court order.

- (e) Where a person fails or refuses to comply with an order directed to them under subsection (a) or an order of the Subdivision and Development Appeal Board under the *Act* within the time specified, the Council or persons appointed by it may, in accordance with the *Act*, enter upon the land or building and take such action as is necessary to carry it out.
 - (f) Where the Council or person(s) appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is the subject of the order.
- (2) An Enforcement Officer may inspect premises in accordance with the provisions of the *Act* where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
 - (a) Complaints from the public that the premises are being used contrary to this Bylaw.
 - (b) The observations of an Enforcement Officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this bylaw.
- (3) The provisions and regulations of the *Provincial Offences Procedures Act*, as amended, may apply to the provisions and enforcement of this Bylaw. The Chief Administrative Officer or designate is hereby authorized to enforce this Bylaw.

3.22 OFFENCES AND PENALTIES

General

- (1) A person who contravenes or does not comply with a provision of Division 5 of Part 13, or Part 17 of the *Act*, or this Bylaw, or who obstructs or hinders any person in the exercise or performance of their powers under Part 17 or regulations under Part 17 of the *Act*, is guilty of an offence.
- (2) A person who is guilty of an offence referred to in subsection (1) is liable upon summary conviction to the specified penalty set out in Schedule C, or in the case of an offence for which there is no specified penalty, to a fine of not less than two-hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000.00) or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) Where an Enforcement Officer reasonably believes that a person has contravened any provision of this Bylaw, the Enforcement Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the *Provincial Offences Procedures Act*, allowing payment of the specified penalty for the particular offence as provided in Schedule C of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

- (4) Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within twelve (12) months after the date of occurrence of the first offence under that section of this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in the columns under each offence in Schedule C.
- (5) This section shall not prevent any Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information in lieu of issuing a violation ticket.
- (6) Where a person is found guilty of an offence under this Bylaw, the Court may in addition to any other penalty imposed, order the person to comply with this Bylaw, or a development permit or condition attached thereto.
- (7) Development Permit applications submitted after site preparation or construction has commenced may be subject to the increased fee provisions described in the fee schedule adopted by Council resolution in accordance with this Bylaw.

3.23 AMENDING THIS BYLAW

- (1) The Council may, on its initiative, amend this Bylaw or a person may request it to be amended by applying to the Development Officer on the prescribed form.
- (2) If the amendment is for a redesignation of land, the Town may require:
 - (a) An outline plan for the area to be redesignated to the level of detail specified by the Town;
 - And
 - (b) Payment of a fee equal to the costs incurred by the town to review the proposed redesignation and related outline plan, or if necessary, to prepare an outline plan.
- (3) Upon receipt of an application for amendment to this Bylaw, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed because of the proposed amendment. The analysis shall be based on the full development potential of the proposed amendment and not on the merits of any development proposal. The analysis shall, among other things, consider the following impact criteria:
 - (a) Relationship to and compliance with approved statutory plans and Council policies.
 - (b) Relationship to and compliance with statutory plans and/or outline plans in preparation.
 - (c) Compatibility with surrounding development in terms of land use function and scale of development.
 - (d) Vehicular and active transportation networks.

- (e) Relationship to, or impacts on, services such as water, sanitary and storm sewer systems, and other public utilities and facilities such as recreation facilities and schools.
 - (f) Relationship to municipal land, right-of-way or easement requirements.
 - (g) Effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area.
 - (h) Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant.
 - (i) Relationship to the documented concerns and opinions of area residents regarding development implications.
 - (j) Comments received from area residents based on planning and development concerns of the proposed amendment.
 - (k) Referral comments received by the Development Authority from any municipal department, Red Deer County, government agency, or other external agency; and,
 - (l) Any other land use planning issues and information the Development Authority considers relevant to the application.
- (4) Upon receipt of a complete application, including payment of a fee, for an amendment to this Bylaw, the town shall determine when the application will be placed before the Council and shall issue not less than seven (7) days' notice to the applicant advising them of first reading of a bylaw. A complete application including payment of a fee for an amendment must be placed before Council within sixty (60) days of its receipt by the town.
- (5) Following first reading of an amending bylaw, the Council shall
- (a) Establish the date, time and place for a public hearing on the proposed bylaw.
 - (b) If a bylaw to establish procedures for public hearings has not been passed,
 - (i) outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and
 - (ii) outline the procedure by which the public hearing will be conducted.
- (6) Following first reading of an amending bylaw, notice of the public hearing must be given by:
- (a) Publishing a notice at least once a week for two (2) consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates.
Or
 - (b) Arranging for notice to appear in one or more alternative means of advertising in accordance with a bylaw made pursuant to the *Act*; and
 - (c) If the amending bylaw proposes changing the district designation of a parcel of land, mailing or delivering notice to every owner of land adjacent the parcel or parcels to which

the proposed bylaw relates.

- (7) A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- (8) A notice must contain:
 - (a) A statement of the general purpose of the proposed bylaw and public hearing.
 - (b) The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected.
 - (c) The date, place and time where the public hearing will be held.
 - (d) Information on how residents may access a public hearing electronically to provide input.
- (9) In the case of an amendment to change the district designation of a parcel of land, the town must, in addition to the requirements of subsections (6) through (9),
 - (a) Include in the notice
 - (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land,
 - (b) Give written notice containing the information described in clause (a) and subsection (6) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
 - (c) Give written notice containing the information described in clause (a) and subsection (6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- (10) If the land referred to in subsection (9)(c) is contiguous to the Red Deer County boundary, a written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Red Deer County.
- (11) All proposed amendments to this Bylaw that are referred to Red Deer County must allow the County no less than thirty (30) calendar days from the referral letter date to comment.
- (12) Notwithstanding subsections (6), (7) and (8), this Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, and grammatical or typographical errors and does not materially affect this Bylaw in principle or substance.
- (13) In the public hearing, the Council

- (a) Must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and
 - (b) May hear any other person who wishes to make representations and whom the Council agrees to hear, and
 - (c) Shall read or circulate to all those in attendance, any written representations received from any person, or group of persons, who have complied with the procedures outlined by Council and who are not in attendance at the hearing.
- (14) After considering the representations made to it about the proposed bylaw at the public hearing and after considering the Town's statutory plans any other matter it considers appropriate, the Council may:
 - (a) Refer it for further information or comment.
 - (b) Pass the bylaw.
 - (c) Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (d) Defeat the bylaw.
- (15) Prior to third reading, the Council may require the applicant to apply for a development permit or subdivision and negotiate a development agreement in respect of the proposal which initiated the amending bylaw.
- (16) After third reading of the amending bylaw, the town shall send a copy of it to:
 - (a) The applicant,
 - (b) The registered owner of the land, if not the applicant,
 - (c) Red Deer County, if applicable.
- (17) The town shall not accept an application for an amendment which is identical or similar to an application which was refused by the Council, for a period of six (6) months after the date of the refusal unless, in the opinion of the Town, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

SECTION 4.0 GENERAL LAND USE REGULATIONS

4.1 APPLICABILITY

These General Land Use Regulations shall apply to all development unless otherwise exempted within this section or the applicable District Regulations. Where these regulations may conflict with any District Regulations, the more stringent regulation shall take precedence.

4.2 MULTIPLE USES

When any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied. Where there are conflicts the more stringent standards shall prevail.

BUILDINGS AND STRUCTURES

4.3 ACCESSORY BUILDINGS

4.3.1 All Districts

- (1) Notwithstanding **section 4.1 - APPLICABILITY**, setback requirements for accessory buildings shall comply with the regulations of this section where conflict exists between this section and any District Regulations.
- (2) For calculating yard setbacks as provided in this Bylaw, an accessory building, if connected to the principal building by a structural element including but not limited to a common foundation, roof or wall, shall be deemed to be part of the principal building.
- (3) No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorized by the Development Authority.
- (4) An accessory building shall not be used for human habitation except where a secondary suite has been approved.

4.3.2 Residential Districts

- (1) No accessory building or any portion thereof shall be erected or placed in the front yard of a parcel.
- (2) Subject to **section 4.24 – VEHICLE ACCESS** an accessory building shall be situated so that the exterior wall is at least 1 m (3 ft.) from the side and rear parcel boundaries.
- (3) Notwithstanding subsections (1) and (2), an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two parcels.

- (4) When a parcel abuts a lane less than 6 m (20 ft.) in width, the Development Authority may require a rear yard setback for accessory buildings to be greater than the prescribed minimum.
- (6) An accessory building shall not be more than 4.5 m (15 ft.) in height and shall not exceed the height of the principal building.
- (7) Accessory buildings shall not individually exceed 68 m² (728 square feet).
- (8) An accessory building shall be located a minimum of 2.5 m (8 ft.) from the principal building unless a 1.5 m (5 ft.) side yard for the accessory building is provided.
- (9) No roof top deck shall be constructed on an accessory building unless otherwise approved by the Development Authority as a discretionary use.
- (10) The finishing of accessory buildings should match or complement the principal building's appearance to ensure compatibility.
- (11) Where vehicle access to a building is from a lane, a minimum setback of 2m (7 ft) shall be required.

4.3.3 Non-Residential Districts

- (1) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority.
- (2) Subject to **section 4.24 – VEHICLE ACCESS** an accessory building on an interior parcel shall be situated so that the exterior wall is at least 1 m (3 ft.) from the side and rear boundaries of the parcel.
- (3) Subject to **section 4.24 – VEHICLE ACCESS** an accessory building on a corner parcel shall not be situated closer to the street than the principal building.
- (4) Accessory buildings shall have consistent architectural features, design, exterior cladding colours and materials as the principal building's appearance to ensure compatibility with it.
- (5) For all soft sided buildings visible from a highway and/or major road, the Development Authority shall also consider the building's appearance, orientation, and design and may add a condition(s) to ensure its appearance is satisfactory to the Development Authority.

4.4 AMENITY AREA

- (1) An Amenity area shall be a minimum of 3.5 m² (37.67 ft²) per dwelling unit for apartments and multiple housing developments.
- (2) An Amenity area shall consist of both common and private spaces for Apartment, Mixed-use development and Multiple housing development:

- (a) A Common amenity area shall:
 - i. Consist of a minimum of one (1) contiguous area.
 - ii. Contain seating and may contain other amenities such as play structures, gazebos, barbeques, swimming pools or basketball or tennis courts; and
 - iii. If located outside, shall be provided in a general landscape area in accordance with **section 4.27 - LANDSCAPING**.
 - (b) A Private amenity area shall be a minimum of 1.5 m² (16.15 ft²) per dwelling unit for Apartment and Multiple housing development.
 - (c) An Amenity area provided at ground level within 4.0 m (13.12 ft) of a road, lane, on-site parking area or adjacent parcel shall be screened to the satisfaction of the Development Authority. When considering the amount and type of screening required, the Development Authority shall consider the type of amenity provide (e.g., play area), and any safety issues an adverse effect arising from the amenity and its location.
- (3) An Amenity area shall include an outdoor open space that provides an area for unstructured passive or active recreation to the satisfaction of the Development Authority and includes two (2) or more of the following:
- Playground equipment
 - Benches, picnic tables, or other form of seating
 - Gazebo or other shelter
 - Patio
 - Courtyards
 - Gardens
 - Swimming pool(s)
- Other recreational amenity uses that would satisfy the needs of the residents for the Development
- Common amenity area shall be designed for recreational use and enjoyment of all residents of the development.
- (4) For dwelling groups having ten (10) or more dwelling units, a minimum of ten percent (10%) of the site shall be provided for a common amenity area.
 - (5) Within the RESIDENTIAL MULTI-UNIT DISTRICT (R-3) all multiple housing developments incorporating row housing, fourplexes or duplexes, shall ensure that each dwelling unit has a minimum outdoor living space, the length of which is 7.5 m (25 ft) measured from the exterior wall of the dwelling unit and extending across the width of the dwelling unit. The outdoor living space shall not be used for motor vehicle parking.

4.5 BUILDING ORIENTATION AND DESIGN

4.5.1 General Considerations

- (1) The design, character and appearance of any single detached or multi-unit dwelling must be acceptable to the Development Authority having due regard to:
 - (a) Amenities such as daylight, sunlight and privacy.
 - (b) Compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing.
 - (c) Its effect on adjacent parcels.
- (2) The Development Authority reserves the right to refuse permission for the erection of any detached, multi-unit dwelling or manufactured home where in its opinion, the design or appearance of the detached, multi-unit dwelling or manufactured home will adversely affect the character or amenities of the surrounding neighbourhood or adjacent parcels.
- (3) For Mixed-use development, the following shall apply:
 - (a) Where commercial and residential use is proposed on the same parcel, excepting a home occupation, the development/use must be treated as a Mixed-use development and be considered a discretionary use.
 - (b) On sites developed for a Mixed-use development, the façade of the buildings, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.
 - (c) Dwelling units within a Mixed-use development shall:
 - i. Have an entrance that is separate and distinct from the entrance of any non-residential component of the building.
 - ii. Not be located on the same floor as a non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.
 - iii. The dwelling unit must not be located on the same floor as a non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.
 - (d) All outside loading, unloading, and parking spaces shall be located at the side or rear of a building where possible and be visually screened from view from any adjacent streets or adjacent residential uses to the satisfaction of the Development Authority.

4.5.2 Residential Development

- (1) On sites developed for Apartment and other Multiple housing development, the façade of the buildings, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.
- (2) Infill development should be in keeping with the scale and character of the surrounding area, having regard to the provisions of the prescribed District.
- (3) Exposed foundations on residential dwellings should be kept to a minimum and must be fully parged.
- (4) A diverse array of finishing materials is encouraged within a neighbourhood. While there will be no restrictions on the type of siding material used, the Development Authority reserves the right to require changes to ensure variety between adjacent homes and as it is deemed in the best interest of the subdivision.
- (5) Within the **RESIDENTIAL SINGLE DETACHED DWELLING DISTRICTS (R-1B and R-1C)** a variety of materials are encouraged to be used on the street. Generally, there will be no restrictions on the type of siding material used: however, the Development Authority reserves the right to require changes to ensure variety between adjacent homes and as it is deemed in the best interest of the subdivision.
- (6) Within the **RESIDENTIAL SINGLE DETACHED DWELLING DISTRICTS (R-1B and R-1C)**, houses with similar floor plans and exterior elevations shall be separated from each other by three (3) houses, unless the house style, roof pitch, and exterior materials and treatment are substantially different.

4.5.3 Commercial Development

- (1) Mechanical equipment shall be screened from view. Screening shall be compatible with the theme and character of the site.
- (2) For yards within commercial districts that abut a residential district, the following apply:
 - (a) No open storage or outdoor display shall be permitted in the abutting yard(s).
 - (b) No parking space shall be allowed in such yard(s) within 6 m (20 ft) of a lot line.
 - (c) No outdoor eating or drinking area shall be located within 15.2 m (50 ft) of an adjacent residential district.
 - (d) Adequate screening or buffering shall be provided to the satisfaction of the Development Authority.
- (3) Garbage shall be stored in garbage containers constructed and located in accordance with the applicable Town bylaws. Within the **HIGHWAY COMMERCIAL DISTRICT (HWY-C)** and the **LOCAL COMMERCIAL DISTRICT (LC)** these containers shall be screened from public thoroughfares and

adjacent properties to the satisfaction of the Development Authority.

- (4) Where a dwelling unit occurs within a Mixed-use development in a commercial district, regulations from **section 4.5.1 (3)** apply.
- (8) Rooflines and facades of large buildings where a single wall exceeds 30m (99 ft) shall be designed to reduce the perceived mass by the inclusion of design elements such as arches, columns or gables with exterior finish materials comprised of predominantly muted colours.

4.5.4 Industrial Development

- (1) The extensions to existing buildings, where these abut a street, shall be constructed with compatible materials within industrial districts as well as being to the satisfaction of the Development Authority.
- (2) Yards where development is to occur that abut a non-industrial district shall ensure the abutting yard shall be a minimum of 6 m (20 ft) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft) in height and providing sufficient visual screening shall be provided where development is to occur
- (3) The Development Authority shall ensure that development within industrial districts is compatible with existing development and the long-term vision of the municipal development plan. To achieve this, the Development Authority may require additional conditions to ensure development within a district is sensitive to the scale, form and character of the neighbourhood, with special consideration given for the transition to existing adjacent dwellings or buildings.

4.5.5 Demolition of Buildings

- (1) Whenever a development permit is issued that involves the demolition of a building, it shall be a condition that:
 - (a) The site is properly cleaned, with all debris removed.
 - (b) The site is left in a graded condition that removes or fills in excavation and is, in accordance with the site drainage requirements of this bylaw; and,
 - (c) The applicant arranges for the safe disconnection of all municipal and private utilities serving the building to be demolished prior to demolition commencing.

4.5.6 Crime Prevention Through Environmental Design (CPTED)

- (1) The Development Authority shall give consideration when reviewing building orientation and design to Crime Prevention Through Environmental Design (CPTED) principles for residential and non-residential development.

4.6 MANUFACTURED HOMES

- (1) In RESIDENTIAL SINGLE DETACHED DWELLING DISTRICTS (R-1B and R-1C), the RESIDENTIAL NARROW LOT DISTRICT (R-1N), the RESIDENTIAL MEDIUM DENSITY DISTRICT (R-2), and the RESIDENTIAL TRANSITION DISTRICT (RT), the external appearance of a manufactured home shall be acceptable to the Development Authority having regard to compatibility with other dwellings on adjacent parcels.
- (a) A minimum roof pitch of 4:12 (rise:run).
 - (b) A roof surface of wood or asphalt shingles, clay or concrete tiles, slate or wood shakes or metal roofing.
 - (c) A minimum roof overhang or eaves of 0.40 m (1 ft.) from each external wall surface.
 - (d) A permanent foundation consisting of a basement, crawl space or slab on grade.
 - (e) Maximum length to width ratio of 2.5:1.
 - (f) Minimum width of 6.09 m (20 ft.) measured from external wall surface to external wall surface.
 - (g) Be of new construction, less than five (5) years from the date of a development permit application, such that it is being transported directly from the factory or sales dealership to the residential site.
 - (h) The Development Authority reserves the right to refuse permission for the erection of a manufactured home where in its opinion, its design or appearance will adversely affect the character or amenities of the surrounding neighbourhood or adjacent parcels.
 - (i) All manufactured homes shall have CSA (Canadian Standards Association) certification. If a particular manufactured home has been damaged or structurally altered, the manufacture home must be certified as safe by a Qualified Professional or the Town's Building Inspector.
 - (j) It shall be the responsibility of the owner to place a manufactured home on a secure foundation or base in accordance with the requirements of the NBC(AE).
 - (k) All accessory structures, such as patios, porches, additions and storage facilities shall be designed and constructed to match the exterior appearance of the manufactured home on the same parcel.

4.7 NON-CONFORMING USES AND BUILDINGS

- (1) A non-conforming use of land or 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 with this Bylaw or the one in effect at the time of a development permit application.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (3) A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (a) To make it a conforming building.
 - (b) For routine maintenance of the building, if the Development Authority considers it necessary.
 - (c) In accordance with the provisions of **section 3.14 - VARIANCES**.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than seventy five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except as provided for in this Bylaw.
- (6) If a Duplex within the **RESIDENTIAL SINGLE DETACHED DISTRICT (R-1A)**, a Detached dwelling within the **RESIDENTIAL MULTI-UNIT DISTRICT (R-3)**, an Apartment within the **RESIDENTIAL TRANSITION DISTRICT (RT)** existing when this Bylaw was approved is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value above the foundation occurs, it may be replaced subject to the following requirements:
 - (a) A Development Permit is approved by the Development Authority for its replacement on the originally approved foundation as a discretionary use pursuant to **section 3.13.2 – DEVELOPMENT PERMIT DECISIONS AND CONDITIONS**, Discretionary Uses sub-section, clauses (1)(a) and (b) or as otherwise varied pursuant to **section 3.14 VARIANCES** sub-sections (1), (2) and (3) of this Bylaw.
 - (b) The replacement Duplex, Detached dwelling or Apartment, respectively, shall be compatible with existing uses on or adjacent to the subject property.

- (c) The replacement Duplex, Detached Dwelling or Apartment shall be serviced to the satisfaction of the Development Authority.
 - (d) The height of the replacement Duplex, Detached dwelling or Apartment shall be the same as the original unless otherwise varied by the Development Authority pursuant to section 3.14 – VARIANCES, sub-sections (1), (2) and (3).
 - (e) Safety Codes permits are approved, where applicable, by the Town and/or its service provider(s) for the replacement of the Duplex, Single Detached Dwelling or the Apartment on the originally approved foundation.
 - (f) The original foundation must be used in the reconstruction of the Duplex, the Single Detached Dwelling, or the Apartment if it has not been structurally compromised because of damage to the building envelope. If the original foundation is used in the reconstruction, a qualified consultant licensed in the province of Alberta must provide written verification of its integrity to the satisfaction of the Development Authority.
 - (g) If the foundation has been structurally compromised and must be replaced, it must meet the setback requirements for a Duplex, Single Detached Dwelling or Apartment as determined by the Development Authority unless otherwise varied pursuant to **section 3.14 – VARIANCES**, sub-sections (1), (2) and (3) of this Bylaw. The foundation must be approved in writing to the satisfaction of the Development Authority by a qualified consultant licensed in the province of Alberta; and,
 - (h) The original grading must be retained or improved to protect the site from adjacent developments or to protect adjacent developments from the site to the satisfaction of the Development Authority.
- (7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

4.8 NUMBER OF PRINCIPAL BUILDINGS ON A PARCEL

- (1) Not more than one principal building shall be placed on a parcel except as follows:
- (a) In industrial and commercial districts more than one principal building may be constructed on a parcel provided this is done in such a manner that, if there is future subdivision of the land, each building would be situated on a separate parcel having its own access and yards, all in compliance with this Bylaw: or,
 - (b) In residential districts where Multiple housing development may be allowed.

- (2) The number of Dwelling units permitted on a parcel shall be limited to one, except where:
- (a) in the opinion of the Development Authority, either
 - (i) the building is clearly designed to be divided into more than one dwelling, or
 - (ii) the development of the parcel is clearly designed to include more than one dwelling, and;
 - (b) The use conforms to the uses prescribed in the district in which the parcel is located, and
 - (c) The development complies with the provisions of this Bylaw, and
 - (d) A development permit is issued for the use.

4.9 RELOCATION OF BUILDINGS

- (1) No person shall, unless a Development Permit has been issued by the Development Authority:
- a. Place on a parcel, a building which has been previously erected or placed on a different parcel, or
 - b. Alter on a parcel, the location of a building which has already been constructed on that parcel.
- (2) A development permit for the removal of a building from a parcel requires proof of service disconnection for all applicable utilities.
- (3) Any building receiving approval to be relocated shall be brought up to all existing federal, provincial and municipal standards, codes, regulations and bylaws.
- (4) All structural and exterior renovations shall be completed within one (1) year of the effective date of a Development Permit unless otherwise extended by the Development Authority.
- (5) No moved-in building shall be permitted on a parcel in the **CENTRAL BUSINESS DISTRICT (CB)**.

4.10 SEA/LAND CONTAINERS

- (1) A Sea/land container may be approved, by the Development Officer as a Permitted Use, for placement within the rear yard of a parcel in a residential district for temporary storage for a maximum of ninety (90) days.
- (2) The Municipal Planning Commission may approve the placement of a sea/land container within the rear yard of a parcel in a residential district for temporary storage for a period greater than 90 days and up to a maximum of one hundred eighty (180) days as a discretionary use.

- (3) A sea/land container on a parcel within an industrial district is allowed provided it is:
 - (a) Located in the rear or side yard of the parcel, and,
 - (b) No sea/land container is stacked upon or placed on top of another unless the primary use of the parcel is an approved freight and transportation depot.
- (4) The Development Officer may approve the placement of a sea/land container on a parcel within other districts except for industrial, that do not have any residential use on site as a Permitted Use if
 - (a) The sea/land container is in the rear or side yard of the parcel, and
 - (b) The sea/land container is either:
 - (i) Screened from view from adjacent properties and public roadways using fencing, landscaping, placement behind other buildings or a combination thereof; or
 - (ii) The colour of the sea/land container matches the same colour scheme as the principal building on the site or is a muted, neutral colour, or
 - (iii) It is finished in a similar manner to the principal building.
 - (c) No sea/land container is stacked upon or placed on top of another.

4.1.1 SECONDARY SUITES

- (1) A secondary suite shall be restricted to a site occupied by a detached dwelling or a side-by-side duplex and only one (1) suite is allowed per parcel.
- (2) A secondary suite shall not exceed 80 m² (860 ft²) in gross floor area or forty percent (40%) of the gross floor area of the principal dwelling, whichever is less. Only the building area used exclusively by the occupants of the secondary suite shall be included in the calculation of gross floor area for the secondary suite.
- (3) An accessory building used as a secondary suite in a residential district shall be situated so the exterior walls are at least:
 - (a) 1.5 m (5 ft) from the side parcel boundaries and on a corner parcel no closer to the street or avenue than the principal building.
 - (b) 1.5 m (5 ft) from the rear parcel boundary when there is a blank wall facing the boundary.
 - (c) 3.0 m (10 ft) from the rear parcel boundary when there is a window or doorway opening in the wall facing that boundary.
 - (d) 2.5 m (8 ft) from the principal building and any accessory buildings on the parcel.

- (4) A secondary suite developed on a second-floor integral to a detached garage shall not be more than 7.5 m (25 ft) in height.
- (5) One (1) off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal building.
- (6) Separate municipal utility services or means of suspending service to the secondary suite without disrupting service to the principal building may be required at the discretion of the Development Authority.
- (7) The appearance and design of a secondary suite developed as a separate building or in addition to the principal building shall be compatible with the appearance and design of the principal building and be to the satisfaction of the Development Authority.

4.12 SHOW HOME

- (1) Where a Dwelling unit is used as a Show home, a development permit separate from the one issued for the dwelling unit must be obtained.
- (2) The type of Show home unit(s) to be constructed must be consistent with the uses allowable in the applicable land use district.
- (3) Once the use of a Show home ceases and before residential use or occupancy of the dwelling commences, any area of the development and site used as a sales office or display area or other show home related purpose shall revert to residential use in accordance with the development permit issued for the dwelling unit.
- (4) A temporary breezeway may connect two (2) or more Show homes. The breezeway must be removed once the Show home use ceases and before the residential use or occupancy commences in one of the dwelling units connected by the breezeway.

4.13 SOFT SIDED BUILDINGS

- (1) In industrial or commercial districts, the Development Authority may approve an application for a development permit for a soft sided building if:
 - (a) The building is not erected or placed within the minimum required front yard of the parcel, unless otherwise approved by the Development Authority, or
 - (b) The building is approved as a temporary structure and is subject to annual renewal, and
 - (c) The building meets the NBC(AE) requirements.
- (2) In residential districts, soft sided buildings intended to be used for a period greater than seven (7)

consecutive days shall not be permitted on a parcel. This restriction does not apply to camping tents, portable dining tents, or gazebos with insect screens.

- (3) In all other districts, soft sided buildings intended to be used for a period greater than seven (7) consecutive days shall be permitted on a site if
 - (a) The building is an accessory building on the parcel and is not erected or placed within the minimum required front yard or the minimum required rear yard or a minimum required side yard of the parcel, unless otherwise approved by the Development Authority, or
 - (b) The building is approved as a temporary structure and is subject to annual renewal, and
 - (c) The building meets Safety Codes requirements.

4.14 TEMPORARY BUILDINGS

- (1) The Development Authority may conditionally approve a temporary building to be placed on a parcel subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed to the development permit.

PARCELS AND SETBACKS

4.15 DEVELOPMENT SETBACKS

(1) General

Notwithstanding any specific provisions in this Bylaw, setbacks more than the minimum yard requirements may be required when deemed necessary by the Development Authority.

4.15.1 Setback Regulations Exceptions

- (1) The yard and setback provisions of this Bylaw do not apply to:
 - (i) Utilities.
 - (ii) Surface parking.
 - (iii) Fences.
 - (iv) Awnings and canopies.
 - (v) Wheelchair ramps; and
 - (vi) Unenclosed patios, decks, sidewalks and steps contained wholly within the site and where no portion rises more than 0.3m (0.98 ft.) above the finished ground level.

4.15.2 Attached Garage or Carport

- (1) A garage or carport that is attached to the front or side of a principal building shall comply with the front and side yard requirements that apply to the principal building.
- (2) A garage or carport that is attached to the rear of a principal building may project into the minimum rear yard required for the principal building provided the portion of the garage or carport that projects into the minimum rear yard:
 - (a) Has a height of 4.5 m (15 ft.) or less.
 - (b) Is no closer to a side yard boundary than one (1) m (3 ft.); and,
 - (c) Is no closer to a rear parcel boundary than two (2) m (7 ft.).

4.15.3 Sites Adjacent to Pipeline Rights-of-Way

- (1) Notwithstanding any other provision of this Bylaw, where a development is proposed on a site adjacent a pipeline right-of-way, as defined in provincial legislation, no part of any building to be occupied by persons on a regular basis shall be constructed closer than 1.5 m (49 ft.) from the edge of the pipeline right-of-way. In certain instances, a greater distance may be required by the Development Authority after consultation with the pipeline operator.

4.15.4 Sites Adjacent to a Highway or Railway Right-of-Way

- (1) Notwithstanding any other provision in this Bylaw, all buildings and structures adjacent to HWY 2 and HWYs 2A and 54 shall be sited a distance from the highway right-of-way as determined by the Development Authority after consultation with provincial authorities.
- (2) Notwithstanding any other provision in this Bylaw, all new residential development adjacent to HWY 2 and HWY 2A and HWY 54 and the CPKC Railway right-of-way shall be sited to provide for a noise barrier to be constructed to reduce the effects of traffic noise. The developer shall be responsible at the time of development for constructing a noise barrier to Town standards or paying to the Town a sum of money equal to the cost of building a barrier.
- (3) All development undertaken on parcels adjoining railway property may be required to erect fencing to standards approved by the Development Authority.

4.15.5 Development on/or Near Steep Slopes or Near Bodies of Water

- (1) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within a minimum of 10 m (33 ft.) of the top of bank of any body of water unless as otherwise varied by this section.

- (2) Notwithstanding yard requirements prescribed in the land use districts, and section 4.16.5(1) above, no buildings shall be constructed within 12 m (39.37 ft) of top of bank of the water body adjacent Lot A, Plan S. The Development Authority may require the applicant to submit a survey prepared by a licensed Alberta Land Surveyor to confirm the top of bank.
- (3) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 20 m (66 ft.) of the top or bottom of a slope where the grade of the slope exceeds fifteen percent (15%).
- (4) The Development Authority may require a greater setback than is prescribed in subsections (1), (2) and (3) above.
- (5) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including subsections (1), (2) and (3) above, where the application is for development on lands that are or may be subject to subsidence, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a Qualified Consultant, that preventative engineering and construction measures can be instituted to ensure suitability of the development to the site.
- (6) Further to subsection (5), the Development Authority may require that the development site and buildings be designed by a Qualified Consultant registered in the Province of Alberta and provide written evidence to it.
- (7) Subject to subsections (5) and (6), the Development Authority may reduce the setback requirements if the applicant provides satisfactory written proof from a Qualified Consultant of slope stability.
- (8) Development permit applications for any open, enclosed, attached or detached swimming and wading pool, any water fountain and/or water sculpture, any water reservoirs and water tanks, any ornamental ponds and lakes, and any water retaining excavation structure or vessel that could alter sub-soil adhesion characteristics on sites abutting or adjacent the "top of bank" shall be accompanied by a written report prepared by a Qualified Consultant detailing the structural components of the proposal which will mitigate risks to bank stability.
- (9) No trees or vegetation shall be cleared within 30.0 m (98.43 ft) of any water body, water course or the crest of a slope greater than 15% where the removal could have a negative impact on the water body, water course or slope stability.
- (10) Environmental reserve of not less than 30.0 m (98.43 ft) in width from the high-water mark or waterbodies and/or the top of bank of watercourses to the lot line shall be required. A trail system link may be constructed within this setback.

4.15.6 Development Setbacks from Landfills and Waste Sites

- (1) In accordance with provincial legislation or regulation:

- (a) A school, hospital, food establishment or residence must not be approved, and a residence must not be constructed if the building site is within the distance from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer stations specified in provincial legislation or regulation, and
- (b) A sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, food establishment or residence specified in the provincial legislation or regulation, unless the development is approved in writing by a representative of a provincial authority responsible for regulating such activity.

4.15.7 Development in Proximity to Sour Gas Facilities and Oil and Gas Wells

- (1) In accordance with provincial legislation:
 - (a) Development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the provincial authority with respect to sour gas facilities unless the provincial authority has given written approval to a lesser setback.
 - (b) No building shall be constructed within 100 m (328 ft.) of the well head of a gas or oil well (as measured from the well head), unless, in the opinion of the Development Authority, it may be considered an infill development or is otherwise approved in writing by the provincial authority.
- (2) No building shall be constructed within 100 m (328 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

4.15.8 Restrictions on Corner Parcels

- (1) Notwithstanding any other provisions of this Bylaw, except as permitted in subsection (2), no person shall place or maintain in or upon that portion of a parcel within a sight triangle, a wall, fence, shrub, hedge, tree or other object or structure if such object or structure interferes with or obstructs the view of the driver of any vehicle using the streets abutting such lot or site as shown in Figure 4.1



Figure 4.1: Sight Visibility Triangle for Street Intersections.

- (1) In the **Central Business District (CB)**, no structure or vegetation except a supporting column or pillar or a sign, or pylon/pole shall be erected or permitted to grow between the heights of 1 m (3 ft.) and 3 m (10 ft.) above the street grade that abuts the lot line adjacent to the street line for a distance of 3 m (10 ft.) from their point of intersection as shown in Figure 4.2.

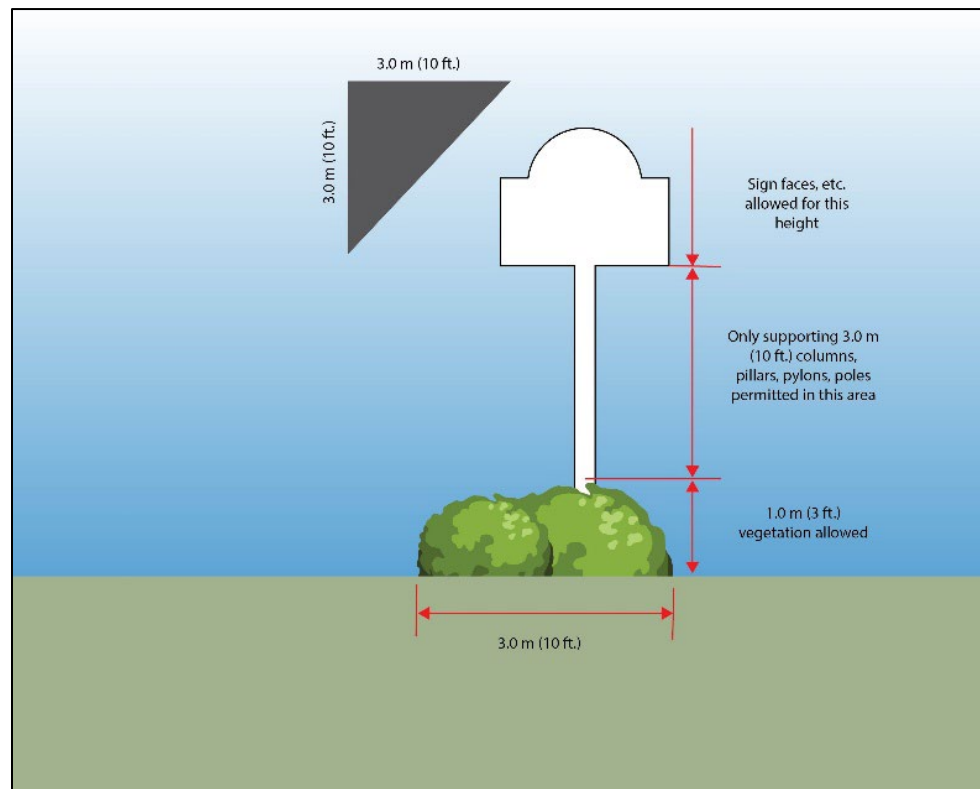


Figure 4.2: Sight Visibility Triangle Within the Central Business District.

4.15.9 Sight Lines at Intersections of Roadways

- (1) At the intersection of lanes, a 3 m (10 ft.) sight triangle shall be provided as shown in Figure 4.3.
- (2) At the intersection of other roadways, a 6 m (20 ft.) sight triangle shall be provided. The Development Authority may require the calculation of larger or smaller sight triangles for specific locations where:
- (a) one or more rights-of-way is less than 15 m (49 ft.), or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) one of the carriageways is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.

- (3) Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways.

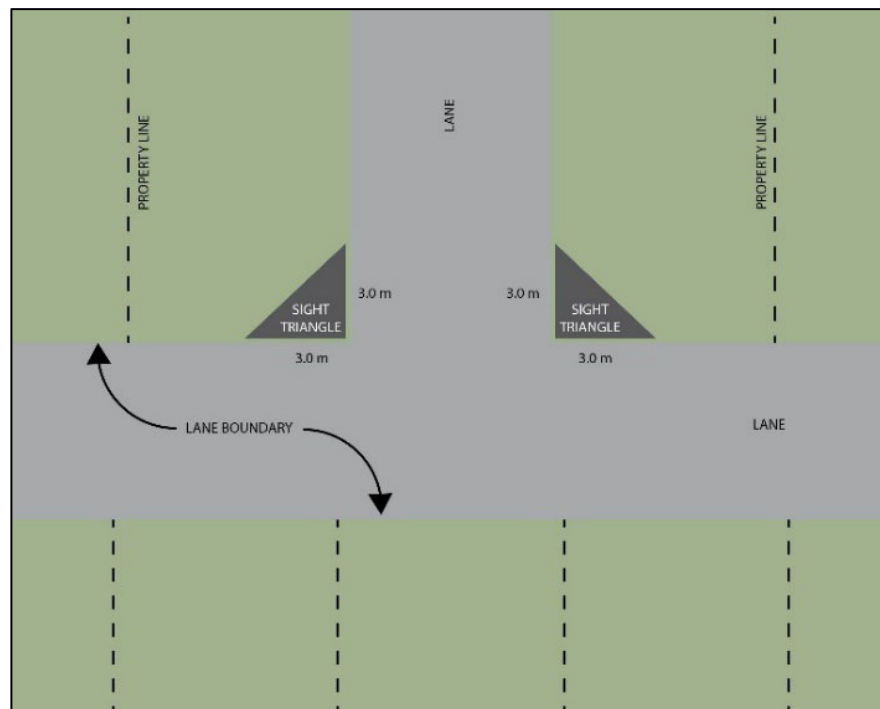


Figure 4.3: Sight Visibility Triangle for Lanes.

4.15.10 Sight Lines at Road and Rail Intersections

- (1) At the intersections of roadways and railways, which are unprotected by automatic warning signals, sight triangles shall be determined as shown in Figure 4.4 and Table 4.1.

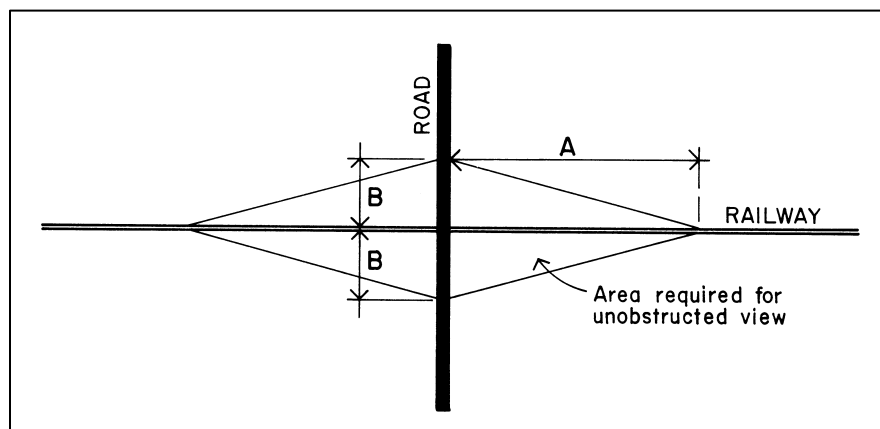


Figure 4.4: Sight Triangle for Intersections of Rail - Road Right-of-Ways.

Table 4.1: Sight Triangle Distances Unprotected Intersections of Roads and Rail Right-of-Ways.

Maximum Train Speed		Sight Distance A from Crossing		Maximum Vehicle Speed		Sight Distance B from Crossing			
Km/h	(mph)	M	(ft)	Km/h	(mph)	M	(ft) ¹	M	(ft.) ²
32.19	(20)	91.44	(300)	32.19	(20)	32.00	(105)	18.29	(60)
48.28	(30)	137.16	(450)	48.28	(30)	53.34	(175)	28.96	(95)
64.37	(40)	182.88	(600)	64.37	(40)	79.25	(260)	44.20	(145)
80.47	(50)	228.60	(750)	80.47	(50)	112.78	(370)	64.01	(210)
96.56	(60)	274.32	(900)	96.56	(60)	150.88	(495)	85.34	(280)
112.65	(70)	320.04	(1,050)	112.65	(70)	192.02	(630)	111.25	(365)
128.74	(80)	365.76	(1,200)						
144.84	(90)	411.48	(1,350)						
160.93	(100)	475.20	(1,500)						

- Notes: 1. Distance based on level approach grade and good traction.
2. Panic stop distances.

- (2) At the intersection of roadways and railways, which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:
- (a) one or more of the rights-of-way is less than 15 m (49 ft.) wide, or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) either the carriage way or the railway is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.

- (3) Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopping motor vehicle be between 5 m (16 ft.) and 15 m (49 ft.), as required by the *Highway Traffic Act*.

4.16 LANELESS SUBDIVISIONS

- (1) In subdivision where no lanes have been constructed in a commercial or industrial district, one side yard shall be not less than 6 m (20 ft.). This does not apply to an accessory building where such building is located to the rear of the principal building and separated there from by a minimum distance of 12 m (39 ft.).

4.17 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No owner in lawful possession and control of a parcel, unless located and/or screened from view to the satisfaction of the Development Authority within any residential district shall allow:
- (a) Any dismantled or wrecked vehicle or equipment of any kind that is in a state of disrepair, partially dismantled, inoperable, or dilapidated for more than fourteen (14) successive days.
 - (b) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the surrounding area, or
 - (c) Any excavation, storage or piling up of building materials or supplies required during the construction of a development unless all necessary safety measures are undertaken, and the situation does not prevail longer than the Development Authority considers necessary for completion of construction work on a parcel.
- (2) No person shall store or permit to be stored in a front yard in any residential district any recreational vehicle or other vehicles if in the opinion of the Development Authority it is unsightly or tends to adversely affect the amenities of the surrounding area.
- (3) Except in the **Residential Single Detached Dwelling District (R-1A)**, recreation vehicles may be stored in the front yard in a residential district provided:
- (a) The vehicle is set back at least 1.5 m (5 ft) from the interior edge of the sidewalk, or where no sidewalk exists, from the interior edge of the curb.
 - (b) The vehicle is parked on a hard surfaced driveway subject to **section 4.24 – VEHICLE ACCESS** to the satisfaction of the Development Authority; and,
 - (c) The portion of the front yard used for the storage of recreation vehicles does not exceed thirty-three percent (33%) of the total area of the front yard of the parcel.

- (4) A holiday trailer, motor home or camper parked on a parcel in a residential district may be used for living and sleeping accommodation only by bona fide tourists for a maximum period of thirty (30) days per annum.
- (5) No person shall keep or permit in any part of the parcel in any commercial or industrial district:
 - (a) Any dismantled or wrecked vehicle for more than fourteen (14) successive days, or
 - (b) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the surrounding area, or
 - (c) Any excavation, storage or piling up of building materials or supplied required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than the Development Authority considers necessary for completion of construction work on the site,

unless located and/or screened from view to the satisfaction of the Development Authority.

4.18 OPEN STORAGE AND OUTDOOR DISPLAY

- (1) There shall be no open storage or outdoor display on any parcel in a residential district, except for the temporary storage of materials and equipment in relation to construction of buildings and improvements on the parcel or on a nearby parcel or a parcel approved for a Home occupation – Class 2.
- (2) Outdoor display and open storage on a parcel in a commercial district are allowed if
 - (a) The area used for outdoor display and/or open storage is not located in any minimum yard abutting a parcel in a residential district.
 - (b) The minimum number of on-site parking stalls required for all principal uses on the parcel is maintained.
 - (c) The area devoted to outdoor display and open storage does not exceed fifty percent (50%) of the total parcel area unless otherwise approved by the Development Authority, and
 - (d) The open storage is screened from view from adjacent properties and public roads to the satisfaction of the Development Authority using landscaping, fencing, or placement behind existing buildings or a combination of these items.
- (3) Outdoor display and open storage on a parcel in an industrial district are allowed if the minimum number of on-site parking stalls required for all principal uses on the parcel is maintained.

- (4) In all other districts, outdoor display and open storage are allowed if
- (a) The area used for outdoor display and/or open storage is not located in any minimum yard abutting a parcel in a residential district.
 - (b) The minimum number of required on-site parking stalls for all principal uses on the parcel is maintained, and
 - (c) The open storage is screened from view from adjacent properties and public roads to the satisfaction of the Development Authority using landscaping, fencing, or placement behind existing buildings or a combination of these items.

4.19 PROJECTIONS INTO YARDS

- (1) Except for rear attached garages or carports, building projections constructed on foundation walls and footings and/or enclosed attached structures shall be deemed to be part of the building and shall not be considered a projection over a yard.
- (2) Subject to the requirements of the NBC(AE) and **section 4.16 – LANELESS SUBDIVISIONS** of this Bylaw respecting laneless subdivisions, the following features shown in Table 4.2 may project into any yard required by this Bylaw:

Table 4.2: Permitted Projections into Yards.

Feature	Yard in Which Projection is Permitted	Maximum Permitted Projection into the Minimum Required Yard
Eaves, chimneys	Any yard	610 mm (2 ft)
Bay or box window	Front and rear yard Side yards	1 m (3 ft) 610 mm (2 ft)
Unenclosed verandas, steps, porches, balconies, terraces, patios, decks and exterior staircases	Front yards Side yards Rear yards	2.44 m (8 ft) including eaves and cornices 610 mm (2 ft) 3.5 m (11 ft)
Cantilevered wall sections	Rear and side yards	610 mm (2 ft)

4.20 ZERO LOT LINES

- (1) Where an approved subdivision plan or a proposed subdivision plan comprises of at least five (5) parcels the Subdivision Authority or the Development Authority may by resolution reduce the side yard to zero metres where:

- (a) The owner(s) of the adjacent parcel or parcels grant(s) a 2.4 m (8 ft.) maintenance access easement plus a 0.6 m (2 ft.) eave and footing encroachment easement on the adjoining site in perpetuity which shall be to the satisfaction of the Subdivision Authority or the Development Authority and shall be registered against the title of the said parcels. And
- (b) All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority; and,
- (c) In a laneless subdivision, adequate provision for access to the rear of each parcel shall be provided from a street.

PARKING AND CIRCULATION REQUIREMENTS

4.21 DRIVE-THROUGH BUSINESSES

- (1) Drive-through businesses shall be located only where the Development Authority is satisfied that the development and the on-site layout of vehicle circulation patterns will not adversely affect the functioning of surrounding public roadways.
- (2) Queuing space shall be provided on the same site as the development as follows:
 - (a) For drive-through food services and other developments requiring a service window or automated machine, a minimum of five (5) inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space shall be provided on the exit side of the service window or automated machine.
 - (b) For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided, and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting into a public roadway.
 - (c) Each queuing space shall be a minimum of 5.5 m (18 ft) long and 3.05 m (10 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.
 - (d) Queuing space and traffic circulation shall be provided in accordance with Table 4.3.

Table 4.3: Queuing Space Requirements for Drive-Through Businesses.

Type of Business	Inbound Queuing Space Requirements	Outbound Queuing Space Requirements
Those that serve food	5 per service window	1 per service window
Those that serve vehicles	4 per service bay	2 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-through business	3 per service point	1 per service point

4.22 LOADING SPACES

- (1) Loading spaces shall be in rear and side yards only.
- (2) Each loading space shall be at least 3.35 m (11 ft.) wide, 9 m (30 ft.) long and have 4.6 m (15 ft.) of overhead clearance.
- (3) Loading areas shall be paved with a hard, durable, weather resistant surface where the loading area is directly accessible from a road which is paved or is intended to be paved or where, in the opinion of the Development Authority, it would be in the interests of the area.
- (4) Loading spaces shall be required for all non-residential development and apartments. Such spaces shall be reserved for loading and unloading and shall not be used for the parking of other vehicles.
- (5) Loading spaces shall be designed and located so that all vehicles using such spaces can be parked and manoeuvred entirely within the bounds of the parcel before moving onto a road.

4.23 PARKING PROVISIONS

- (1) In all Districts except the **Central Business District (CB)**, parking spaces shall be provided on a parcel in accordance with **Table 4.4: Required Number of On-Site Parking Stalls**, and unless otherwise stated, shall be calculated based on gross floor area and where a fractional figure occurs shall be rounded to the next higher figure.
- (2) The minimum number of parking stalls for uses not listed in **Table 4.4** shall be at the discretion of the Development Authority.

Table 4.4: Required Number of On-Site Parking Stalls.

Use of Building or Parcel	Minimum Number of Parking Stalls
RESIDENTIAL	
Detached dwelling Manufactured home Duplex	Two (2) per dwelling unit
Fourplex Row housing Stacked row housing	1.25 per dwelling unit
Secondary suite	One (1) per suite
Apartment	One (1) per dwelling unit plus one (1) space for every five (5) units for visitor parking
Multiple housing development	Two (2) per dwelling unit plus one (1) space for every five (5) units for visitor parking
Residential care housing	One (1) per two (2) dwelling units plus one (1) per employee on the maximum working shift
COMMERCIAL	
Business support services, professional services, personal services, and repair shops	2.5 per 100 m ² (1076 ft ²)
Food services including drinking establishments	One (1) per four (4) seats for patrons indoors and one (1) per twelve (12) seats outdoors
Retail store Shopping centres	3.0 per 100 m ² (1076 ft ²) 4.5 per 100 m ² (1076 ft ²)
INDUSTRIAL	
General industrial – major or minor, retail and wholesale warehousing and like uses	One (1) per employee on a maximum working shift [minimum of five (5)]
INSTITUTIONAL	
Essential public services	As required by the Development Authority
Health services	Two (2) per full or part time professional plus 1 per other employees
Hospital	One (1) per four (4) beds plus one (1) for every employee on a maximum working shift plus one (1) per staff doctor and regular attending doctor.
Religious assembly and like uses	One (1) per four (4) seats
Institutional services Pre-school to junior high school Senior high	One (1) per employee One (1) per employee Sufficient space must be provided for the safe transport of children in pre-school to junior high school. Four (4) per classroom plus one (1) per employee

- (4) The parking requirement for any use not specified in subsection (1) shall be as determined by the Development Authority having regard to the traffic expected to be generated by the proposed development.
- (5) When a building is enlarged, altered, or a change in the use occurs as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculation shall be based on the number of additional parking spaces required because of the enlargement, alteration, or change in the use of the building, in addition to any parking spaces that may have been removed due to the enlargement or alteration.
- (6) The parking space requirement on a parcel of land which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses, unless the applicant can otherwise demonstrate to the Development Authority that there is a complementary or overlapping use of the parking facilities which would warrant a reduction in the parking requirements.
- (7) Parking areas shall be designed in accordance with the standards shown in Figure 4.5 and Table 4.5.
- (8) A minimum standard of 30 m² (323 ft.²) per parking stall shall be used for a general calculation of the area required for vehicle movements per parking stall.
- (9) Parking spaces shall be located on the same parcel as the building or use for which they are being provided; however, at the discretion of the Development Authority, parking may be located on another parcel within 125 m (410 ft.) walking distance, provided the owner of such property enters into an agreement with the Town ensuring the use of the site for the required number of parking spaces. The Town shall cause a caveat respecting the agreement to be registered against the land on which the parking spaces are located.

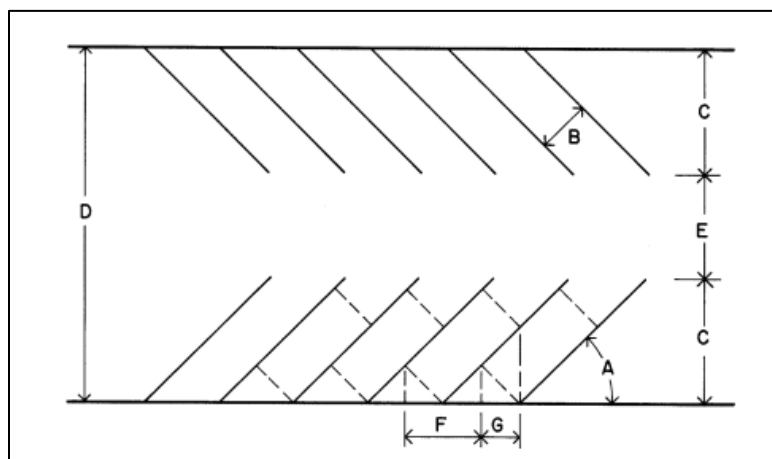


Figure 4.5: Parking Stall Dimensions

Table 4.5: Parking Stall Dimensions by Parking Angle.

Parking Angle (In Degrees) (a)	Minimum Stall Width (b)	Minimum Stall Length (c)	Overall Depth (d)	Manoeuvring Space (e)	Curb Length (f)	Row End Length (g)
0° (Parallel)	2.75 m (9.0 ft)	2.75 m (9.0 ft)	9.00 m (30.00 ft)	3.5 m (11.00 ft)	6.70 m (22.0 ft)	0.00 m
30°	2.75 m (8.5 ft)	5.0 m (16.0 ft)	13.50 m (44.0 ft)	3.50 m (11.0 ft)	5.45 m (18.0 ft)	0.85 m (3.0 ft)
45°	2.75 m (9.0 ft)	5.70 m (19 ft)	15.40 m (51.0 ft)	4.00 m (13.0 ft)	3.85 m (13.0 ft)	2.05 m (7.0 ft)
60°	2.75m (9.0 ft)	6.0 m (20.0 ft)	17.50 m (57.0 ft)	5.50 m (18.0 ft)	3.20 m (10.0 ft)	2.00 m (7.0 ft)
90°	2.75 m (9.0 ft)	5.5 m (18.0 ft)	18.0 m (59.0 ft)	7.0 m (23.0 ft)	2.75 m (9.0 ft)	0.0 m

- (10) Every on-site parking space provided, and access thereto, shall be required to be hard surfaced if access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future at the discretion of the Development Authority.
- (11) All surfaces are to be graded to ensure that drainage is directed to a street or lane right-of-way in a manner satisfactory to the Development Authority.
- (12) Parking areas for apartments and public, commercial and industrial uses shall be provided with overhead illumination for safety purposes, except where, in the opinion of the Development Authority, sufficient illumination is provided by adjacent roads, lights or other sources.
- (13) If a street or lane providing access to a site in a commercial or industrial District is not paved, the Development Authority may permit an extension of not more than twelve (12) months following notification by the Town of completion of such paving within which the owner shall comply with this Bylaw's requirements for onsite paving, provided that the registered owner of the site enters into an agreement in writing satisfactory to the Town to complete such works. The Town may register a caveat on the title to the site to protect the agreement.
- (14) Where rear yard access is available, parking should be provided in the rear yard of an apartment, stacked row housing or fourplex.
- (15) No front yard parking pads shall be permitted in residential districts unless the neighbourhood has been designed to accommodate them in lieu of front or rear yard garages.

4.23.1 Bicycle Parking

- (1) To encourage alternate forms of transportation, in addition to the required vehicular parking, bicycle parking shall be provided as follows:

- (a) A residential site of twenty (20) or more dwelling units and all non-residential uses the Development Authority deems necessary shall provide bicycle parking equal to a minimum of five percent (5%) of the number of vehicular parking spaces.
 - (b) Education and recreational facilities shall provide a minimum of ten percent (10%) of the required number of vehicular parking spaces.
- (2) Required bicycle parking spaces shall be wholly provided on the same site as the development.
- (3) Required bicycle parking spaces shall be located on designated hard surfaced areas, not interfering with pedestrian traffic and shall be illuminated.

4.23.2 Communal and Tandem Parking

Notwithstanding subsection 4.22(1) parking may be provided on a parcel other than the parcel of the principal building if it is in accordance with the following regulations:

- (1) For non-residential development and subject to approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of **Table 4.4 – Required Number of On-Site Parking Stalls**.
- (2) Where a group of uses or buildings is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.
- (3) Where two or more parties agree to combine parking as provided for under subsection 4.23.2(1), a joint parking agreement, to be registered against title, is required with the Town being a third party to the agreement.
- (4) For detached dwelling, duplex, manufactured home, and secondary suites, required parking spaces may be in tandem and may include garage spaces. Where possible, tandem parking accessed by way of a rear lane should be avoided.
- (5) Stacked row housing and row housing may provide tandem parking for developments where individual driveways are provided.
- (6) Tandem parking, at the discretion of the Development Authority, may be considered for Home occupation - Class 2 applications.

4.23.3 Parking Lot Design

- (1) All parking lots shall be designed, located and constructed for the safe and efficient movement of motor vehicles and pedestrians, adequate maintenance, an aesthetically pleasing appearance from public roads, and easy access to all parking spaces.
- (2) Parking lots shall include where appropriate, sidewalks designed to provide pedestrian circulation movements through a parcel and connect the development with any adjacent municipal sidewalk(s) to the satisfaction of the Development Authority.
- (3) All at grade parking areas required by this Bylaw to accommodate thirty (30) or more vehicles shall incorporate landscaped island or open space within the parking lot to the satisfaction of the Development Authority.
- (4) Commercial, multi-unit residential, recreational and institutional parcels accessed by the public will ensure accessibility for pedestrians and persons with mobility challenges having regard for the following:
 - (a) Internal walkways will be provided to allow for pedestrian movement within the site and between buildings on the site.
 - (b) Internal walks ways will have a minimum width of 1.2 m (4 ft) and be provided across the full width of building elevations which have entrances to the public.
 - (c) Walkways will connect the site with any existing or planned walkways in municipal streets or on adjacent parcels within 30.0 m (98 ft) of the site.
 - (d) Parking stops will be provided for all parking spaces adjacent to a walkway or front of a building and will be set back a sufficient distance to prevent vehicles from projecting over the walkway or area intended for pedestrian movements. This requirement may be waived in cases where the walkway exceeds the minimum width requirement and vehicle overhand would still allow for a least 1.2 m (4 ft) of clear width for pedestrian movements.
 - (e) Walkways will be free of any obstructions and/or architectural features that would impede pedestrian movements and doors providing access to buildings and/or bays will not swing out into the walkway.
 - (f) Ramps must be constructed along the ends and at mid-point locations along walkways to ensure access or persons with mobility challenges.
 - (g) Where pedestrian crossing points are needed to connect individual walkways over a driveway or vehicle manoeuvring aisle, the width of the crossing will be kept as narrow as possible and will be marked through painting or use of materials that are different than the material of the road surface.

- (5) Where electric vehicle charge sites are provided, the Development Authority shall determine what proportion of the electric vehicle charge sites may contribute towards the minimum parking requirement.
- (6) Except for required visitor and loading spaces, Apartment, Fourplex, Row housing, and Stacked row housing shall energize parking stalls. Accessible parking spaces shall be energized within these developments.
- (7) 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.
- (8) The Development Authority may waive any or all the preceding requirements listed in this section in the case of minor redevelopment of existing sites where application of these requirements is considered impractical or out of scale with the proposed redevelopment.

4.23.4 Landscaped Parking Islands

- (1) Except for industrial parcels, landscaped areas shall be provided within large off-street parking areas with a capacity of thirty (30) or more vehicles in the form of landscaped islands to enhance the appearance of the hard surfaced area, provide shade and windbreaks, and assist in defining pedestrian walkways and rows of parking spaces as shown in Figure 4.6 – Landscaped Parking Islands.
- (2) A minimum of two (2) landscaped islands should be provided, with an additional two islands provided for every additional thirty (30) stalls. A minimum of one (1) tree and two (2) shrubs shall be planted in each island.
- (3) If landscaped islands cannot be accommodated, an additional 10 m² (108 ft²) of required landscaped area/parking island shall be required elsewhere on the site.



Figure 4.6: Landscaped Parking Islands

4.24 VEHICLE ACCESS

- (1) The Development Authority shall not approve a development permit unless provision for access is included with a development permit application.
- (2) All access shall be to the approval of the Development Authority with respect to location, design, and construction standards.
- (3) Where a site abuts two (2) roads, either existing or proposed, access to the site shall be to the road of lesser traffic volume, unless otherwise approved by the Development Authority.
- (4) All driveways and/or parking pads accessing a hard-surfaced road or lane shall be hard surfaced to the satisfaction of the Development Authority.

4.24.1 Driveways & Parking Pads

- (1) At street intersections, driveways or parking pads shall be setback from the parcel boundaries which form the intersection not less than:
 - (a) 6 m (20 ft.) where the driveway or parking pad serves not more than four dwelling units, or
 - (b) 15 m (49 ft.) for all other uses.

except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency, or the front parcel boundary is not large enough to allow the minimum

6 m (20 ft) setback.

(2) The minimum distance between driveways shall be:

- (a) Nil where the driveways or parking pads serve single dwelling units.
- (b) 6 m (20 ft.), where the driveways serve any other use, except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.

(3) For a driveway providing vehicle access to a parcel in a residential District:

- (a) The maximum width of a driveway coming off any street except a lane shall be the greater of 7.32 m (24 ft) or 60% of the parcel frontage as measured at the point where the driveway crosses the parcel boundary onto the boulevard and as measured along the length of the driveway crossing the boulevard. The maximum allowable width for driveways in residential districts shall be 10.97 m (36 ft). A driveway coming off a lane is not subject to a maximum width requirement.
- (b) The width of a driveway shall not exceed the width of the garage or carport to which the driveway provides access as shown in Figure 4.7. A driveway shall maintain a 1.0 m (3.28 ft) separation from a lane.
- (c) The width of a residential driveway shall not include decorative edging, stamped concrete or xeriscaping provided it is not intended for vehicle parking.
- (d) The maximum width of a driveway for **RESIDENTIAL SINGLE DETACHED DWELLING DISTRICT (R-1B)** parcels in the Napoleon Lake South subdivision is the width of a garage or forty percent (40%) of the parcel frontage.

(4) A residential driveway or parking pad must maintain a minimum of 1 m (3.28 ft) separation from a lane.

(5) Residential front yard parking pads should be avoided with all parking provided off a lane wherever possible.

(6) Residential front parking pads shall not exceed 4 m (13.13 ft) at the front property boundary and shall only be permitted where the parcel has a minimum frontage width of 12.8 m (42 ft).

(7) For a driveway providing vehicle access to a parcel for commercial or industrial use:

- (a) The maximum width of a driveway coming off any road except a lane shall be 12 m (40 ft.) as measured at the point where the driveway crosses the parcel boundary onto the boulevard and measured along the length of the driveway crossing the boulevard.
- (b) A driveway coming off a lane is not subject to a maximum width requirement.

- (c) Vehicle access to commercial and industrial parcels shall consist of a hard-surfaced apron measuring the width of the access to a minimum depth of 7.5 m (25 ft) if access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future.

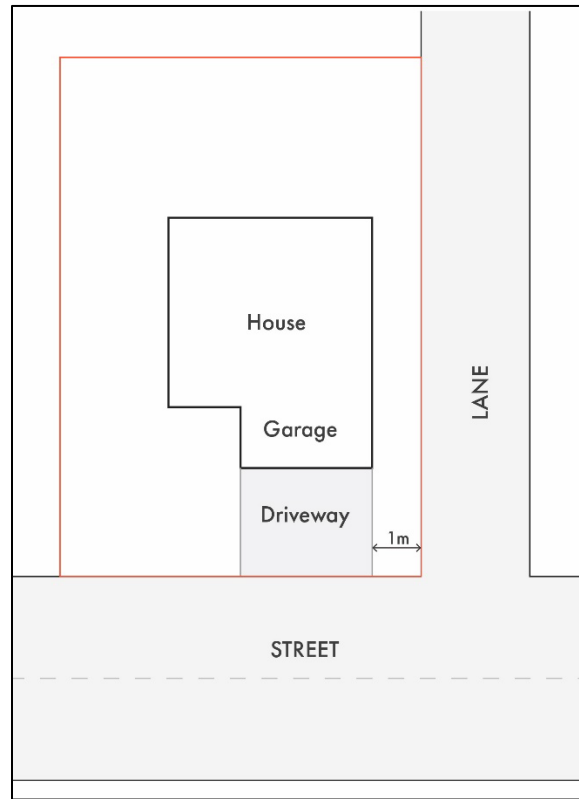


Figure 4.7: Driveway Width in Residential Districts.

- (8) For a driveway providing vehicle access to a parcel for any use other than residential, commercial or industrial use:
- (a) The maximum width of a driveway coming off any road except a lane shall be 10 m (33 ft.) as measured at the point where the driveway crosses the parcel boundary onto the boulevard and as measured along the length of the driveway crossing the boulevard.
 - (b) A driveway coming off a lane is not subject to a maximum width requirement.
- (9) A parcel that has a frontage of 30 m (100 ft.) or more along a single road may have more than one driveway onto that same road. A corner parcel may have at least one driveway off each road that has a common or shared boundary with the parcel.
- (10) The minimum angle of intersection with a street for a driveway to a use which generates high traffic volumes shall be seventy degrees (70°).

- (11) To ensure that the movement of traffic is both safe and efficient, driveways are not allowed on the streets identified on Schedule B, unless alternative access is unavailable.

LANDSCAPING AND YARD IMPROVEMENTS

4.25 DRAINAGE

- (1) All roof drainage from any building shall be directed onto the parcel upon which the building is situated by means of eaves troughs and downspouts, or other means to the satisfaction of the Development authority.
- (2) Any area requiring landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage on adjoining land unless otherwise approved by the Development Authority.
- (3) The storm water run-off and sub-surface drainage of all development shall be in a manner acceptable to the Development Authority.
- (4) The storm water run-off and sub-surface drainage, including the discharge of sump pumps, of all development shall not directly discharge or cause any flows across a sidewalk.
- (5) Where the final site grades have been established through a development agreement or engineered drawings, the Development authority shall require the applicant to provide a grading and location certificate indicating the final elevations of the corners of the property and the front and rear elevations and locations for all buildings.
- (6) Any storm water run-off and sub-surface drainage shall be directed to Town road-rights-of-way, lane ways, or adjacent municipal reserves.
- (7) Site improvements shall not alter or disrupt the drainage pattern as established in an approved surface drainage plan.
- (8) If a landowner alters lot drainage on a parcel so that storm water drains onto an adjacent parcel, that person shall be responsible for corrective drainage structures, including retaining walls, to divert storm water from neighbouring parcels.

4.26 FENCES

- (1) No person shall construct a fence on a parcel in a residential district that is higher than
 - (a) 2 m (7 ft.) measured from the general ground level on the property line on whichever side of the fence is the lowest, for the part of the fence that does not extend beyond the foremost portion of the principal building on the site or into the minimum required front yard, whichever is farthest from the front property line; and

- (b) 1.22 m (4 ft.) measured from the general ground level on the property line on whichever side of the fence is the lowest, for the part of the fence that does extend beyond the main part of the principal building on the parcel or into the minimum required front yard, whichever is farther from the front property line except that on a corner site, the restrictions set out in **section 4.15.8 - RESTRICTIONS ON CORNER PARCELS** shall apply.
- (c) Figure 4.8 illustrates height differences between yards for residential districts.
- (2) No person shall construct a fence on a parcel in non-residential districts that is higher than 2.74 m (9 ft) (including any security-controlled portions). The maximum height of any fence in any district other than a residential district that may be approved by the Development Officer is 2.4 m (8 ft.).
- (3) Barbed wire fences and/or electrification of fences shall not be allowed except to contain livestock.

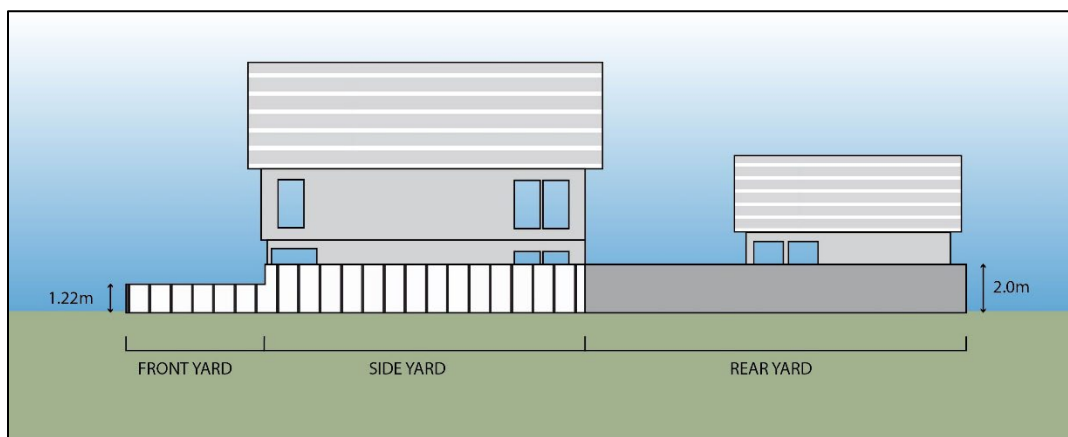


Figure 4.8: Fence Heights for Front, Side and Rear Yards.

4.27 LANDSCAPING

The general purpose of the landscaping regulations is to have development contribute to a reasonable standard of liveability and appearance having regard for low impact design features and use of drought tolerant species, to provide a positive overall image for the Town through good environmental stewardship.

- (1) Front yard sodding and landscaping in residential districts as well as other districts where required, shall be completed to the satisfaction of the Development Authority by the end of the first full growing season following completion of construction or the commencement of the use, whichever occurs first. All landscaping shall be of the type and quality that is satisfactory to the Development Authority.
- (2) Any healthy, mature tree that is required to be removed to allow for a development shall be replaced at a minimum ratio of 1:1 (existing tree: new tree).

- (3) Landscaping shall be required in all yards abutting public roads. Additional landscaping and/or fencing may be required at the discretion of the Development Authority.
- (4) Landscaping shall be provided in accordance with **Table 4.6: Landscaping Design Standards for Land Use Districts/Uses**. In addition to required landscaped areas, all areas of a parcel not covered by buildings, driveways, parking, storage and display areas shall be seeded to grass, sodded, cultivated as a garden, hard landscaped or left with its natural, weed-free grass and vegetative cover.

Table 4.6: Landscaping Design Standards for Land Use Districts/Uses.

Land Use District/Use	Minimum Landscaped Area	Planting Density (landscape item/required landscape area)
RESIDENTIAL		
Single Detached & Duplex	Required landscaping to be provided in the front yard	1 tree or 3 shrubs/dwelling unit and front yard sodded
Three/Fourplex	All front yard areas + rear yard if dwelling unit accessed directly from the rear.	1 tree/85 m ² (915 ft ²) 1 shrub/40 m ² (431 ft ²) Front yard sodded
Row Housing	Front yard area	1 tree or 3 shrubs/dwelling unit Minimum 1 tree to be provided/three dwelling units & front yard sodded
Apartment Stacked Row Housing Multiple Housing Development	30% of parcel area	1 tree for every 50 m ² (538 ft ²) 1 shrub for every 20 m ² (215 ft ²)

COMMERCIAL		
Central Business	Nil, except for all areas not covered by buildings, driveways, (parking, storage, or display areas)	Not applicable
Highway Commercial & Local Commercial	10% of parcel area, with a minimum of a 3.0 m (10 ft) landscaped strip along all parcel boundaries adjacent to a public roadway	1 tree for every 50 m ² (538 ft ²) 1 shrub for every 20 m ² (215 ft ²)

INDUSTRIAL		
Established Industrial	No on-site landscaping required, except where a parcel directly abuts a non-industrial parcel or major roadway (50 th Street/Lakewood Drive, 42 nd Street, C & E Trail, Highway 2A) in which case landscaping consisting of a minimum of 3.0 m (10 ft) wide strip along all relevant boundaries may be required at the discretion of the Development Authority.	1 tree for every 50 m ² (538 ft ²) 1 shrub for every 20 m ² (215 ft ²)
Industrial Expansion	A minimum of 3 m (10 ft) landscaped strip along all parcel boundaries adjacent to a public roadway.	1 tree for every 50 m ² (538 ft ²) 1 shrub for every 20 m ² (215 ft ²)
Privately Serviced Industrial Light Industrial	A minimum of 3.0 m (10 ft) landscaped strip along all parcel boundaries adjacent to a public roadway or a non-residential district, and areas immediately surrounding and containing on-site private water and wastewater facilities.	1 tree for every 50 m ² (538 ft ²) 1 shrub for every 20 m ² (215 ft ²)

INSTITUTIONAL		
Essential Public Services Institutional Services	10% of parcel area, with a minimum of a 3.0 (10 ft) landscaped strip along all parcel boundaries adjacent to a public roadway	1 tree for every 50 m ² (538 ft ²) 1 shrub for every 20 m ² (215 ft ²)

- (5) Excepting detached and duplex dwellings, the size of all required trees and shrubs shall be as follows at time of planting:

Trees

- | | | |
|-----|------------|---|
| (a) | Coniferous | minimum height of 1.8 m (6 ft.) above the root ball |
| (b) | Deciduous | minimum caliper width of 50 mm (2 in) at 0.46 m (1.5 ft.) above the root ball |

Shrubs

- | | | |
|-----|------------|---|
| (a) | Coniferous | minimum height of 0.38 m (1 ft) above the root ball |
| (b) | Deciduous | minimum height of 0.61 m (2 ft) above the root ball |

- (6) The following planting ratio shall be required for all required landscaping:
- (a) Trees: One (1) coniferous: two (2) deciduous
 - (b) Shrubs: Two (2) coniferous: three (3) deciduous
- (7) The developer shall be responsible for selecting plant species that are suitable for the hardiness zone where Innisfail is located. Developers may be directed by the Town to a list of drought tolerant trees and shrubs to be utilized to fulfil landscaping requirements.
- (8) Xeriscaping practices are encouraged but shall not reduce the required vegetative tree and shrub plantings outlined above. Native plants and grasses may be considered as equivalents to shrub plantings to the satisfaction of the Development Authority.
- (9) Existing trees shall be retained to the greatest extent possible when clearing land for new development or redevelopment of a parcel. Any such trees which are retained following development may be considered in assessing fulfilment of the landscaping requirements provided construction activity has not, in the opinion of the Development Authority, impacted on the ability of the existing trees to survive 5 years beyond the date the development was completed.
- (10) All boulevards adjacent a development site shall be seeded or sodded, excepting those ditch areas required for drainage. Any surface treatment other than grass or any tree planting on the boulevards shall require prior approval of the Town. All boulevard landscaping shall be in accordance with the standards of the Town.
- (11) All landscaping shall be placed primarily along road frontages, along parcel boundaries, and building faces except for plantings intended to screen adjacent properties. All boundary landscaping is to be provided outside of any perimeter site fencing.
- (12) All development is encouraged to provide aesthetic improvements in the form of hanging plant baskets, potted plants along street facing facades.
- (13) All landscaping shall be protected by concrete curbs or other approved barriers having a minimum height of 152 mm (6 in.) or separated from the street or parking area by a paved, curbed sidewalk. Where landscaping is to be provided along unpaved roadways or parking areas these requirements may be waived by the Development Authority provided landscaping can be adequately maintained.
- (14) Landscaping shall be used to screen or break up the view of all outside storage areas, parking facilities and loading areas from adjacent buildings and roads.

- (15) The Development Authority may require additional aesthetic improvements where, in the opinion of the Development Authority, there is a likelihood that elements of the proposed development will generate undesirable impacts on surrounding sites such as poor appearance, excessive noise, light, odours, traffic, litter, or dust or cause conflicts with other uses forming part of the development.

4.28 LIGHTING

- (1) Outdoor lighting provided for security, display or attraction purposes for any development shall be arranged so that no direct rays of light are directed at any adjoining site or interfere with the effectiveness of adjacent traffic and shall comply with the following provisions:
- (a) No light structure shall exceed a height of 7.62 m (25 ft).
 - (b) No light shall be attached to a structure above a height of 7.62 m (25 ft) along that structure.
 - (c) The developer shall provide a plan indicating the location of all exterior lights, including projected light patterns in relation to adjacent public roadways and developments.
 - (d) No flashing or strobe, or revolving lights, which may impact on the safety of motorists using adjacent public roadways, shall be installed on any structure or site.

4.29 RETAINING WALLS

- (1) The Development Authority may require that a retaining wall be provided if the elevation difference between properties is more than 0.3 m (1 ft.)
- (2) The Development Authority may require the construction of an engineered retaining wall where the change in grade or elevation between two sites or around a building exceeds a slope of 1:3 (vertical: horizontal) and a height of 1 m (3 ft.).
- (3) Where a retaining wall is required or proposed, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a Qualified Consultant, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

SPECIFIC USES AND ACTIVITIES

4.30 BED AND BREAKFAST ESTABLISHMENT

- (1) A Bed and breakfast establishment is allowed in a Detached dwelling if it is secondary to the residential use. Such accommodation shall not interfere with the use and enjoyment of the neighbourhood as a

residential area. In this regard, A Bed and breakfast establishment shall comply with the following standards:

- (a) Alterations to the residence shall be limited so that a home can be easily re-converted back to a residence and to ensure that the home is virtually indistinguishable from other houses in the neighbourhood. Any alterations are to be approved by the Development Authority.
 - (b) One sign only shall be permitted to identify, rather than advertise the establishment. Such sign must not exceed 0.6 m² (2 ft.²) in area.
 - (c) Off-street parking shall be provided as follows: two parking spaces for the Dwelling unit plus one space per guest room.
 - (d) A Bed and breakfast shall not be permitted on a parcel where a Home occupation – Class 2 or a Secondary suite exists.
 - (e) The landowner shall be responsible for obtaining an annual business license from the Town for the Bed and breakfast establishment.
- (2) A development permit issued for a Bed and breakfast establishment does not exempt compliance with health regulations or any other permit requirements.

4.31 CANNABIS USES

The production, processing, storage, or sale of cannabis can only occur where it has been approved through a development permit for a cannabis related use.

4.31.1 Cannabis Facility

- (1) A cannabis facility must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of the ventilation system.

4.31.2 Cannabis Store

- (1) The Gaming, Liquor and Cannabis Regulation has established distances from certain buildings and land uses which a Cannabis store must be separated and authorized municipalities to expressly vary these distances. The distances in the regulation apply to a Cannabis store unless otherwise expressly varied in this Bylaw. The following distances in the regulation are hereby varied:
- (2) A Cannabis store shall not be located within 100 m of (measured between occupied floor area of Cannabis store and property boundary of the uses listed below):
- (a) Schools.
 - (b) Hospital.

- (d) Public cultural or recreation area (swimming pool and arena complexes).
 - (e) Library.
 - (f) Playground and playing fields, or
 - (g) An existing, approved cannabis store.
- (3) A Cannabis store shall not be located on any parcel directly abutting (sharing a common property boundary) a parcel currently being used for residential purposes.
- (4) The Gaming, Liquor and Cannabis Regulation has established hours of operation for a Cannabis store, and municipalities to expressly vary these hours. The hours of operation are hereby varied to be from 10:00 am – 10:00 pm.
- (5) All signage related to a Cannabis store shall comply with the requirement of the Gaming, Liquor and Cannabis Regulation.

4.32 DANGEROUS GOODS

- (1) Prior to making any decision on a development permit application for a use involving dangerous goods or a site adjacent or near where dangerous goods are kept, the Development Authority shall refer the application to the appropriate regulatory authority for comment.
- (2) Any on-site manufacturing, storage and/or handling of dangerous goods more than the quantities listed in **sub-section 4.32.1 – Small Quantity Exemptions for Dangerous Goods** below, is not permitted on a parcel the boundary of which is within 50 m (164 ft) of the boundary of any parcel located in a residential district or **Public Use** district.

4.32.1 Small Quantity Exemptions for Dangerous Goods

The existence of the following quantities of dangerous goods on a site will not be considered to constitute “dangerous goods occupancy”. Any quantities more than this amount will be considered to constitute “dangerous goods occupancy” and must be approved by the Fire Chief.

Mass Explosion Hazard ¹	Any
Severe Fragment Projection ¹	Any
Predominant Fire Hazard ¹	Any
No Significant Blast Hazard ¹	50 Kg
Insensitive Substances (Mass Hazard) ¹	250 Kg
Extremely Insensitive Substances ¹	250 Kg
Flammable Gases ²	100 L or Kg
Compressed Gases ²	1000 L
Toxic Gases	Any

Flammable Liquids	250 L
Combustible Liquids (incl. waste oil)	1000 L
Flammable Solids	25 Kg
Spontaneous Combustible Material	25 L or Kg
Dangerous When Wet Material	25 L or Kg
Oxidizing Substances	50 L or Kg
Organic Peroxides	1 L or Kg
Toxic Materials	5 L or Kg
Infectious Substances	Any
Radioactive Materials ³	Any
Corrosives	250 L or Kg
Miscellaneous Dangerous Goods	250 L or Kg

- Notes:
1. Any amount that requires license from Explosive Branch (Natural Resources Canada).
 2. The amounts listed are the equivalent liquid measure of the container.
 3. Any amount that requires license from Atomic Energy Regulators.

4.33 DRINKING ESTABLISHMENTS AND ADULT ENTERTAINMENT

- (1) When considering an application for approval of a renovation to an existing drinking establishment which proposes to include adult entertainment as an accessory use or principal use, the Development Authority shall require the development to meet the following:
- (a) The gross floor area for an adult entertainment use shall not exceed 557.4 m² (6,000 ft²) and building occupancy shall not exceed 300 persons.
 - (b) Be located on a parcel, the boundary of which is not less than 150 m (492 ft) from the boundary of a parcel containing an existing drinking establishment (adult entertainment permitted) or an existing adult entertainment use.
 - (c) Be located on a parcel the boundary of which is not less than 150 m (492 ft) from the boundary of any parcel located in a residential district, any parcel with existing institutional uses, or any parcel developed as a park or playground; and
 - (d) Have no exterior display of nudity or partial nudity in respect of any adult entertainment offered within the premises.

- (2) No development application for the construction or renovation of a drinking establishment may be approved unless it meets the following requirements:
- (a) No openings, such as a public entrance door or opening window, and no outdoor patio balcony, shall be located on a side of the subject building that faces or abuts a residential district or a lane or road separating the site from a residential district. The prohibition does not apply to emergency exits, loading-bay doors or non-operating windows.
 - (b) The parking areas of the drinking establishment, which are located adjacent to a residential area, shall be screened to the satisfaction of the Development Authority.
 - (c) No drinking establishment with a total occupancy capacity of one hundred (100) patrons or more, shall be located on a parcel that is within 50 m (164 ft) of a parcel that contains a residential building unless otherwise varied by the Development Authority according to **section 3.14 - VARIANCES**.
 - (d) The main entrance of a drinking establishment shall be provided to the satisfaction of the Development Authority and may not be located closer than 100 m (333 ft) to the main entrance of any other drinking establishment with a capacity of more than 100 patrons.
 - (e) Lighting of a site containing a drinking establishment shall be provided to the satisfaction of the Development Authority and to minimize the potential impact on any adjacent residential uses.
 - (f) In deciding, the Development Authority shall be mindful of Crime Prevention Through Environmental Design (CPTED) principles.
- (3) Processing of a development permit application for a drinking establishment may include:
- (a) Prior to making either decision on an application for a development for a drinking establishment or a recommendation to Council regarding an application for a drinking establishment in a Direct Control District, the Development Authority may refer the application to any of the following for comment/input:
 - i. Municipal departments and/or the RCMP.
 - ii. Applicable Municipal Boards or Committees.
 - iii. A Crime Prevention Through Environmental Design (CPTED) expert.
 - iv. Adjacent/ area landowners, business and residents.
 - (b) The Development Authority may require the applicant or proponent to host a public open house meeting so that the public may review what is being proposed and may provide verbal and written feedback on the proposal.

4.34 ENVIRONMENTAL CONSERVATION AND PROTECTION OF NATURAL AREAS

- (1) On-site environmental conservation and protection of natural areas shall be encouraged wherever possible in all new and existing development. To the satisfaction of the Development Authority the following natural elements shall be conserved to the greatest extent possible:
- (a) Wetlands, swamps, gullies and natural drainage courses.
 - (b) Unstable land.
 - (c) Land that may be subject to flooding.
 - (d) Land with a natural gradient of 15% or greater.
 - (e) A strip of land not less than 30.0 m (98.4 ft) in width along any river, stream, creek or lake, such distance to be measured from the top of the bank. A lesser setback may be considered if it can be proven that the development will have no adverse impact on the quality or flow of the water course, as determined by a qualified professional; and,
 - (f) Existing trees and shrubs to the maximum extent possible.

4.35 HOME OCCUPATIONS

- (1) The following regulations apply to Home occupations – Class 1 or Class 2:
- (a) Shall be subordinate to the residential use of the principal building and shall normally be contained within it unless otherwise provided by these regulations.
 - (b) Shall not create any nuisance by way of noise, vibration, smoke, dust, fumes, odours, heat, glare, electrical or radio disturbances, detectable beyond the property boundary.
 - (c) Shall protect the form, function, privacy and enjoyment that are typical of the residential neighbourhood where it is located.
 - (d) The use and/or storage of dangerous goods is prohibited.
 - (e) Are allowed in several land use districts either as permitted or discretionary uses.
 - (f) Permit approval may be revoked at any time if, in the opinion of the Development Authority, the operator has violated any regulations of this Bylaw, or if a valid business license is not in place.
 - (g) Shall not require alterations to the principal building unless the Development Authority approves those alterations.

- (h) Shall not have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 ft²) whichever is less, devoted to the business usage.

4.35.1 Home occupation – Class 1

- (a) A Home occupation – Class 1 shall not:
 - i. Have outside storage of materials, goods or equipment on the parcel.
 - ii. Increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation.
 - iii. Display any form of advertising related to the home occupation on the parcel.
 - v. Have any employees or business partners working on the site who are not residents of the dwelling unit.
 - vi. Include the direct sale of goods to walk-in clientele.
 - viii. Advertise the address of the home occupation to the public.

4.35.2 Home occupation – Class 2

- (a) Shall not be permitted if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial district.
- (b) May be considered by the Development Authority within a private garage provided that at least fifty percent (50%) of the floor area of the garage is always available for the parking of motor vehicles and the proposed use does not interfere with the provision of the bylaw parking requirement.
- (c) Only residents of the residence and up to two (2) non-resident employees or business partners may be employed on site. In addition to the parking spaces required for the dwelling, one (1) additional onsite parking space shall be provided for each non-resident employee or business partner and, at the discretion of the Development Authority, up to two (2) onsite parking spaces shall be provided for customers.
- (d) Are limited to one (1) per dwelling unit and to those which shall not:
 - i. Include the direct sale of goods to walk-in clientele which are not produced on the premises.
 - ii. Have more than a total of four (4) motor vehicles or trailers or pieces of outdoor equipment or a combination of these items associated with the business parked on-site or in the vicinity of the site at any time.
 - iii. Have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 25 by 30 cm (10 by 12 inches), being located within the window of or at the discretion of the Development Authority, on the building; or advertise the address of the home occupation to the

- public except in accordance with the above dimensions and location.
- iv. Have open storage related to the business except for vehicles, trailers and pieces of outdoor equipment.

- (e) Are not permitted on the same parcel as a Bed and breakfast establishment or a Secondary suite.

4.36 OUTDOOR HOT TUBS, WHIRLPOOLS OR SWIMMING POOLS

- (1) Every outdoor hot tub, whirlpool or swimming pool shall be secured against entry by the public other than owners, tenants or their guests and must comply with the Safety Codes Act. Swimming pools shall be enclosed by a 1.8 m (6 ft) fence measured from grade or equivalent means of protection and shall be secured against entry by others other than owners, tenants or their guests.
- (2) Outdoor hot tubs, whirlpools and swimming pools shall not be located within any required front or side yard.
- (3) All permanent in ground pools and in ground hot tubs shall require a development permit.

4.37 SOLAR COLLECTORS

4.37.1 Solar Collectors as an Accessory building or use

- (1) A solar collector must have a non-reflective surface or must be located and installed in a manner that does not create undue glare on any adjacent property or abutting public roadways.
- (2) A solar collector that is attached or mounted on a roof surface of a building in a Residential District shall be subject to the following:
 - (a) A solar collector mounted on a roof with a pitch of less than 4:12:
 - i. must not extend beyond the outermost edge of the roof; and
 - ii. may project a maximum of 0.5 m (1.6 ft) above the surface of the roof where the solar collector is located 3.0 m (9.8 ft) or less from any point along a side parcel boundary; and
 - iii. where the solar collector is located more than 3.0 m (9.8 ft) from any point along a side parcel boundary, it may project a maximum of 1.3 m (4.3 ft) above the surface of the roof.
 - (b) A solar collector mounted on a roof with a pitch of 4:12 or greater:
 - i. must not extend beyond the outermost edge of the roof; and
 - ii. must not project vertically above the height of any existing roofline or any roof peak; and
 - iii. may project a maximum of 1.3 m (9.8 ft) above the surface of the roof.

- (3) A solar collector that is attached or mounted on a roof surface of a building in all Land Use Districts except a Residential District shall be subject to the following:
 - (a) Where the pitch is less than 4:12 may project up to 2.0 m (6.6 ft) from the surface of the roof and must be at least 1.0 m (3.3 ft) inward from the outermost edge of the roof.
 - (b) Where the pitch of 4:12 or greater, it may project up to 1.3 m (9.8 ft) from the surface of the roof and must not extend beyond the outermost edge of the roof.
- (4) A solar collector that is attached or mounted on a wall surface of a building in all Land Use Districts shall be subject to the following:
 - (a) Shall not project into or over a minimum required front or side yard; and
 - (b) Shall be at least 2.4 m (7.9 ft) above grade; and
 - (c) May project a maximum of 0.6 m (2 ft) from the surface of the wall to which it is attached.
- (5) In a Residential District a solar collector shall not be attached or mounted to any wall surface of a principal dwelling facing a front parcel boundary or a public street.
- (6) Ground mounted solar collectors shall be evaluated as an accessory building and shall be subject to all general regulations pertaining to accessory buildings and the regulations of the applicable Land Use District.

4.37.2 Solar Generation Facility

- (1) All items and equipment related to the solar collector system shall be located on the parcel to meet the yard and setback requirements of the applicable Land Use District.

4.38 TELECOMMUNICATION ANTENNA AND STRUCTURES

- (1) Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. In making its decision regarding the communication tower and related facilities, Industry Canada considers comments received from a municipality. In making its decision regarding the communication tower and related facilities, Industry Canada considers the following:
 - (a) The input provided by the land use authority.
 - (b) Compliance with Transport Canada's painting and lighting requirements for aeronautical safety.

- (c) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields.
 - (d) An environmental assessment may be required to be completed by the applicant to comply with federal legislation
 - (e) The participation of the Town in the consultation process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility.
 - (f) Transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing.
 - (g) Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the Town.
- (2) Although Telecommunication antenna and structures do not require municipal approval, such structures shall provide design elements to ensure a seamless integration with the surrounding neighbourhood.

4.39 GUIDELINES FOR OTHER LAND USES

All uses which are not covered by specific regulations in a District shall, in accordance with the following guidelines be:

- (a) Separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses.
- (b) At a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan.
- (c) Setback from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses.
- (d) Of a height which will be consistent with that prevailing in the area.
- (e) Developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads.
- (f) Developed in accordance with the regulations of this section; and
- (g) Developed in conformance with any applicable statutory plan policies.

SECTION 5.0 SIGN REGULATIONS

5.1 PURPOSE

The purpose of this Section is to regulate the number, size, type, form, appearance and location of signs on private property to:

- (a) Allow local businesses and organizations to advertise their presence to local citizens in a manner that can be equitably applied and enforced.
- (b) Encourage and improve the quality of sign design to compliment the streetscape.
- (c) Discourage the clutter of signs and minimize the adverse effect of signs on nearby private and public property, and
- (d) Ensure signs do not disrupt the orderly and safe flow of vehicular and pedestrian traffic.

NOTE: All signs erected on public lands, including road rights of way, public utility lots, grass boulevards, parks and open space must receive authorization or consent from the Town CAO or designate in accordance with applicable town policy.

5.2 DEFINITIONS

GENERAL

Awning means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather.

Canopy means any permanently fixed structure other than an awning, which is roofed solid and projects from the face of the building for the purpose of affording protection or shelter from the weather and which is supported solely from the building.

Community bulletin board means a structure erected by or for the Town for the purpose of posting temporary community notices.

Copy means any image, written material, structure, graphics, pictures, logo, symbol or letters placed on a sign.

Hold time means the length of time a sign message is fixed in place before changing to a different sign message.

Illumination means the act of lighting up a sign by way of an artificial light source located within, or external to, the sign and does not include flashing or intermittent lighting.

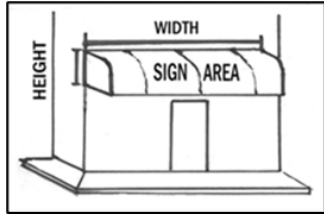
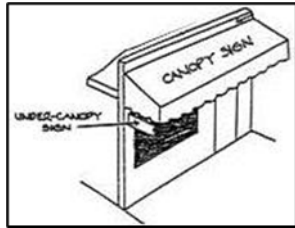
Message means the area formed by the outermost extremities of the image, written material, structure, graphics, pictures, logo, symbol or letters placed on a sign and includes, but is not limited to, graphics related to the specific nature of the copy.

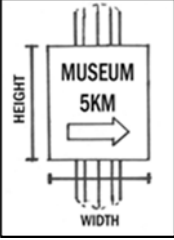
Sign means any structure, device or object used to identify, advertise or attract attention to any product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business.

Third party advertising means a sign that promotes goods, products, services, or activities not sold, produced, or offered on the site where the sign is located.

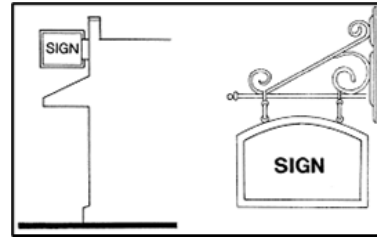
5.2.1 PERMANENT SIGNS

The diagrams or pictures shown as examples of different forms of signage are only for illustration purposes.

Awning sign means a non-illuminated sign which is painted on or affixed flat to the surface of an awning.	 A line drawing of a storefront awning. A sign is mounted on the front of the awning. Dimension lines indicate the 'HEIGHT' of the sign, the 'WIDTH' of the sign, and the 'SIGN AREA' which is the central part of the sign.
Billboard means a structure, primarily self-supporting, which is used for the display of third party and/or on-site advertising and does not include a reader board/digital sign.	 A photograph of a billboard. The billboard is a large rectangular sign supported by two metal posts. The word 'BILLBOARD' is written in large, bold, capital letters on the sign.
Canopy sign means any sign attached to and forming a part of the face of a canopy or sign suspended and supported under a canopy.	 A line drawing of a storefront with a canopy. A sign is mounted on the front of the canopy. A dimension line indicates the 'CANOPY SIGN' which is the sign on the canopy. Another dimension line indicates the 'UNDER-CANOPY SIGN' which is the sign on the wall below the canopy.

Directional sign means a sign which indicates the distance and/or direction to a place of business or other premises indicated on the sign.	 A diagram of a rectangular directional sign. The sign has the word "MUSEUM" at the top, "5KM" in the middle, and a right-pointing arrow at the bottom. To the left of the sign is a vertical double-headed arrow labeled "HEIGHT". Below the sign is a horizontal double-headed arrow labeled "WIDTH".
Fascia sign means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1 ft.) from the building. It does not include a billboard or wall sign.	 A black and white illustration of a building facade. A sign is mounted on the building, extending slightly from the wall. A vertical double-headed arrow next to the sign is labeled "Sign Height".
Freestanding sign means a sign that is supported independently of a building wall or structure. It does not include a portable sign or wall sign.	 A diagram of a freestanding sign. It consists of a rectangular sign with the words "Freestanding Sign" on it, mounted on a single vertical post.
Identification sign means a sign which contains no advertising, but is limited to the name, address and number on a building, institution or person.	 A photograph of an identification plaque. The plaque is rectangular and contains the following text: "KENTWOOD WELCOME CENTER", "1991", "M.J. 'MIKE' FOSTER, JR.", "WOODMAN", "GOSSEN-GASAWAY-HOLLOWAY, LTD. ARCHITECTS", "STANFORD CONSTRUCTION CO., INC. - CONTRACTOR", and "PROJECT FUNDED BY LOUISIANA TAXPAYERS".
Point-of-purchase sign means advertising that is not visible from a public right-of-way and is intended to advertise goods available for sale on-site such as a drive-through menu.	 A photograph of a point-of-purchase sign. The sign is located inside a building, likely a drive-thru window, and displays a menu with the words "DRIVE THRU" at the top.

Projecting sign (blade sign) means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building or structure.



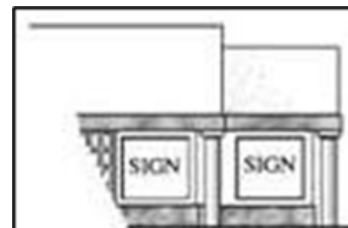
Roof sign means any sign placed on or over a roof or a parapet of a building.



Wall sign means any panel, lettering or display painted directly on the exterior wall of the building.



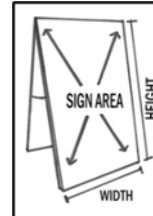
Window sign means a sign which is painted on, attached to, or applied to the inside surface of a window and intended to be viewed from the outside.



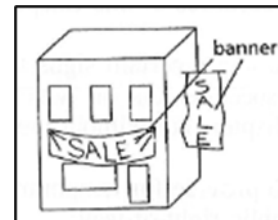
5.2.2 TEMPORARY SIGNS

Temporary sign means a sign, not permanently installed, intended to be featured for a short period of time, and for a special, unique, limited activity or sale. Temporary signs may only include the following sign types, or another type of sign that, in the opinion of the Development Authority, should be similarly regulated. The following signs shall only be considered on a temporary basis.

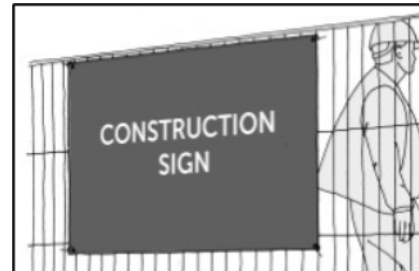
A-board sign means a self-supporting sign consisting of two flat faces/surfaces joined at one end, which is set upon the ground and has no external supporting structure. This includes signs commonly known as sandwich board or sidewalk sign.



Banner sign means a temporary sign that is constructed of a flexible, non-ridged material that is intended to be hung or suspended which displays characters, letters or illustrations advertising a business, event or matter.



Construction sign means a temporary sign that is used to identify a construction project, the owner, general contractor, sub-trades, architect, engineers, and others associated with the design, planning and development of a project under construction.



Election sign means a temporary sign to promote a candidate, position of a party during a municipal, school board, provincial or federal election or a referendum or plebiscite.



Flag sign means a temporary sign constructed of a flexible, lightweight material that is attached to a freestanding pole or structure placed in or on the ground.



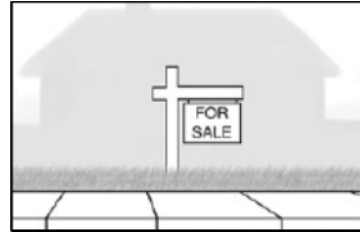
Inflatable sign means a temporary sign that is designed to be inflated with air or lighter than air gas and to be anchored or affixed to a building or to the ground.



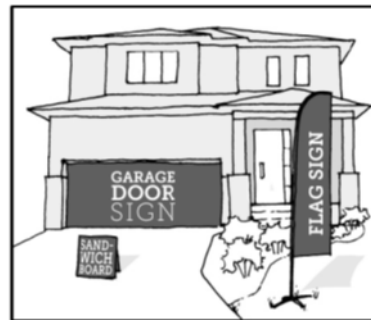
Portable sign means any temporary sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs commonly known as mobile signs, but does not include A-board signs, or signage permanently attached to and forming a part of motor vehicles used in the day-to-day conduct of a business.



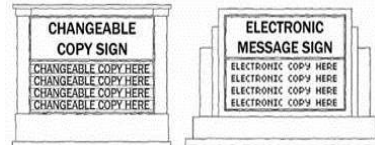
Real estate sign means a temporary sign erected on a parcel by the owner or agent of the owner of the parcel, advertising the parcel for sale or lease, but does not include an inflatable sign.



Show home sign means a temporary sign erected on a parcel being utilized as a Show home or as a prize for a raffle or contest, a show home sign may be a flag sign, banner sign, A-board sign, or another similar sign.



Reader board/digital sign means a sign which provides for a changeable message using an electronically displayed message or other similar means and forms an integral part of a sign.



Sign for illustrative purposes

5.3 SIGNS NOT REQUIRING A PERMIT

The following signs shall not require a development permit provided each sign complies with the regulations of this Bylaw.

- (1) Real estate signs promoting the sale or lease of real estate, providing that:
 - (a) There shall not be more than one sign on any lot in a residential area. Such signs shall not exceed 1.5 m² (16 ft²).
 - (b) In commercial and industrial areas, there shall not be more than one sign for each frontage, and the area of such sign shall not exceed 11.5 m² (123 ft²).

- (2) Construction signs of building contractors relating to construction work in progress on the land on which the sign is erected, provided that:
- (a) The sign is wholly situated upon the site of the structure or land use to which it refers,
 - (b) The sign shall not project over public property,
 - (c) Only one sign shall be permitted upon each site and limited in size to a maximum of 3 m² (32 ft²), and
 - (d) The sign shall be removed prior to occupancy of the building.
- (3) Notices of identification in respect of the land or building on which they are displayed, or professional, business and tradename plates relating to the occupants of the land or buildings on which they are displayed, providing that:
- (a) Each name plate shall not exceed 0.2 m² (2 ft²), and
 - (b) Such sign may be illuminated to Electrical Certification Standards but not flashing.
- (4) Window signs located on the windows of a building used for non-residential purposes.
- (5) A-board signs, in a non-residential district, provided that:
- (a) Such signs do not display third-party advertising; and,
 - (b) These signs meet all other requirements in this Part.
- (6) Directional signs situated on private property provided that:
- (a) The sign is a freestanding sign and is appropriately located adjacent to the entrance, exit or drive thru.
 - (b) The sign face area does not exceed 0.5 m² (5.4 ft²) and that the sign height does not exceed 1.5 m (4.9 ft).
- (7) Point-of-purchase signs not visible from a public right-of-way, such as drive-through menus and car wash menus.
- (8) Temporary signs on private property in non-residential districts advertising a special promotion on the property.

- (9) Flags affixed to flag poles to a maximum of three (3) per parcel and not to exceed 9.2 m (30 ft.) above grade.
- (10) Election signs relating to a pending election and removed within two (2) days of the election date.
- (11) Garage sale signs removed within twenty-four (24) hours of the sale date.
- (12) Sign placed on a community bulletin board.
- (13) One (1) property management sign per parcel, not exceeding 1.0 m² (10.8 ft²)
- (14) Replacement of sign copy on any previously approved sign, provided the sign is not enlarged or altered in any additional way.
- (15) Flag signs on private, non-residential property or in conjunction with a show home such that they do not exceed 6.0 m (19.7 ft) above grade when mounted on the ground, or 3.0 m (9.8 ft) when mounted on top of a building.
- (16) Murals or art affixed or directly applied to a building wall. A mural shall not function as commercial advertising.

5.4 GENERAL PROVISIONS FOR ALL SIGNS

- (1) A sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings.
- (2) No approval shall be granted for a sign which will overhang a street, sidewalk or other Town property, unless approved by the Development Authority and an encroachment agreement is entered into between the Town and the property owner.
- (3) Where a sign projects over public property, a minimum clearance of 2.5 m (8 ft.) above ground level shall be maintained.
- (4) A larger clearance of 4.6 m (15 ft.) shall be maintained where a sign is located or projects into or over a driveway or other area of vehicle movement.
- (5) A sign shall not obstruct the view of or be liable to be confused with any authorized traffic sign, signal or device or otherwise pose a potential hazard to traffic.
- (6) A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
- (7) A sign shall always be maintained in a proper state of repair. This includes ensuring the structural members

and guy wires are properly attached to the sign and building and meet property safety standards. Sign surfaces are to be cleaned as it becomes necessary.

- (8) The subject matter of all signs shall relate to the use or ownership of the property (i.e. no third-party advertising) on which the sign is located except for billboard signs; freestanding signs related to comprehensively planned commercial areas; or freestanding signs or reader boards/digital signs used solely by community organizations.
- (9) A sign shall not obstruct the use of a fire escape, fire exit, door, flue, air intake, exhaust, window, or interferes with any electrical or telephone wires or associated supports but shall not include a window sign permitted by this Bylaw. Notwithstanding, signs shall not be located such that they interfere with any opening required for ventilation.
- (10) No person shall erect, construct or maintain a sign or sign structure to create a hazard for pedestrian or vehicular traffic.
- (11) No sign within the **RESIDENTIAL TRANSITION DISTRICT (RT)** shall be internally lit. Signs within the **Central Business District (CB)** should not be internally lit at the discretion of the Development Authority.

5.5 SIGN REMOVAL

- (1) Where any sign no longer fulfils its function under the terms of this Bylaw, the Development Officer may order the removal of the sign and the lawful owner of the sign or where applicable, the registered property owner, shall upon order:
 - (a) Remove the sign and all related structural components within seven (7) days, or a reasonable time frame established by the Development Officer, from the date of receipt of such notice.
 - (b) Restore the immediate area around the sign to the satisfaction of the Town; and
 - (c) Bear all the costs related to such removal and restoration.
- (2) The Development Officer may require the removal or repair of any sign or its supporting structure which, in their opinion, is or has become, dilapidated or unsafe, or is in such a state of disrepair as to constitute a hazard or which has been erected or maintained contrary to the provisions of this Bylaw.
- (3) The Development Officer may remove and impound any sign that, they believe on reasonable grounds, is not authorized pursuant to this Bylaw:
 - (a) In the case of a sign for which a permit is issued, after seven (7) days' notice to the sign permit holder, delivered to the address shown on the permit; or

- (b) In the case of a sign for which no permit has been issued, without prior notice to any person.
- (4) The owner of a sign that is impounded may secure its release upon payment in full of all applicable impounding and storage charges at the rates specified in Schedule C of this Bylaw.
- (5) An impounded sign which has not been redeemed within thirty (30) days of the date of the service of notice as specified in subsection (5) above may be disposed of by the Town without further notice to any person and without any liability to compensate the owner of the sign.
- (6) A person who fails to comply with any of the provisions of **Section 5.0 - SIGNS** shall be guilty of an offence and subject to the penalties set out in Schedule C.

5.6 PERMANENT SIGN REGULATIONS

(1) Fascia Signs

- (a) No fascia sign on a single storey building shall be higher than the eave line of the building.
- (b) No fascia sign on a building of two or more storeys shall be higher than the building height, unless otherwise approved by the Development Authority.

(2) Projecting/Blade Signs

- (a) No part of a projecting sign shall be less than 2.5 m (8 ft.) above finished grade.
- (b) No projecting sign on a single storey building shall be higher than the eave line of the building.
- (c) No projecting sign on a building with two or more storeys shall be higher than the sill level of the second-floor windows or the equivalent height in the case of the sign attached to a windowless wall, unless otherwise approved by the Development Authority.
- (d) The maximum size for projecting signs shall be 0.9 m² (9.69 ft²).
- (e) Only one (1) projecting sign may be erected on each street frontage of a building, unless otherwise approved by the Development Authority.
- (f) Project a maximum of 1.0 m (3.3 ft) over a sidewalk.
- (g) Projecting signs in the Central Business District (CB) on 50th Street between 49th Avenue and 53rd Street, shall:

- (i) Be located at or below the level of the second-floor windows.
- (ii) Complement the architecture and coordinate with other streetscape improvements and development.
- (ii) Not employ backlit construction or be encircled with flashing or neon lights; and
- (iv) Have a maximum size of 0.6 m² (6.46 ft²).

(3) Freestanding Signs

- (a) With the exception of signs used solely by community organizations, a freestanding sign shall be situated wholly upon the site of the building or land use to which the sign refers.
- (b) A sign shall not project over the property line.
- (c) No freestanding sign shall exceed 9 m (30 ft.) in height or 9 m² (97 ft²) in sign area, except for:
 - (i) A freestanding sign identifying a neighbourhood commercial site adjacent to a residential area shall have a maximum permitted height of 7.5 m (25 ft) and a maximum permitted sign area of 4.6 m² (50 ft²); or
 - (ii) A freestanding sign located within the Central Business District (CB) or Residential Transition (RT) that shall have a maximum permitted height of 6.0 m (20 ft.) and a maximum permitted sign area of 3.0 m² (32 ft².)
- (d) Only one freestanding sign shall be allowed on each site.
- (e) Notwithstanding subsections (c) and (d), if a freestanding sign is to be located in a shopping centre or intended to serve a commercial area planned as a unit, more than one freestanding sign may be permitted and the total sign area may be increased to a maximum of 27.3 m² (294 ft²) and the maximum height shall be 11 m (36 ft).
- (f) Where more than one freestanding sign is permitted, freestanding signs on the same parcel shall be separated by a minimum distance of 15 m (49.2 ft) from each other.

(4) Billboards

- (a) No billboard sign shall be erected or placed in any Land Use District except for the following parcels upon which billboards shall be considered a discretionary use:
 - (i) Lot 32, Block 2, Plan 192 3553, no more than 2 billboards.
 - (ii) All the portion lying north and west of road plan 922 0441 and south and east of road plan 2563BM within SE 17-35-28W4, no more than 1 billboard.

- (iii) Lot 35A, Block 46, Plan 912 2324 (3204 52 Avenue), no more than 1 billboard.
- (iv) Lot A, Plan 4279NY (4004 - 42 Avenue), no more than 2 billboards.
- (v) Lot 2, Block 9, Plan 7327KS (4304 - 42 Avenue), no more than one billboard.

(b) Billboard signs shall:

- (i) Have a maximum sign area of 46.5 m² (500 sq ft).
- (ii) Have a maximum height above grade of 7.0 m (22.9 ft).
- (iii) Be set back a minimum of 3.0 m (10 ft) from any property boundary.
- (iv) Be separated a minimum distance of 50.0 m (164 ft) from any other billboard or freestanding sign; and
- (v) Not be approved for a term exceeding five (5) years, upon the expiry of which a new development permit approval must be obtained.

(5) Awnings and Awning Signs

- (a) Awnings shall be constructed of durable, colour-fast material.
- (b) Awnings shall be tightly stretched over a ridged metal frame to minimize the accumulation of dirt through sagging, and to improve their neat appearance.
- (c) Minimum clearance shall be 2.5 m (8 ft) from grade.

(6) Canopy Signs

- (a) Canopy signs shall be attached to the structure to which they refer.
- (b) Canopy signs may be attached to any or all faces of the canopy.
- (c) Under canopy signs shall not exceed a depth of 0.3 m (1 ft) and shall not project beyond the outer edge of the canopy.
- (d) Canopy signs attached to the face of the canopy or under the canopy shall have a minimum clearance to the finished grade of 2.5 m (8 ft).

(7) Roof Signs

- (a) The Town shall be satisfied that the purpose of the sign cannot be achieved by another type of sign.

(b) Roof Top Signs will only be allowed if:

- (i) Located in a commercial or industrial district.
- (ii) The message of the sign is limited to the buildings on or the land use of the parcel on which the sign is situated.
- (iii) The maximum sign area shall be 9 m² (97 ft²). Sign area shall be exclusive of pylons, supports and structural members if such pylons, supports and structural members are free of any message and are constructed such that they do not form part of the message.
- (iv) The sign shall not project more than 2.43 m (8 ft) vertically above the roof line, and no portion of the sign shall project horizontally beyond the roof line. These measurements of projection shall include pylons, supports, and structural members whether such pylons, supports and structural members have any message or are constructed such that they form part of the message.
- (v) Structural support elements shall be designed or concealed such that they are not visible; and
- (vi) A qualified member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing shall design or approve the design of the sign.

(8) Wall Signs

- (a) A wall sign shall not exceed 3.1 m (10 ft) in height and 9.14 m (30 ft) in length.
- (b) Only one wall sign per wall shall be permitted.
- (c) No wall sign on a building of two or more storeys shall be higher than the sill level of the second-floor windows or the equivalent height in the case of a sign on a windowless wall, unless otherwise approved by the Development Authority.

(9) Reader Boards/Digital Signs

- (a) A reader board or digital sign may form part of a freestanding or fascia sign where all the provisions relating to the respective type of sign are satisfied.
- (b) Digital components are prohibited from forming any portion of a billboard sign.

- (c) A reader board/digital sign may display digital text and images, but no text or image shall involve visible effects including but not limited to scrolling, action, motion, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.
- (d) The minimum hold time at which text and images shall be refreshed, or change shall be no less than six (6) seconds.

5.7 TEMPORARY SIGN REGULATIONS

- (1) The number of temporary signs, of any kind or combination thereof, shall not exceed two (2) on a parcel with a site frontage of 30.0 m (98.4 ft) or less.
- (2) An additional one (1) temporary sign may be placed for every additional 10.0 m (32.8 ft) of frontage to a maximum of six (6) temporary signs on any parcel, and in accordance with all other regulations in this Part.
- (3) Unless otherwise provided for in this Bylaw, or by approval of the Municipal Planning Commission, a temporary sign shall not remain on a site for longer than ninety (90) consecutive days, and for no more than 180 days within a calendar year. A temporary sign must be removed from a site for a minimum thirty (30) days prior to re-application.
- (4) Additional temporary signs may be permitted if the sign is related to a temporary community event, such as a recreation competition, fair, or fundraiser, for a maximum of thirty (30) consecutive days.
- (5) Temporary signs shall be situated wholly upon the site of the business or land use to which the advertising of the sign refers.
- (6) No temporary sign shall be placed on any Town owned property without the approval of the Town in accordance with applicable policy.
- (7) Notwithstanding sections 1-4 above, up to three (3) temporary signs may be permitted on a site intended for use as a Show home. Signs may remain on the property until such time as the property is no longer being utilized as a show home.
- (8) Temporary signs are intended for temporary on-site advertising relating to the commercial activities of the landowner or tenants. Third-party advertising is not permitted on portable signs with the exception only of promotions of community or not-for-profit organizations.
- (9) A temporary sign shall be stabilized but shall not use unsightly or potentially hazardous methods.
- (10) A temporary sign shall not interfere with pedestrian and/or vehicular traffic.
- (11) No temporary sign shall be located within 3.0 m (9.8 ft) of any access/egress to/from a property.

(12) A-Board Signs

- (a) Only one (1) A-board sign permitted per business on a site.
- (b) A-board signs shall:
 - (i) Be constructed of a material such that a rigid frame is provided, be of a painted finish, be neat and clean, and be maintained in such condition.
 - (ii) Be a maximum of 0.61 m (2.0 ft) wide and 0.91 m (3.0 ft) high.
 - (i) Be on display only during those hours that the business is open.
 - (iv) Be placed directly in front of or as close as possible to the building in which the business is located.
- (c) For businesses with zero front setbacks, one (1) A-board sign may be placed on Town property adjacent to the front parcel boundary provided that the sign shall be placed as close as practical to any tree, garbage bin, or other piece of street furniture where available in front of the business in order to maintain the maximum area possible for pedestrian passage.

(13) Banner Signs

- (a) Banner signs shall only be placed within a non-residential district.
- (b) Banner signs shall not exceed 6.0 m² (64.6 ft²) in area.
- (c) No more than one (1) banner sign shall be placed on a building face.

(14) Portable Signs

- (a) Portable signs are only permitted within a non-residential district.
- (b) No portable sign shall be higher than 2.0 m (7 ft) above grade or larger than 3 m² (32 ft²) in sign area.
- (c) The number of portable signs permitted on a parcel shall be limited to one (1), except for:
 - (i) Parcels with a total parcel frontage length of less than 30.5 m (100 ft) on which no portable sign may be placed within 1.5.2 m (50 ft) of another portable or freestanding sign on the subject or neighbouring parcels.
 - (ii) Multi-tenant parcels with a total parcel frontage length that is greater than 61 m (200 ft) on which one (1) additional portable sign may be permitted for each additional 30.5 m (100 ft) of parcel frontage over the 61 m (200 ft); and

- (iii) In no case shall portable signs be closer than 15.2 m (50 ft) to any other portable or freestanding sign.

(15) Other Signs

- (a) The Development Authority may approve other signs subject to the general provisions of subsection 5.4.

SECTION 6.0 LAND USE DISTRICTS

6.1 ESTABLISHMENT OF DISTRICTS

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

6.2	Residential Single Detached Dwelling District	R-1A
6.3	Residential Single Detached Dwelling District	R-1B
6.4	Residential Single Detached Dwelling District	R-1C
6.5	Residential Narrow Lot District	R-1N
6.6	Residential Medium Density District	R-2
6.7	Residential Multi-Unit District	R-3
6.8	Residential High-Density District	R-4
6.9	Residential Transition District	RT
6.10	Residential Manufactured Home Lot District	R-MHL
6.11	Residential Manufactured Home Park District	R-MHP
6.12	Low Density Residential District	LDR
6.13	Central Business District	CB
6.14	Highway Commercial District	HWY-C
6.15	Local Commercial District	LC
6.16	Established Industrial District	I-ES
6.17	Industrial Expansion District	I-EX
6.18	Privately Serviced Industrial District	I-PS
6.19	Light Industrial District	I-LT
6.20	Public Use District	P
6.21	Reserved for Future Development District	RD
6.22	Direct Control Districts	DCD

- (1) The boundaries of the Districts listed above are as delineated on the Land Use District Map shown in Schedule A. All roads, water courses, and lakes are excepted from the Land Use Districts.

- (2) Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules shall apply:

- (a) A boundary shown as approximately following a parcel boundary shall be deemed to follow the parcel boundary.

- (b) A boundary which does not follow a parcel boundary shall be located by measurement off the Land Use District Map; and
 - (c) A boundary location which cannot be resolved shall be referred to Council for an official interpretation. Council's interpretation shall be final.
- (3) Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more use definitions, the Development Authority may, using discretion, deem that the use conforms to and is included in that use class considered to be the most appropriate in character and purpose provided that the specific use is substantially similar in nature, character and impact as the other uses listed in the use class. In such cases, the use shall be considered a discretionary use whether the use class is listed as permitted or discretionary within a District.

6.2 RESIDENTIAL SINGLE DETACHED DWELLING DISTRICT (R–1A)

GENERAL PURPOSE

The purpose of this district is to provide areas for low density residential development in the form of single detached dwellings and complementary uses on large sized urban lots.

PERMITTED USES

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Detached dwelling
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Bed and breakfast establishment
- Duplexes (existing at the date of passage of this Bylaw)
- Child care facility
- Home occupation – Class 2
- Religious assembly
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings
	720 m ² (7,750 ft. ²) on interior parcel
	740 m ² (7,966 ft. ²) on corner parcel
	All other uses At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached dwellings
	20 m (66 ft) for an interior parcel
	21.5 m (71 ft) for a corner parcel
	All other uses At the discretion of the Subdivision Authority

Minimum Front Yard	6 m (20 ft.)
Minimum Side Yard	2 m (7 ft) except: (a) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access. (b) on the street side of a corner site, a minimum of 4.5 m (15 ft.) (c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero-lot line subdivision
Minimum Rear Yard	10 m (33 ft.) except where the lot backs directly onto another residential lot in which case a minimum of 12 m (39 ft.) will be required
Maximum Building Height	10 m (33 ft.) for principal building(s) only
Maximum Parcel Coverage	40% including all accessory buildings

OTHER REQUIREMENTS

- (1) Within this District more emphasis on the architectural design of roof lines and exterior detailing is required and is subject to any architectural guidelines for a subdivision.

6.3 RESIDENTIAL SINGLE DETACHED DWELLING DISTRICT (R-1B)

GENERAL PURPOSE

The purpose of this district is to provide areas for low-density residential development in the form of single detached dwellings and complementary uses on conventional size urban lots.

PERMITTED USES

- Accessory residential building
- Detached dwelling
- Cultural, natural and recreational facilities or areas
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Bed and breakfast establishment
- Child care facility
- Duplex
- Home occupation – Class 2
- Manufactured home
- Religious assembly
- Residential care
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings
	560 m ² (6,028 ft. ²) on interior parcel
	600 m ² (6,458 ft. ²) on corner parcel
	All other uses At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached dwellings
	15.85 m (52 ft) for an interior parcel
	17.35 m (57 ft) for a corner parcel

	All other uses At the discretion of the Subdivision Authority
Minimum Front Yard	6 m (20 ft.)
Minimum Side Yard	1.5 m (5 ft) except: (a) on the street side of a corner site, a minimum of 3 m (10 ft.) (b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero-lot line subdivision
Minimum Rear Yard	9 m (30 ft.) except where the lot backs directly onto another residential lot in which case a minimum of 11 m (36 ft.) will be required
Maximum Building Height	9.5 m (31 ft.) for principal building(s) only
Maximum Parcel Coverage	40% including all accessory buildings

6.4 RESIDENTIAL SINGLE DETACHED DWELLING DISTRICT (R-1C)

GENERAL PURPOSE

The purpose of this district is to provide areas of low-density residential development in the form of single detached dwellings and complementary uses on compact urban lots.

PERMITTED USES

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Detached dwelling
- Duplex
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Bed and breakfast establishment
- Child care facility
- Home occupation – Class 2
- Manufactured home
- Religious assembly
- Residential care
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings
	460 m ² (4,951 ft. ²) on interior parcel
	510 m ² (5,490 ft. ²) on corner parcel
	Duplexes
	230 m ² (2,476 ft. ²) per dwelling unit on an interior parcel
	280 m ² (3,014 ft. ²) per dwelling unit on a corner parcel
	All other uses At the discretion of the Subdivision Authority

Minimum Parcel Width	Detached dwellings
	12.8 m (42 ft) for an interior parcel
	14.7 m (48 ft) for a corner parcel
	Duplexes
	7.5 m (25 ft) per dwelling unit on an interior parcel
	9.0 m (30 ft) per dwelling unit on a corner parcel
	All other uses At the discretion of the Subdivision Authority
Minimum Front Yard	6 m (20 ft.)
Minimum Side Yard	1.5 m (5 ft) except:
	(a) on the street side of a corner site, a minimum of 3 m (10 ft.)
	(b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero-lot line subdivision
Minimum Rear Yard	8 m (26 ft.) except where the lot backs directly onto another residential lot in which case a minimum of 9 m (30 ft.) will be required
Maximum Building Height	9.5 m (31 ft.) for principal building(s) only
Maximum Parcel Coverage	40% including all accessory buildings

6.5 RESIDENTIAL NARROW LOT DISTRICT (R-1N)

GENERAL PURPOSE

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses on narrow urban lots in new neighbourhoods in accordance with an overall concept plan or outline plan approved by Council.

PERMITTED USES

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Detached dwelling
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Child care facility
- Home occupation – Class 2
- Manufactured home
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings	380 m ² (4090 ft ²) on interior parcel 420 m ² (4521 ft ²) on corner parcel
	All other uses	At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached dwellings	10.5 m (34 ft. in the front and 9.2 m (30 ft) along the rear parcel boundary for an interior parcel 11.65 m (38 ft) in the front and 10.35 m (34 ft) along the rear parcel boundary for a corner parcel
	All other uses	At the discretion of the Subdivision Authority
Minimum Parcel Depth	Detached dwellings	36.6 m (120 ft)

	All other uses	At the discretion of the Subdivision Authority
Minimum Front Yard	5 m (16 ft)	
Minimum Side Yard	1.25 m (4 ft) except: (a) on the street side of a corner lot, a minimum of 2.4 m (8 ft) (b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero-lot line subdivision	
Minimum Rear Yard	7.5 m (25 ft)	
Maximum Building Height	9.5 m (31 ft) for principal building(s) only	
Maximum Parcel Coverage	45% including all accessory buildings	

OTHER REQUIREMENTS

- (1) To ensure that there is not an excessive amount of on-street parking, a two-vehicle parking pad shall be constructed within the rear yard of a parcel. The location of all vehicle parking pads shall be approved by the Development Authority.
- (2) To ensure that the front yard is not dominated by either garage or driveways, there shall be no front driveways or front yard garages allowed within this District.
- (3) To ensure there is access to the rear yard, all parcels in this District shall have rear lane access.
- (4) To ensure a pleasing neighbourhood appearance, there shall be a common architectural theme with the house oriented to the street with such features as front porches and verandas. The proposed theme shall be approved by the development Authority.
- (5) The Development Authority, having regard for the siting and appearance of adjoining residences and other residences within the block face, may increase the front yard requirement to improve sunlight exposure, views, privacy and to add general interest to the streetscape.
- (6) The Development Authority shall require a graduated transition between different house styles which shall be accommodated by varied roof lines, architectural projections, and/or the interjection of bi-level or split-level designs between one-storey and two-storey designs. House setbacks shall be staggered.

6.6 RESIDENTIAL MEDIUM DENSITY DISTRICT (R-2)

GENERAL PURPOSE

The purpose of this district is to provide areas for the development of single detached dwelling units and multi-unit housing.

PERMITTED USES

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Detached dwelling
- Duplex
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Bed and breakfast establishment
- Child care facility
- Home occupation – Class 2
- Manufactured home
- Religious assembly
- Residential care
- Row housing
- Secondary suite
- Stacked row housing

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached and duplex dwellings with access to a lane
	230 m ² (2,476 ft. ²) for each dwelling unit on an interior parcel
	280 m ² (3,014 ft. ²) for each dwelling unit on a corner parcel
	Detached and duplex dwellings with no lane access
	280 m ² (3,014 ft. ²) for each dwelling unit on an interior parcel
	320 m ² (3,444 ft. ²) for each dwelling unit on a corner parcel

	Row housing 190 m² (2,045 ft.²) for each dwelling unit on an interior parcel 275 m² (2,960 ft.²) for each dwelling unit on a corner parcel All other uses At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached (no secondary suite) and duplex dwellings 7.5 m (25 ft) per dwelling unit on an interior parcel 9.0 m (30 ft) per dwelling unit on a corner parcel Detached dwelling for a parcel containing a secondary suite 9.0 m (30 ft); and Row housing 6.0 m (20 ft) per dwelling unit on an interior parcel 9.0 m (30 ft) per dwelling unit on a corner parcel or end unit All other uses At the discretion of the Subdivision Authority
Minimum Front Yard	Detached dwelling, duplex and row housing 6 m (20 ft.) unless otherwise within the Napoleon Lake South Subdivision (Plan 0252391) where the minimum shall be 4.5 m (14.76 ft). All other uses As determined by the Development Authority
Minimum Side Yard	1.5 m (5 ft) except: (a) on the street side of a corner site or the end unit of a row housing building, a minimum of 3 m (10 ft.). (b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero-lot line subdivision. All other uses As determined by the Development Authority
Minimum Rear Yard	Detached dwelling, duplex and row housing 7.5 m (25 ft.) except where the lot backs directly onto another residential lot in which case a minimum of 9 m (30 ft.) will be required. All other uses As determined by the Development Authority
Maximum Building Height	9.5 m (31 ft) for principal building(s) only
Maximum Parcel Coverage	50% including all accessory buildings

6.7 RESIDENTIAL MULTI-UNIT DISTRICT (R-3)

GENERAL PURPOSE

The purpose of this district is to provide for the development of a variety of multi-unit housing typologies.

PERMITTED USES

- Accessory residential building
- Apartment
- Cultural, natural and recreational facilities or areas
- Duplex
- Essential public services
- Fourplex
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Row housing
- Stacked row housing
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Bed and breakfast establishment
- Child care facility
- Convenience store
- Detached dwelling
- Health services (Lot 1A, Block 18, Plan 4310TR)
- Home occupation – Class 2
- Mixed-use development (Lot 1A, Block 18, Plan 4310TR)
- Multiple housing development
- Office (Lot 1A, Block 18, Plan 4310TR)
- Parking facility
- Personal services (Lot 1A, Block 18, Plan 4310TR)
- Professional services that do not include a drive-through or on-site in-person banking (Lot 1A, Block 18, Plan 4310TR)
- Religious assembly
- Residential care
- Retail store (Lot 1A, Block 18, Plan 430TR)
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Apartment	
		82 m ² (883 ft. ²) for each bachelor and one bedroom dwelling unit
		102 m ² (1,098 ft. ²) for each dwelling unit with more than one bedroom
	Fourplex	
		90 m ² (969 ft. ²) for each dwelling unit
	Row housing	
		190 m ² (2,045 ft. ²) for each dwelling unit on an interior parcel
		275 m ² (2,960 ft. ²) for each dwelling unit on a corner parcel
	Multiple housing development	
		90 m ² (969 ft. ²) for each apartment dwelling unit
		275 m ² (2,960 ft. ²) for each row housing dwelling unit
		150 m ² (1,615 ft. ²) for each fourplex dwelling unit
		320 m ² (3,444 ft. ²) for each duplex dwelling unit
	All other uses	As determined by the Subdivision Authority
Maximum Parcel Area	Apartment	1.2 ha (3 acres)
	Multiple housing developments	2.4 ha (6 acres)
Minimum Parcel Width	Apartment	30.48 m (100 ft.)
	Fourplex	15.24 m (50 ft.)
	Row housing	6.0 m (20 ft) per dwelling unit on an interior parcel
		9.0 m (30 ft) per dwelling unit on a corner parcel or end unit
	All other uses	At the discretion of the Subdivision Authority
Minimum Front Yard	Apartment	8 m (26 ft.)
	All other residential developments	4.5 m (14.76 ft) except where a vehicle access is to an attached front yard garage than the development standard shall be 6 m (20 ft.).
	All other uses	As determined by the Development Authority
Minimum Side Yard	Apartment	3 m (10 ft.) except 6 m (20 ft.) on the street side of a corner

		parcel
	Fourplexes	1.5 m (5 ft.) except 3 m (10 ft.) on the street side of a corner parcel
	Row housing	1.5 m (5 ft.) except 3 m (10 ft.) on the street side of a corner parcel or the end unit of a row housing building
	All other uses	As determined by the Development Authority
Minimum Rear Yard	Apartment	12 m (39 ft.)
	Fourplex	10 m (33 ft.)
	Row housing	8 m (26 ft.) except where the lot backs onto another residential lot in which case a minimum of 9 m (30 ft.) will be required
	All other uses	As determined by the Development Authority
Maximum Building Height	Apartment	13.5 m (44 ft.) for principal building only
	Fourplex	9.5 m (31 ft.) for principal building only and row housing
	All other uses	As determined by the Development Authority
Maximum Parcel Coverage	Apartment and Fourplex	40% including all accessory buildings
	Row housing	50% including all accessory buildings
	All other uses	As determined by the Development Authority

OTHER REQUIREMENTS

- (1) Within this District, parcels that are developed for apartments and other Multiple housing development, the façade of those buildings, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.

6.8 RESIDENTIAL HIGH-DENSITY DISTRICT (R-4)

GENERAL PURPOSE

The purpose of this district is to provide an area for high density residential development with shared amenity spaces and other uses herein listed which are compatible and connected to municipal services.

PERMITTED USES

- Accessory residential building
- Apartment
- Cultural, natural and recreational facilities or areas
- Duplex
- Essential public services
- Fourplex
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Row housing
- Stacked row housing
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Bed and breakfast establishment
- Child care facility
- Detached dwelling
- Home occupation - Class 2
- Mixed-use development
- Multiple housing development
- Religious assembly
- Residential care
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area

Apartment	At the discretion of the Development Authority
Detached dwelling	560 m ² (6,028 ft. ²) on an interior parcel 600 m ² (6458 ft. ²) on a corner parcel

Fourplex	90 m ² (1,098 ft. ²) for each dwelling unit
Row housing	190 m ² (2,045 ft. ²) for each dwelling unit on an interior parcel 275 m ² (2,960 ft. ²) for each dwelling unit on a corner parcel
Multiple housing	90 m ² (969 ft. ²) for each apartment dwelling development unit 275 m ² (2,960 ft. ²) for each row housing dwelling unit 150 m ² (1,615 ft. ²) for each fourplex dwelling unit 320 m ² (3,444 ft. ²) for each duplex dwelling unit
All other uses	As determined by the Subdivision Authority

Maximum Parcel Area

Apartment	1.0 ha	2.47 ac
Multiple housing development	2.4 ha	6.0 ac

Minimum Parcel Width

Apartment	30.48 m	100 ft
Detached dwelling	15.00 m (50 ft) for an interior parcel 16.75 m (55 ft) for a corner parcel	
Fourplex	15.24 m	50 ft
Row housing	6.0 m (20 ft) per dwelling unit on an interior parcel 9.0 m (30 ft) per dwelling unit on a corner parcel of an end unit	
All other uses	At the discretion of the Subdivision Authority	

Minimum Front Yard

Apartment	8 m (26 ft)
All other residential development	4.5 m (14.76 ft) except where a vehicle access is to

an attached front yard garage than the development standard shall be 6 m (20 ft.).

Minimum Side Yard

Apartment	3 m (10 ft), except 6 m (20 ft) on the street side of a corner parcel
Detached dwelling	1.5 m (5.0 ft) except: (a) On the street side of a corner site, a minimum of 3 m (10 ft) (b) 0 m (0 ft) on one side yard where a resolution has been passed allowing a zero-lot line subdivision
Fourplex	1.5 m (5 ft) except 3 m (10 ft) on the street side of a corner parcel
Row housing	1.5 m (5 ft) except 3 m (10 ft) on the street side of a corner parcel
All other uses	As determined by the Development Authority

Minimum Rear Yard

Apartment	9 m (29.53 ft)
Detached dwelling	7.5 m (24.6 ft) except where the lot backs directly on to another lot in which case a minimum of 8 m (26.25 ft) will be required.
Fourplex	8 m (26.25 ft)
Row housing	6 m (19.7 ft) except where the lot backs onto another lot in which case a minimum of 9 m (30 ft) will be required.
All other uses	As determined by the Development Authority

Maximum Building Height

Apartment	Six (6) storeys
Detached dwelling	9.5 m (31 ft) for principal building(s) only

Fourplex and Row housing	15.0 m (49 ft) for principal building only
All other uses	As determined by the Development Authority

Maximum Parcel Coverage

Apartment	Apartment with in-building parking - 60% Apartment with outside parking only - 70%
Detached dwelling	40% including all accessory buildings
Fourplex	50%
Row housing	50% including all accessory buildings
All other uses	As determined by the Development Authority

Maximum Density

Apartment	90 dwelling units/ha (36 dwelling units/ac) Or at the discretion of the Development Authority
Detached dwelling	One (1) unit per parcel
Duplex	Two (2) dwelling units per parcel
Fourplex and row housing	26 dwelling units/ha (11 dwelling units/ac)
All other uses	As determined by the Development Authority

OTHER REQUIREMENTS

- (1) For Multiple housing development incorporating multi-units:
- (a) Each development application for this type of use shall submit a comprehensive site plan showing all buildings, parking, amenity areas, and landscaping.
 - (b) Multi-unit dwelling developments shall provide amenity space for the residents to the satisfaction of the Development Authority. This amenity space may be private, communal, or a combination of both.

- (c) Private outdoor amenity space shall be designed to provide visual privacy and be comprised of one or both of the following:
 - i. Patios or courtyards: a minimum width or length of 2.44 m (8.0 ft.) and a minimum area of 7.51 m² (80.0 ft.²) for each dwelling unit located at or below grade.
 - ii. Balconies: a minimum width or length of 1.52 m (5.0 ft.) and a minimum area of 4.5 m² (48.43 ft.²) for each dwelling unit.
- (2) Buildings shall be arranged on the site to maximize privacy and shall be subject to the approval of the Development Authority.
- (3) Row houses with front car garages shall be two storeys in height to provide an aesthetically interesting front facade.
- (4) Row house developments shall be constructed in blocks or units not to exceed seven (7) dwelling units in a row.
- (5) The Development Authority may require enhanced screening for any multi-attached housing structure which is adjacent to a detached dwelling or neighbourhood.

6.9 RESIDENTIAL TRANSITION DISTRICT (RT)

GENERAL PURPOSE

To support the incremental redevelopment of the area as a transition between the adjacent commercial corridor and the greater residential areas of Town. The uses should buffer residential uses from the commercial core by minimizing traffic, parking, lighting and hours of operation for commercial operations. To enhance compatibility with the residential surroundings, development is encouraged to utilize existing buildings (adaptive reuse) or where new construction is proposed the building design should incorporate residential features (pitched roofs, exterior finishing, windows, entry features). The Development Authority may consider a combination of uses on a single parcel.

Permitted Uses

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Detached dwelling
- Duplex
- Essential public services
- Home occupation – Class 2
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Personal services
- Professional services
- Row housing
- Secondary suite
- Sign

Discretionary Uses

- Accessory building or use
- Animal care services - minor
- Apartment
- Arts or crafts studio
- Bed and breakfast establishment
- Business support services
- Child care facility
- Contractor services – minor
- Convenience store
- Food services
- Fourplex
- Health services
- Indoor car showroom (on Lot 3, Block 16, Plan XIV)
- Institutional services facility
- Manufactured home
- Mixed-use development

Parking facility
 Religious assembly
 Residential care
 Retail store
 Row housing
 Secondary suite
 Stacked row housing

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached and duplex dwellings with access to a lane 230 m² (2,476 ft.²) for each dwelling unit on an interior parcel 280 m² (3,014 ft.²) for each dwelling unit on a corner parcel Detached and duplex dwellings no lane access 280 m² (3,014 ft.²) for each dwelling unit on an interior parcel 320 m² (3,444 ft.²) for each dwelling unit on a corner parcel; and Row housing 190 m² (2,045 ft.²) for each dwelling unit on an interior parcel 275 m² (2,960 ft.²) for each dwelling unit on a corner parcel All other uses At the discretion of the Subdivision Authority		
Minimum Parcel Width	Detached (no secondary suite) and duplex dwellings 7.5 m (25 ft) per dwelling unit on an interior parcel 9.0 m (30 ft) per dwelling unit on a corner parcel Detached dwelling for a parcel containing a secondary suite 9.0 m (30 ft); and Row housing 6.0 m (20 ft) per dwelling unit on an interior parcel 9.0 m (30 ft) per dwelling unit on a corner parcel or end unit All other uses At the discretion of the Subdivision Authority		
Minimum Front Yard	<table border="0"> <tr> <td data-bbox="568 1690 893 1768">Detached dwelling, duplex and row housing</td><td data-bbox="893 1690 1425 1768">4.5 m (14.76 ft) except where a vehicle access is to an attached front yard garage</td></tr> </table>	Detached dwelling, duplex and row housing	4.5 m (14.76 ft) except where a vehicle access is to an attached front yard garage
Detached dwelling, duplex and row housing	4.5 m (14.76 ft) except where a vehicle access is to an attached front yard garage		

than the development standard shall be 6.0m
(20 ft)

Minimum Side Yard All other uses As determined by the Development Authority
1.5 m (5 ft) except:
 (a) on the street side of a corner site or the end unit of a row
 housing building, a minimum of 3 m (10 ft.)
 (b) 0 m (0 ft.) on one side yard where a resolution has been
 passed allowing a zero-lot line subdivision

All other uses As determined by the Development Authority

Minimum Rear Yard Detached dwelling, duplexes and row housing
7.5 m (25 ft.) except where the lot backs directly onto another lot in which
case a minimum of 9 m (30 ft.) will be required

All other uses As determined by the Development Authority

Maximum Building Height 9.5 m (31 ft) for principal building(s) only

Maximum Parcel Coverage 50% including all accessory buildings

OTHER REQUIREMENTS

- (1) Where a commercial and residential use is proposed on the same parcel, excepting a home occupation, the development/use shall be treated as a Mixed-use development and be considered a discretionary use.
- (2) Within this District no open storage shall be permitted except for special occasions or temporary uses. Outdoor display associated with approved commercial use shall be limited by the discretion of the Development Authority.

6.10 RESIDENTIAL MANUFACTURED HOME LOT DISTRICT (R-MHL)

GENERAL PURPOSE

The purpose of this district is to provide areas for the development of manufactured homes on permanent foundations on separately registered lots.

PERMITTED USES

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Detached dwelling
- Essential public services
- Manufactured home
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Child care facility
- Home occupation – class 2

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	Manufactured homes	
	460 m ² (4,951 ft ²) on an interior parcel	
	510 m ² (5,490 ft ²) on a corner parcel	
	All other uses	At the discretion of the Subdivision Authority
Minimum Parcel Width	Manufactured homes	
	10.8 m (35 ft.) for an interior parcel	
	12.4 m (41 ft.) for a corner parcel	
	All other uses	At the discretion of the Subdivision Authority
Minimum Front Yard	6 m (20 ft.) except where fronting onto a collector street where 8 m (24 ft.) will be required	

Minimum Side Yard	1.5 m (5 ft) except: (a) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access (b) on the street side of a corner site, a minimum of 3 m (10 ft.) (c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero-lot line subdivision
Minimum Rear Yard	6 m (20 ft.)
Maximum Building Height	7.5 m (25 ft.) for principal building(s) only No accessory or attached structure shall exceed the height of the manufactured home on the same parcel
Maximum Parcel Coverage	45% including all accessory buildings

6.11 RESIDENTIAL MANUFACTURED HOME PARK DISTRICT (R-MHP)

GENERAL PURPOSE

The purpose of this District is to provide an area for the development of a comprehensively designed park that allows manufactured home sites to be leased or owned as part of a condominium.

PERMITTED USES

- Accessory residential building
- Cultural, natural and recreational facilities or areas
- Essential public services
- Manufactured home
- Manufactured home park
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES

- Accessory building or use
- Child care facility
- Convenience store
- Home occupation – class 2

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

For this District, it is recognized that lots in manufactured home parks may not be legally registered parcels where title can be transferred. The term “lot” in this District means an area of land for the placement of a manufactured home and for the exclusive use of its occupants.

Minimum Lot Area 440 m² (4,736 ft²)

The minimum lot area requirement shall not apply to manufactured home parks existing prior to the adoption of this Bylaw provided the minimum yard requirements are satisfied.

Minimum Yard Requirements Manufactured homes shall be at least

- (a) 4.5 m (15 ft.) from one another

	(b) 7.5 m (25 ft.) from any park boundary.
	(c) 3 m (10 ft.) from any internal access road or common parking area.
	(d) 1.5 m (5 ft.) from any side lot line.
	(e) 4.5 m (15 ft.) from any rear lot line
Minimum Manufactured Home Width	4.2 m (14 ft.)
Minimum Manufactured Home Floor Area	65 m ² (700 ft. ²)
Maximum Building Height	7.5 m (25 ft.) for principal building(s) only
	No accessory or attached structure shall exceed the height of the manufactured home on the same lot
Maximum Lot Coverage	45% including all accessory buildings
Maximum Density	17 manufactured homes per hectare (7 per acre)
Minimum Park Area	2.02 ha (5 acres)
Maximum Park Area	8.08 ha (20 acres)

OTHER REQUIREMENTS

- (1) Manufactured home parks shall be used for residential purposes including those uses and their associated facilities which, in the opinion of the Development Authority, are clearly provided to serve the needs of the park residents.
- (2) A plan for the manufactured home park must be approved by the Development Authority. This plan shall include the following:
 - (i) Park access, road system, walkway system and lot pattern showing dimensions.
 - (ii) Proposed location of manufactured home for every lot.
 - (iii) Guidelines governing the design and materials to be used in the construction of carports, patios, porches, storage buildings, skirting, fences, fuel storage and supply facilities, and other attached or detached structures.
 - (iv) Location of parking spaces for every proposed lot, as well as visitor parking areas.
 - (v) Provisions for on-site containerized garbage collection facilities.

- (vi) Area designated for recreational and/or playground use.
 - (vii) Proposed landscaping in the park.
 - (viii) Provisions for outdoor lighting.
 - (ix) Identification and directional signs, and
 - (x) Storage compound for trucks, trailers, campers, snowmobiles, boats, etc.
- (3) The development of the park must be completed in conformance with the approved plan and related conditions.
- (4) The park owner shall ensure that each manufactured home is levelled, blocked and skirted within thirty (30) days of being placed on a lot.
- (5) A manufactured home lot may be used only for the placement of one manufactured home.
- (6) All lot lines shall be clearly defined on the ground by permanent flush stakes or markers with a lot number or other address system.
- (7) Residents shall be informed of their responsibilities with respect to this Bylaw by the park owner who shall be responsible for developing and operating the park in compliance with this Bylaw.

Recreation Area and Landscaping

- (8) A minimum of ten percent (10%) of the total area of a manufactured home park shall be set aside for recreational and/or playground use.
- (9) Each park shall provide on its perimeter a landscaped area of not less than 3 m (10 ft.) in width or other edge treatment satisfactory to the Development Authority.
- (10) All areas of a park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities including playgrounds, shall be landscaped.

Vehicular-Pedestrian Areas

- (11) All manufactured home park roads shall have at least a 12 m (39 ft.) right-of-way and a paved carriageway of not less than 8 m (26 ft.) in width.
- (12) Internal pedestrian walkways, where provided, shall have a hard surfaced width of 1.5 m (5 ft.).
- (13) Two off-street parking spaces shall be provided on or adjacent to each manufactured home lot.
- (14) The owner of the park shall provide parking spaces for visitors at locations approved by the Development Authority. One parking space shall be provided for every two manufactured homes.

- (15) The park owner shall be responsible for the removal of snow from all internal pedestrian walkways and park vehicular areas and park streets, excluding individual parking spaces.

Storage Areas

- (16) A screened storage compound equivalent to 20 m² (215 ft.²) for every manufactured home lot in the park shall be provided for trucks, trailers, campers, snowmobiles, boats, etc.

Utilities

- (17) Each manufactured home lot is required to have Town municipal services. The park must be adequately drained and connected to the Town's storm sewers, should the Development Authority determine the need.
- (18) All utility services, including all wires and conduits, shall be installed underground.
- (19) All service buildings must be accessible by a park street.

6.12 LOW DENSITY RESIDENTIAL DISTRICT (LDR)

GENERAL PURPOSE

The purpose of this District is to provide for low density, large lot single detached dwellings which is designed to accommodate possible further subdivision and development to typical urban densities.

PERMITTED USES

- Accessory residential building
- Cultural, natural and residential facilities or areas
- Detached dwelling
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Show home
- Sign

DISCRETIONARY USES:

- Home occupation – Class 2
- Secondary suite

DEVELOPMENT STANDARDS

In addition to the general provisions contained in **section 4.0 – GENERAL LAND USE REGULATONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	2024 m ² (0.5 acres)
Maximum Parcel Area	4047 m ² (1.0 acres)
Minimum Parcel Width	25 m (82 ft.)
Minimum Front Yard	8 m (26 ft.)
Maximum Front Yard	To the satisfaction of the Development Authority bearing in mind possible further subdivision to an urban density
Minimum Side Yard	3 m (10 ft.)
Maximum Side Yard	To the satisfaction of the Development Authority bearing in mind possible further subdivision to an urban density
Minimum Rear Yard	10 m (33 ft.)

Minimum Floor Area	130 m ² (1 400 ft ²) at ground level of Detached dwelling
Maximum Building Height	10 m (33 ft.) for principal building(s) only
Maximum Parcel Coverage	20% including all accessory buildings
Maximum Accessory Building Floor Area	Notwithstanding section 4.3.2(7), 100 m ² (1,076 ft ²)

OTHER REQUIREMENTS

- (1) All buildings shall be sited to facilitate future subdivision to urban density. A concept plan or similar plan acceptable to the Town may be required to demonstrate how future intensification or subdivision to a more urban density could occur.
- (2) A deferred services agreement addressing future extension and connection to municipal water and sewer systems shall be required as a condition of subdivision.
- (3) All dwellings shall be tied into the municipal sewer system where available. Until municipal sewer service is made available only closed holding tank sewer systems will be permitted.
- (4) All dwellings shall be tied into the municipal water system where available. Until municipal water service is made available, private water wells will be permitted.
- (5) All power supplies are to be underground.
- (6) All bylaws pertaining to domestic livestock shall apply. No livestock or poultry, except for dogs, cats, and such other domestic pets as are kept indoors, shall be permitted in this district.

6.13 CENTRAL BUSINESS DISTRICT (CB)

GENERAL PURPOSE

The purpose of this District is to provide a unique area where a variety of commercial, institutional, cultural and residential uses can be encouraged and developed to serve the Town and surrounding rural area.

PERMITTED USES

- Accessory building or use
- Business support services
- Commercial recreation and entertainment
- Convenience store
- Cultural, natural and recreational facilities or areas
- Essential public services
- Food services
- Health services
- Hotel
- Institutional services facility
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Personal services
- Professional services
- Retail store
- Sign

DISCRETIONARY USES

- Adult entertainment
- Animal care services - minor
- Apartment
- Arts or crafts studio
- Automotive sales and service
- Bus depot
- Cannabis Store
- Car wash
- Casino
- Child care facility
- Commercial recreation and entertainment
- Commercial school
- Contractor services – minor
- Detached dwelling (Existing as of the date Bylaw adoption)
- Drinking establishment
- Funeral home
- Home occupation – Class 2

Light equipment rental shop
 Light repair services
 Liquor store
 Micro-brewery
 Mixed use development
 Parking facility
 Private club
 Religious assembly
 Service station
 Shopping centre
 Sign (Where no other principal use exists, other than a parking facility)

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	280 m ² (3,014 ft ²)
Minimum Parcel Width	7.62 m (25 ft)
Minimum Front Yard	Nil unless otherwise specified by the Development Authority
Minimum Side Yard	Nil except that (a) a site adjacent a residential district: 3 m (10 ft.) (b) on a laneless site, one obstructed side yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	Nil except where (a) a rear yard abuts a residential district in which case the rear yard shall be a minimum of 6 m (20 ft.) (b) loading, parking and/or garbage storage areas are required in the rear yard
Maximum Building Height	10 m (33 ft.) adjacent a residential district; for principal buildings only
Maximum Parcel Coverage	85% including all buildings, parking facilities, storage areas and display areas
Landscaped Area	Nil except for all areas of a site not covered by buildings, driveways, parking, storage or display areas

6.14 HIGHWAY COMMERCIAL DISTRICT (HWY-C)

GENERAL PURPOSE

The purpose of this District is to provide areas for highway and service commercial uses located on high visibility major roadways and having high standards of appearance and design.

PERMITTED USES

- Accessory building or use
- Animal care services – minor
- Automotive sales and service
- Bulk fuel sales and station
- Business support service
- Commercial recreation and entertainment
- Contractor services - minor
- Convenience store
- Cultural, natural and recreational facilities or areas
- Drive-through business
- Essential public services
- Food services
- Health services
- Hotel
- Institutional services facility
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Motel
- Personal services
- Professional services
- Retail store
- Service station
- Sign

DISCRETIONARY USES

- Adult entertainment
- Agricultural processing
- Animal care services – major
- Auction facility
- Cannabis store
- Car wash
- Child care facility
- Commercial schools
- Contractor services – major
- Crematorium
- Drinking establishment
- Dwelling unit for the occupancy of the owner, operator or caretaker
- Food production facility
- Funeral home

General industrial - minor (on Lot 6, Plan 8500 ET)
 Light equipment rental shop
 Light repair services
 Liquor store
 Livestock auction facility (Plan 7146KS, Block A and NE ¼ Sec. 21-35-28-W4M)
 Micro-brewery
 Mini-storage warehouse
 Parking facility
 Recreational vehicle sales, rental, service and/or storage
 Religious assembly
 Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes
 Shopping centre
 Sign (Where no other principal use exists, other than a parking facility)
 Wholesale or retail warehousing

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following requirements shall apply:

Minimum Parcel Area	0.3 ha (0.74 acre)
Minimum Parcel Width	30 m (98 ft.) adjacent a service or local road 45 m (148 ft.) without a service or local road
Minimum Front Yard	9 m (30 ft.) adjacent a service or local road
Minimum Side Yard	3 m (10 ft.) except that (a) a site adjacent to a residential district: 6 m (20 ft.) (b) in a laneless site, one unobstructed side yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)
Maximum Building Height	10 m (33 ft.) adjacent a residential district
Maximum Parcel Coverage	85% including all buildings, parking facilities, storage areas and display areas

OTHER REQUIREMENTS

- (1) The Agricultural processing facilities located on Lots 3 and 4, Block 1, Plan 772 1583 are subject to the following conditions:
 - (a) Gravel surrounding the railroad tracks shall be maintained to ensure that no mud, dirt or

similar material is tracked onto 50th Street; and

- (b) The operation of the Agricultural processing facilities shall not allow any dust to escape beyond their parcel boundaries which, in the opinion of the Development Authority, is excessive and adversely affects the surrounding area; and
 - (c) No noise, or a disturbance, which may be heard in a residential building shall be created between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday. On Sunday this restriction shall be between the hours of 10:00 p.m. and 9:00 a.m.
- (2) An environmental reserve easement is established within Lot 1, Block 2, Plan 0820732 having a minimum width of 15 m (49.21 ft) measured from the top of bank on both sides of Buffalo Creek. Except for approved storm water outfalls, no buildings, structures or site improvements or any other changes to the existing natural vegetation within 15 m (49.21 ft) of Buffalo Creek shall be allowed.
- (3) For the Contractor Services – major and General Industrial - minor uses located on Lot 6, Plan 8500ET, the following apply:
 - (1) Notwithstanding any other provision in this Bylaw restricting open storage in a yard abutting a residential district, open storage related to the Contractor services – major or the General industrial – minor uses on Lot 6, Plan 8500ET may be permitted provided sufficient screening in the form of fencing, landscaping or a combination of fencing and landscaping is provided to the satisfaction of the Development Authority.
 - (2) Development of the Contractor services – major or the General industrial - minor uses on Lot 6, Plan 8500ET shall be required to provide landscaping to provide visual screening from the residential properties to the south and southwest to the satisfaction of the Development Authority, in addition to any other landscaping requirements of this Bylaw.

6.15 LOCAL COMMERCIAL DISTRICT (LC)

GENERAL PURPOSE

The purpose of this District is to allow for a limited range of moderate scale commercial establishments which provide for the sale of a variety of convenience goods and services near residential areas and located along collector or arterial roads.

PERMITTED USES

- Accessory building or use
- Convenience store
- Essential public services
- Food services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Personal services
- Sign

DISCRETIONARY USES

- Animal care services - minor
- Car wash
- Drive-through businesses
- Health services
- Mixed-use development
- Neighbourhood shopping centre
- Professional services
- Service station

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha (0.5 ac)
Maximum Parcel Area	0.8 ha (2.0 ac)
Minimum Parcel Width	30.48 m (100 ft.)
Minimum Front Yard	6 m (20 ft.)
Minimum Rear Yard & Side Yard	3 m (10 ft.) except abutting a residential parcel, where it shall be 6 m (20 ft.)
Maximum Building Height	10 m (33 ft.) for principal building(s) only

Maximum Parcel Coverage

75% including all buildings, parking facilities, storage areas and display areas

OTHER REQUIREMENTS

- (1) If development within this District abuts a residential parcel, the abutting yard shall be a minimum of 6 m (20 ft) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft) in height and providing sufficient visual screening shall be provided.

6.16 ESTABLISHED INDUSTRIAL DISTRICT (I-ES)

GENERAL PURPOSE

The purpose of this District is to provide existing industrial areas in the community a wide range of manufacturing, assembling, fabricating, processing and storage of goods and services opportunities which may cause external, objectionable conditions that extend beyond the parcel boundary. Commercial uses may also occur within this District in support of industrial uses.

PERMITTED USES

- Accessory building or use
- Agricultural operation (Commercial greenhouse only)
- Agricultural processing
- Animal care services – minor
- Arts or craft studios
- Auction facility
- Autobody and paint shop
- Automotive sales and service
- Bulk fuel sales and station
- Business support services
- Car wash
- Contractor services – major
- Contractor services – minor
- Drive-through business
- Essential public services
- Food production facility
- Freight and transportation depot
- General industrial - major
- General industrial - minor
- Industrial support services
- Light equipment rental shop
- Light repair services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Mini-storage warehouse
- Recreational vehicle sales, rental, service and/or storage
- Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes
- Sign
- Wholesale or retail warehousing

DISCRETIONARY USES

- Adult entertainment
- Animal care services - major

- Cannabis facility
- Commercial recreation and entertainment
- Commercial schools
- Concrete or cement products manufacturer
- Crematorium
- Dangerous goods occupancies
- Data processing facilities
- Dwelling unit for the occupancy of the owner, operator or caretaker
- Fertilizer storage and distribution
- Food services
- Institutional services facility
- Liquor store
- Micro-brewery
- Open storage yard
- Parking facility (For uses located in this District)
- Personal services
- Professional services
- Personal storage
- Private club
- Recycling depot
- Retail store (Lots 1 – 4, Plan 1721003 only)
- Service station
- Sign (Where no other principal use exists, other than a parking facility)
- Solar generation facility
- Solid waste transfer station
- Waste to energy facility

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha (0.5 ac)
Minimum Parcel Width	15.2 m (50 ft.) except where abutting a highway without a service road or local road in which case 45.72 m (150 ft.) shall be required
Minimum Front Yard	9 m (30 ft.), except where abutting a highway without a service road or local road in which case it shall be determined by the Development Authority

Minimum Side Yard

3 m (10 ft.) except

- (a) where a fire-resistant wall is provided, no side yard is required
- (b) in a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access

Minimum Rear Yard

6 m (20 ft.)

6.17 INDUSTRIAL EXPANSION DISTRICT (I-EX)

GENERAL PURPOSE

The purpose of this District is to provide areas for a wide range of manufacturing, assembling, fabricating, processing and storage of goods, some of which may carry out a portion of their operation outdoors or require outdoor storage areas within new development and expansion areas of the community. Commercial uses may occur within this District in support of industrial uses.

PERMITTED USES

- Accessory building or use
- Agricultural operation
- Agricultural processing
- Animal care services - major
- Animal care services - minor
- Arts and craft studio
- Auction facility
- Autobody and paint shop
- Business support services
- Car wash
- Contractor services – major
- Contractor services – minor
- Essential public services
- Food production facility
- Freight and transportation depot
- General industrial - major
- General industrial - minor
- Industrial support services
- Light equipment rental shop
- Light repair services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Mini-storage warehouse
- Recreational vehicle sales, rental, service and/or storage
- Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes
- Sign
- Wholesale or retail warehousing

DISCRETIONARY USES

- Adult entertainment
- Bulk fuel sales and station
- Cannabis facility
- Commercial recreation and entertainment

Commercial school
 Concrete or cement products manufacturer
 Crematorium
 Dangerous goods occupancy
 Data processing facility
 Drive through business
 Dwelling unit for the occupancy of the owner, operator or caretaker
 Fertilizer storage and distribution
 Food services
 Liquor store
 Open storage yard
 Parking facility (For uses located in this District)
 Personal storage
 Private club
 Recycling depot
 Service station
 Signs (Where no other principal use exists, other than a parking facility)
 Solar generation facility
 Solid waste transfer station
 Waste to energy facility

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha. (0.5 ac)
Minimum Parcel Width	15.2 m (50 ft.) except where abutting a highway without a service or local road in which case 45.72 m (150 ft.) shall be required.
Minimum Front Yard	9 m (30 ft.) except where abutting a highway without a service or local road in which case it shall be determined by the Development Authority.
Minimum Side Yard	3 m (10 ft.) except (a) Where a fire-resistant wall is provided, no side yard is required. (b) In a laneless parcel, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access.
Minimum Rear Yard	6 m (20 ft.)

6.18 PRIVATELY SERVICED INDUSTRIAL DISTRICT (I-PS)

GENERAL PURPOSE

The purpose of this District is to provide areas for a range of manufacturing, assembling, fabricating, processing and storage of goods, some of which may carry out a portion of their operation outdoors or require outdoor storage areas. This district is to be implemented in areas that will allow for the long-term and indefinite provision of private water and private wastewater services; not being connected to municipal water and wastewater services will preclude certain water intensive uses from being developed in these locations.

PERMITTED USES

- Accessory building or use
- Animal care services - minor
- Arts and craft studio
- Business support services
- Contractor services – major
- Contractor services – minor
- Essential public services
- Food production
- Freight and transportation depot
- Light equipment rental shop
- Light repair services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Mini-storage warehouse
- Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes
- Sign
- Wholesale or retail warehousing

DISCRETIONARY USES

- Animal care services - major
- Auction facility
- Auto body and paint shops
- Bulk fuel sales and stations
- Cannabis facility
- Commercial recreation and entertainment
- Commercial school
- Concrete or cement products manufacture
- Crematorium
- Dangerous goods occupancy
- Dwelling unit for the occupancy of the owner, operator or caretaker
- Fertilizer storage and distribution
- Open storage yard

Parking facility (For uses located in this District)
 Private club
 Recreational vehicle sales, rental, service and/or storage
 Recycling depot
 Service station
 Signs (Where no other principal use exists, other than a parking facility)
 Solar generation facility

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following standards shall apply:

Minimum Parcel Area	1 ha. (2.47 ac)
Minimum Parcel Width	30.4 m (100ft.) except where abutting a highway without a service road or local road in which case 45.72 m (150 ft.) shall be required
Minimum Front Yard	9 m (30 ft.) except where abutting a highway without a service road or local road in which case it shall be determined by the Development Authority
Minimum Side Yard	3 m (10 ft.) except (a) where a fire-resistant wall is provided, no side yard is required (b) In a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)

OTHER REQUIREMENTS

- (1) Private servicing within this District shall ensure that:
 - (a) No structures shall be developed in a way that impacts the function of an on-site development's private water and wastewater system, or the ability to access and/or service those systems.
 - (b) Private wastewater services must conform to the minimum distance separations as per the most up to date Alberta Private Sewage Systems Standard of Practice.

- (c) Private water wells must be approved by the appropriate provincial authorities and conform to the standards established through the Water Act (Alberta Regulation 205/1998) including any subsequent amendments.

Appearance

- (1) Extensions to existing buildings, where these abut a street, shall be constructed with compatible materials for the existing buildings and be satisfactory to the Development Authority.

6.19 LIGHT INDUSTRIAL DISTRICT (I-LI)

GENERAL PURPOSE

To provide an area for a wide variety of light and other service-related industrial activities that do not create a nuisance beyond the property boundary.

PERMITTED USES

Accessory building or use
Animal care services - minor
Bus depot
Car wash
Contractor services - minor
Essential public services
Freight and transportation depot
Industrial support services
Institutional services facility
Light equipment rental shop
Mechanized excavation, stripping and grading of land (not associated with an approved development)
Mini-storage warehouse
Service station
Sign
Wholesale or retail warehousing

DISCRETIONARY USES

Adult entertainment
Agricultural processing
Animal care services - major
Auction facility
Autobody and paint shop
Automotive sales and service
Bulk fuel sales and station
Commercial recreation and entertainment
Commercial school
Contractor support - major
Dangerous goods occupancy
Dwelling unit for the occupancy of the owner, operator or caretaker
Fertilizer storage and distribution
Food services
Micro-brewery
Parking facility
Personal storage

Private club
 Recreational vehicle sales, rental, service and/or storage
 Recycle depot
 Retail store
 Sign (Where no other principal use exists, other than a parking facility)
 Solar generation facility

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 4.0 of this Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha (0.5 ac)
Minimum Parcel Width	15.2 m (50 ft.) except where abutting a highway without a service road or local road in which case 45.72 m (150 ft.) shall be required
Minimum Front Yard	9 m (30 ft.), except where abutting a highway without a service road or local road in which case it shall be determined by the Development Authority
Minimum Side Yard	3 m (10 ft.) except (a) Where a fire-resistant wall is provided, no side yard is required. (b) In a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)
Maximum Parcel Coverage	80%

6.20 PUBLIC USE DISTRICT (P)

GENERAL PURPOSE

The purpose of this District is to provide an area for the development of publicly and privately owned cultural, educational, institutional and recreational uses. Its secondary purpose is to protect environmentally sensitive areas by restricting development to minimal and environmentally compatible uses.

PERMITTED USES

- Accessory building or use
- Cultural, natural and recreational facility or areas
- Educational facility
- Essential public services
- Institutional services facility
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Religious assembly
- Sign

DISCRETIONARY USES

- Cemetery
- Child care facility
- Commercial recreation and entertainment
- Parking facility
- Residential care
- Solar generation facility

DEVELOPMENT STANDARDS

All Requirements	As determined by the Development Authority and in accordance with section 4.0 – GENERAL LAND USE REGULATIONS and others of this Bylaw.
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6.21 RESERVED FOR FUTURE DEVELOPMENT DISTRICT (RD)

GENERAL PURPOSE

The purpose of this District is to protect the land from premature subdivision and development until such time as Council determines the specific land use(s) that may occur within the area considering such matters as growth, serviceability and the future development land requirements of the Town.

PERMITTED USES

- Agricultural operations (Lawfully existing at the date of adoption of this Bylaw)
- Agricultural processing
- Essential public services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Sign
- Uses lawfully existing at the date of adoption of this Bylaw

DISCRETIONARY USES

- Uses and/or buildings which will not, in the opinion of the Municipal Planning Commission, materially alter the use of the land lawfully existing at the time this Bylaw came into effect, and would not conflict with future expansion of urban development
- Home occupation – class 2
- Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes (Lot 1, Block 2, Plan 082 0732)
- Solar generation facility

DEVELOPMENT STANDARDS

In addition to the general provisions of **section 4.0 – GENERAL LAND USE REGULATIONS** of this Bylaw, the following standards shall apply:

Minimum Parcel Area

All the land contained in the existing certificate of title, unless otherwise approved by the Municipal Planning Commission having regard to the intended use of the smaller parcel of land and the form of subsequent subdivision and development planned for the area.

All Other Requirements

As determined by the Municipal Planning Commission.

6.22 DIRECT CONTROL DISTRICT (DCD)

GENERAL PURPOSE

The purpose of this District is to provide for the development of land uses under individually unique circumstances requiring site-specific controls where the application of conventional land use districts would be inappropriate or inadequate.

USES

In approving a bylaw to apply Direct Control District to a particular site, Council shall specify those uses that may be allowed.

DEVELOPMENT STANDARDS

In approving a bylaw to apply Direct Control District to a particular site, Council shall establish the development standards that apply.

ADMINISTRATIVE PROVISIONS

- (1) This District shall only be applied where the following conditions are met:
 - (a) The development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and the surrounding area and its compatibility with the scale and character of the surrounding development and uses.
 - (b) The use of any other district contained in this Land Use Bylaw 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 such district be utilized; and
 - (c) The development is of a unique form or nature not contemplated or reasonably regulated by another district.
- (2) In addition to the information required by this Bylaw for an amendment application, the applicant shall also provide the following:
 - (a) Support rationale explaining why the proposed district is desirable for the site having regard for the conditions listed in subsection (1) above.
 - (b) A list of uses proposed for the site.

- (c) 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 any concerns.
 - (d) Plans and elevation drawings that would help substantiate the need for the district and establish the development standards that would apply to the site; and
 - (e) Any other information as may be required by the Development Officer to evaluate the proposed development and its potential impacts.
- (3) In approving a bylaw for a Direct Control District for a particular site, Council may specify:
- (a) Those uses that may be decided upon by a Development Authority; and
 - (b) Those development standards for which a variance may be granted.

Direct Control Bylaw No. 1470-A1

Innisfail Golf Club

Provisions for Lot 1, Block 6, Plan 072 9064 and Lot 2, Block 2, Plan 012 4685

General Purpose: To establish site specific regulations to accommodate a golf course and accessory uses.

Uses:

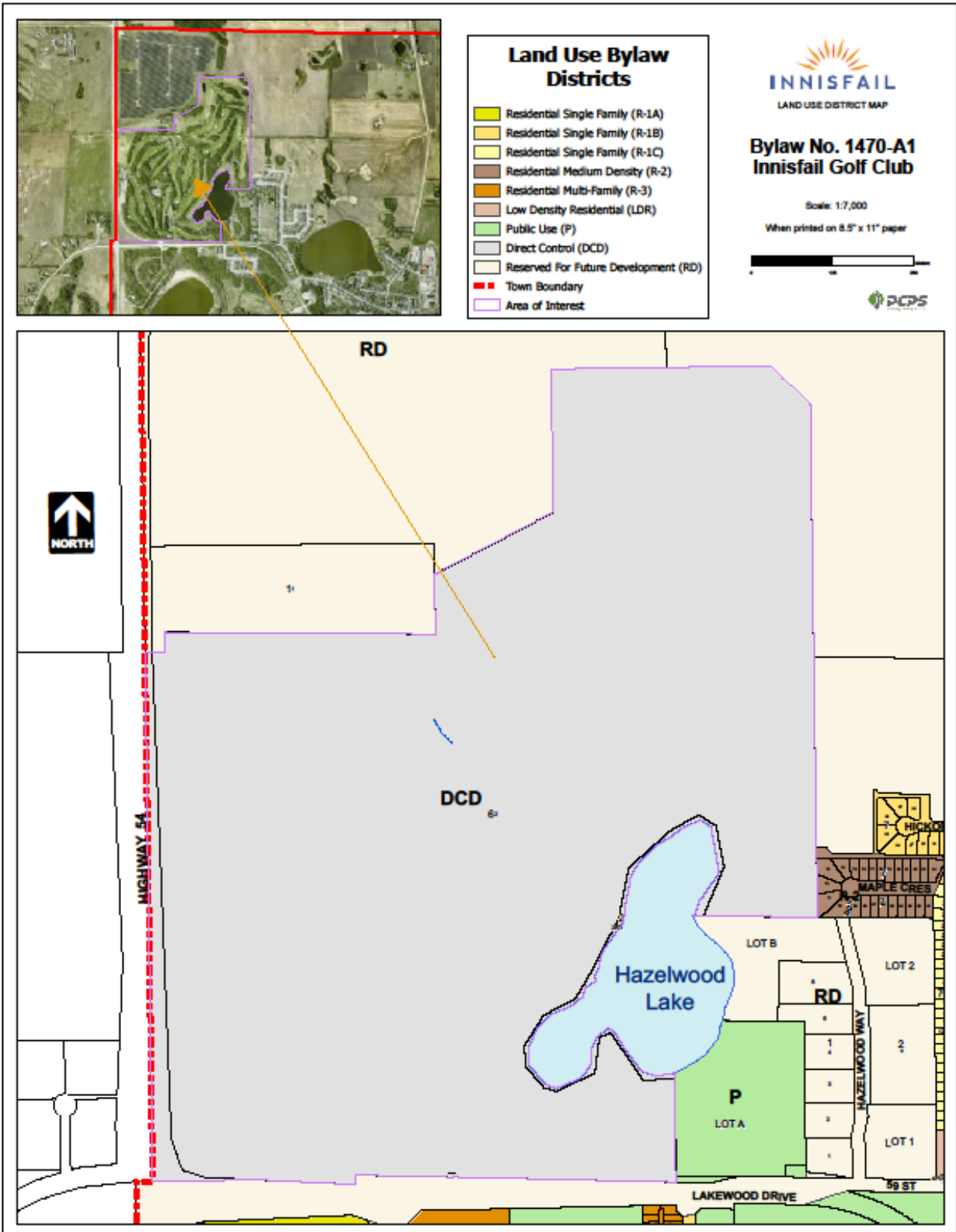
- Accessory building or use
- Commercial recreation and entertainment
- Cultural, natural and recreational facilities or areas
- Essential public services
- Food services
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Retail store
- Sign

Development Authority:

For development permit applications, the Development Authority shall be the Development Officer.

Development Criteria:

- a) The maximum building height shall be 10 m (33 ft.).
- b) The minimum front yard setback adjacent to Highway 54 and any public road shall be 12 m (39 ft.).
- c) Landscaping and surface treatment of the site shall be limited to a twenty (20) meter environmental reserve setback from the edge of the lake shore.
- d) The sitting and general appearance of buildings, landscaping, fencing and surface treatment of the site shall be to the satisfaction of the Development Authority.
- e) The removal of trees and/or shrubs around the bed and shore of the lake shall only be done for the removal of deadfall and other debris for the safety of the patrons. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.



Direct Control Bylaw No. 1470-A2
Dr. Henry George Residence
Provision for Lots 6-9, Block 10, Plan P

General Purpose: The purpose of these regulations is to maintain the historic value of the Dr. Henry George Residence, a Provincial Historic Resource, also known as the Kemp House, and ensure onsite uses are compatible with surrounding uses.

Uses: Bed and breakfast establishment
Arts or crafts studio
Cultural, natural and recreational facilities or areas
Detached dwelling
Essential public services
Food services
Institutional services facility
Mechanized excavation, stripping and grading of land (not associated with an approved development)
Sign

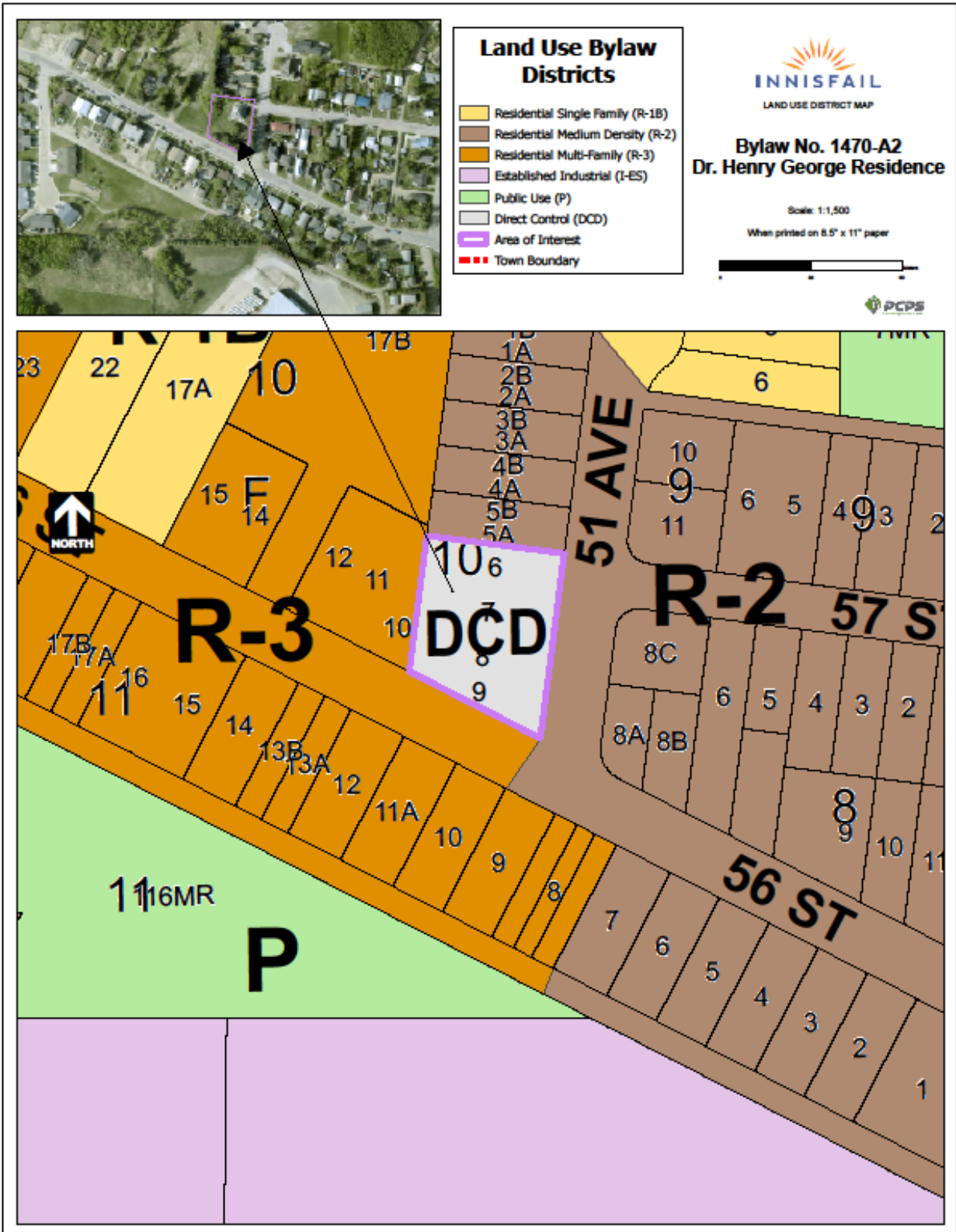
Development Authority: The Development Authority shall be the Development Officer.

Development Criteria:

- (a) In accordance with the *Alberta Historical Resources Act*, no person shall destroy, disturb, alter, restore, or repair a building or structure on a site that has been designated a Provincial Historic Resource without written approval from the Minister responsible for the *Alberta Historical Resources Act*.
- (b) All development standards shall be subject to the approval of the Development Authority.

The following character-defining elements contribute to the historic value and shall be conserved:

- i) Style, elements, contours and structure of the building.
- ii) Characteristics of the house that give the building its distinctive appearance, shape and configuration.
- iii) Red brick façade with segmental arches over windows.
- iv) Cedar shingled gable on hip roof, featuring decorative cresting, corbelled chimney and prominent gable centered on the primary window fenestration pattern.
- v) Raised ground floor wraparound verandah supported by posts.
- vi) Elements of the interior include floor plan, decorative arches, tongue and groove flooring, and door and window trim.
- vii) Elements of landscape, including large front lawn, garden, maple tree and pine trees.



Direct Control Bylaw No.1470-A4

Discovery Wildlife Park

Provisions for Part of the NW ¼ Sec. 27-35-28-W4M lying west of the Canadian Pacific Railway right-of-way as shown in Schedule A and the Land Use District Map

General Purpose: To establish site specific development control to accommodate a zoo and ensure compatibility with adjacent land uses.

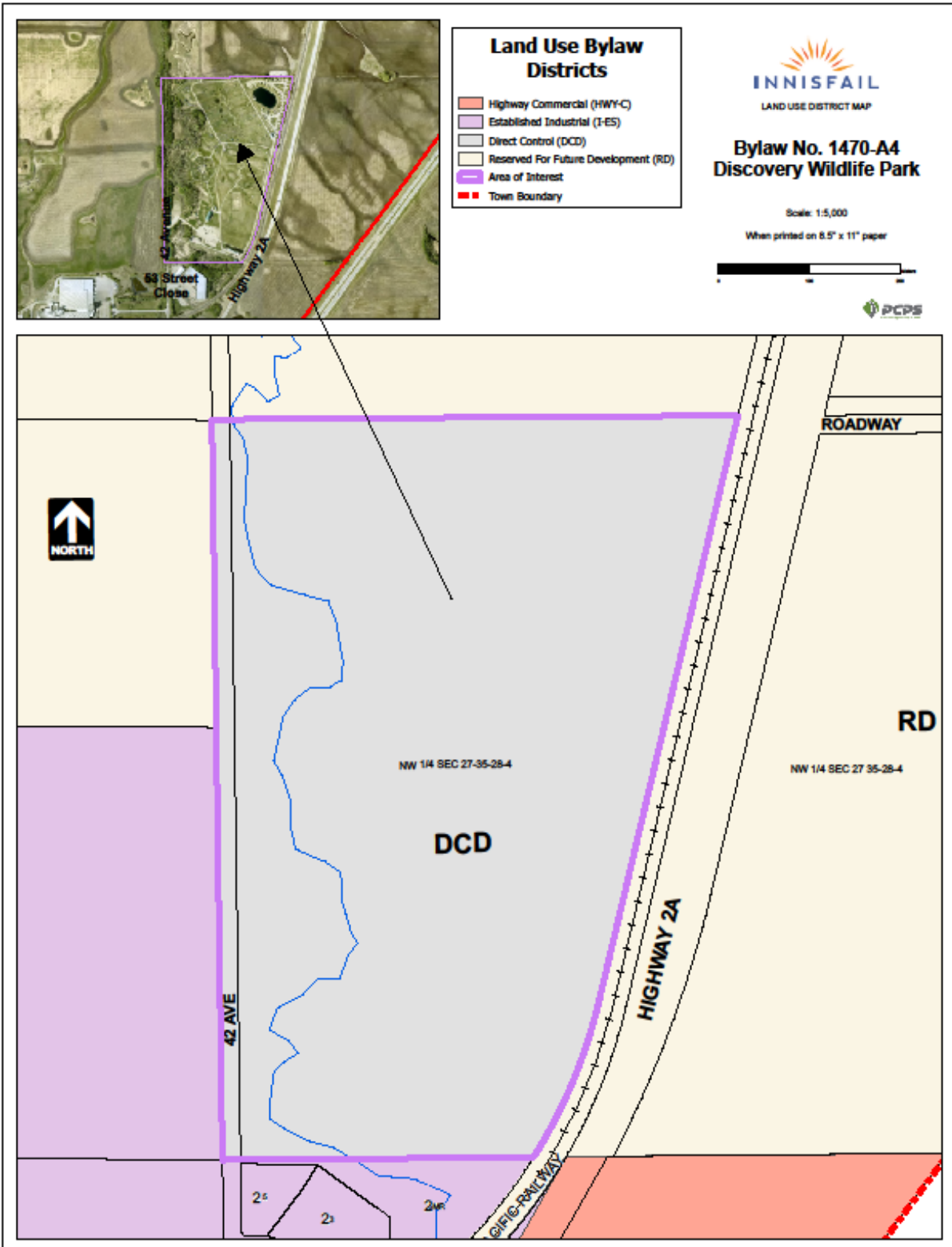
Uses:

- Accessory building and use
- Campground
- Dwelling unit for the occupancy of the owner, operator or caretaker
- Food services
- Institutional services facility
- Mechanized excavation, stripping and grading of land (not associated with an approved development)
- Parking facility
- Recreational vehicle sales, rental, service and/or storage (storage only)
- Sign
- Zoo

Development Authority: Council shall be the Development Authority for all approvals under this Bylaw.

Development Standards:

- a) All development shall be subject to an approved site plan.
- b) Unless otherwise described in this section, the standards to be applied to the use and development of the subject site are at the discretion of the Development Authority.
- c) The operation of the Zoo must comply with the Government of Alberta Standards for Zoos in Alberta.
- d) Perimeter fencing that is sufficient to contain animals shall be provided around the area in use as a zoo to the satisfaction of the Development Authority.
- e) Public access to the area in use as a zoo shall be controlled in a manner that is satisfactory to the Development Authority.
- f) Development of the subject site shall be undertaken in a manner that does not interfere with the Waskasoo Creek and retention of existing mature vegetation along Waskasoo Creek.
- g) Operations will be carried out in an environmentally friendly manner that may include water conservation methods, recycling, waste reduction, composting or zoo composting practices are followed.



Direct Control Bylaw No. 1470-A49
HWY 54 and 42nd Avenue Intersection
Provisions for Lot 4, Block 3, Plan 082 0732

General Purpose: To establish site specific requirements for limited amounts of commercial development prior to the availability of full municipal water and wastewater services on a uniquely shaped lot in proximity to future residential development and along a main entrance to the community.

Uses: Accessory building or use
Convenience store
Food services
Hotel
Mechanized excavation, stripping and grading of land (not associated with an approved development)
Motel
Recreational vehicle sales, rental, service and/or storage (Outdoor storage only)
Service station
Sign
Sign (Where no other principal use, other than a parking facility, exists)

Development Authority: The Development Authority shall be the Municipal Planning Commission.

Development Criteria:

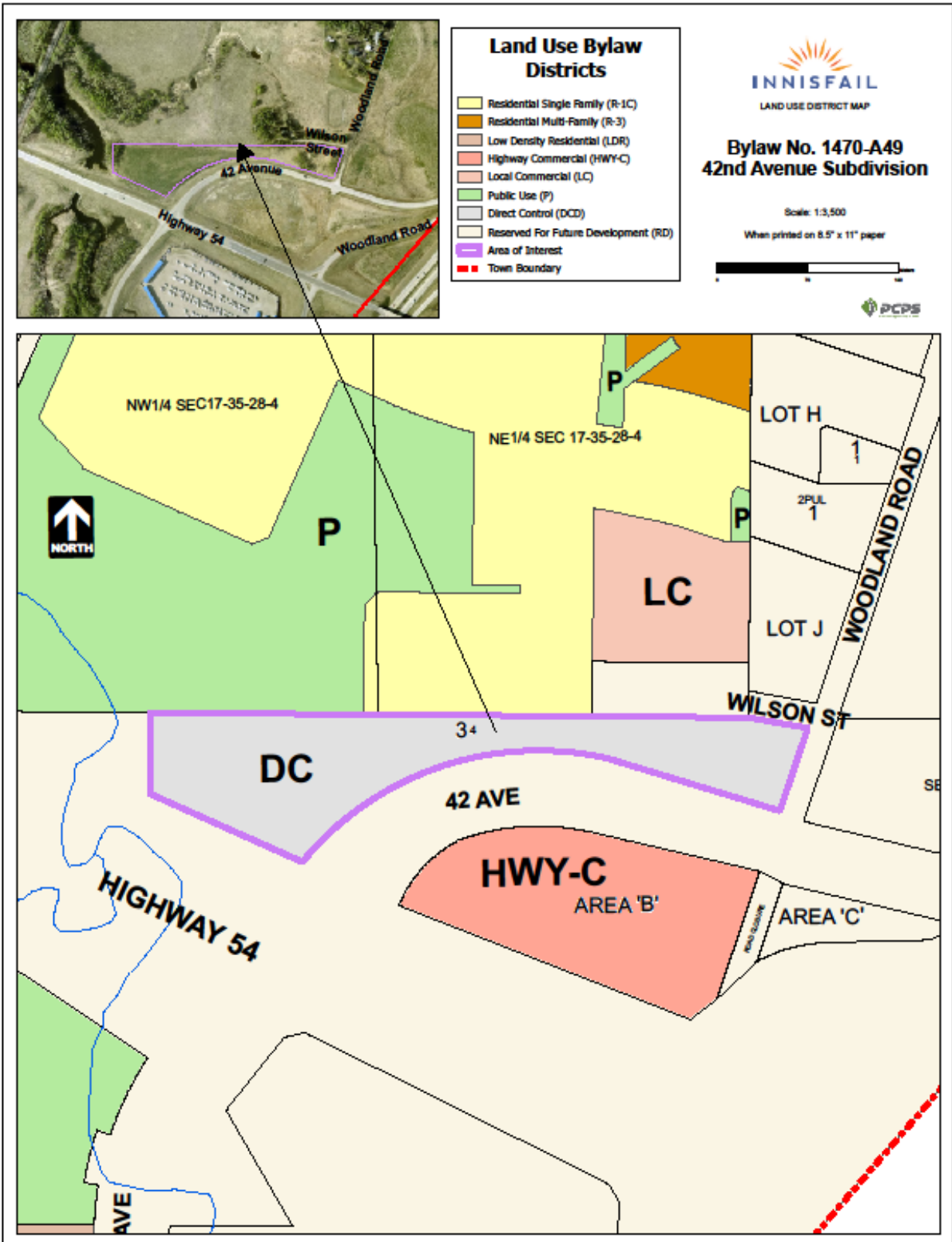
- (2) Despite the provisions stated elsewhere in this Bylaw, yards between buildings and property lines shall be provided as follows:
- (a) A minimum 6m (20 ft) yard along the north boundary, west boundary, and south boundary along Highway 54 and south boundary along 42 Avenue; and
 - (b) A minimum 1.1m (36 ft) yard along the east boundary to account for future widening of Woodland Road.
 - (c) The maximum building height shall be 10m (33 ft).
 - (d) The maximum parcel coverage shall be 85% of the site and includes all buildings, parking and vehicle maneuvering areas, storage areas and display areas.
 - (e) Minimum landscaped area shall be a landscaped strip at least 3m (10 ft) wide adjacent to any property boundary along a road. All areas of the site not used by buildings, driveways, and

parking or storage areas shall be landscaped.

- (f) Landscaping materials to be placed in the minimum required landscaped area described in clause (e) shall consist of eleven (11) beds spaced approximately 30m to 35m apart with each bed containing:
- i. 3 deciduous trees with a minimum caliper width of 50 mm (2 in) at 0.46m (1.5 ft) above the root ball; and
 - ii. 2 coniferous trees with a minimum height of 1.8m (6 ft) above the root ball; and
 - i. 8 deciduous shrubs with a minimum height of 0.61m (2 ft) above the root ball; and
 - iii. 4 coniferous shrubs with a minimum height of 0.38m (1 ft) above the root ball; and
 - iv. A mulch bed area measuring at least 1.5m parallel to the parcel boundary.

The space between each mulch bed shall be grassed.

- (g) Screen fencing along the portion of the north property boundary shared with the future residential area or existing dwelling shall be provided to the satisfaction of the Development Authority. Additional screen fencing along other property boundaries may be required at the discretion of the Development Authority. No fencing shall be allowed within the minimum yard along the east property boundary.
- (h) Parking shall be provided as required under **section 4.23 – PARKING PROVISIONS** of this Bylaw.
- (i) Signs may be permitted in accordance with **section 5.0 – SIGN REGULATIONS** of this Bylaw.
- (j) Private water and wastewater services meeting all applicable Provincial regulations and standards shall be allowed until such time as municipal services are available. The Development Authority may refuse an application where the volume of water required and/or the volume of effluent generated requires municipal services.
- (k) A gravel outdoor storage yard for recreation vehicle storage may be allowed provided a paved apron into the site is provided. The requirement for a paved apron may be deferred if the roadway used to provide direct access to the site is not yet paved or suitably finished to an urban collector standard. All other uses require paved access, parking and driving surfaces.
- (l) Despite **section 4.8 – NUMBER OF PRINCIPAL BUILDINGS ON A PARCEL**, of this Bylaw, the Development Authority may approve more than one main building on the site.



Direct Control Bylaw No. 1470-A81
Napoleon Lake South Subdivision - Commercial and Residential Development
Provisions for Plan 1822155, Block 85, Lot 14

GENERAL PURPOSE

The purpose of this District is to create a street-oriented area of commercial, mixed-use, and residential development within Plan 1822155, Block 85, Lot 14, that provides a pedestrian-oriented environment while creating a sense of place for surrounding neighbourhoods.

USES INCLUDED IN THIS DISTRICT

- Accessory building or use
- Apartment
- Arts or crafts studio
- Business support services
- Cannabis store
- Car washes (In conjunction with convenience store and service station)
- Child care facility
- Commercial recreational entertainment
- Commercial school
- Convenience store
- Cultural, natural and recreational facility or areas
- Drinking establishment
- Drive-through business
- Essential public services
- Food services
- Health services
- Hotel
- Liquor store
- Mechanized excavation, stripping and grading of land, (not associated with an approved development)
- Mixed-use development
- Parking facility
- Personal services
- Professional services
- Retail store
- Service station
- Shopping center
- Sign

DEVELOPMENT AUTHORITY

1. The Development Authority for all permit applications shall be Council.

DEVELOPMENT STANDARDS

Minimum Parcel Area:	0.30 ha	(0.74 ac)
Minimum Parcel Width:	30 m	(96 ft)
Minimum Front Yard	3 m	(10 ft)
Minimum Side Yard	3 m (10 ft) except that (a) A site adjacent to a residential district: 6 m (20 ft)	
Minimum Rear Yard:	6 m	(20 ft)
Maximum Building Height:	10 m (33 ft) for commercial buildings 15 m (50 ft) for mixed-use buildings 13.5 m (45 ft) for apartment buildings	
Maximum Parcel coverage:	85% including all buildings, parking facilities, storage areas and display areas.	

SPECIAL REQUIREMENTS

COMPREHENSIVE PLANNED SITE

This district is intended to be a comprehensive planned site within the 42nd Street corridor. It is important, therefore, to ensure the site is developed in a manner that reflects the importance of the site not only from a vehicle-oriented perspective but also pedestrian and surrounding neighbourhoods.

- 1. Comprehensive Site Development and Servicing Plan
 - (a) A comprehensive site development and servicing plan must be accepted and approved by the Development Authority prior to the issuance of any development permit.
 - (b) This plan must address the following:
 - i. Signage
 - ii. Parking
 - iii. Landscaping
 - iv. Building orientation, design, and finishes
 - v. Pedestrian connections to surrounding neighbourhoods
 - vi. Internal traffic circulation

BUILDING ORIENTATION AND THE PUBLIC REALM

This district is in a key neighbourhood node of the Town, which is planned to act as a central gathering place for the surrounding neighbourhood.

The central north-south street is intended to be pedestrian-oriented focusing on enhancing walkability and vibrancy of the area. New developments will be built to provide a sense of place for the neighbourhood, by activating the street and public realm for community interactions.

- (1) Developments are encouraged to frame the central north-south street to provide a well-defined, continuous street wall and improve the pedestrian experience. Sites facing the central north-south street that do not have building frontage, should have trees or landscaping that continues the street wall and can be integrated into parks and open spaces that encourages pedestrian activity and community interaction.
- (2) Buildings are to be oriented to the street with units that may accommodate commercial uses, offices, personal services, institutional uses, recreation facilities and residential uses on the ground floor. Uses may be mixed horizontally or vertically within a building or a block.
- (3) Development should provide frequent entrances and windows that maximize views to and from the street and include prominent primary entrances.
- (4) Residential developments facing the central north-south street should be grade-oriented, encouraged to provide units on grade-level oriented towards the central north-south street with direct access to grade. A ground-oriented unit is encouraged to have a separate exterior entrance directly accessible from a street or open space, without passing through a common lobby or corridor.
- (5) Vehicle-oriented uses should be discouraged for those developments that directly front onto the central north-south road.
- (6) Developments backing onto Highway 54 can be prioritized for vehicle orientation to serve highway users but should provide enough streetscaping to make pedestrian access comfortable and continuous with provision of clear pedestrian pathway, lighting and traffic calming measures in crossings.

BUILDING FINISHES

This area is a prominent gateway entrance to the Town. As such, it is important to create a positive impression for viewers from the transportation network and adjacent neighbourhoods:

- (1) Buildings shall have consistent architectural features.
- (2) Building materials and colours on all sides of buildings shall present a unified appearance and consist of

durable materials. The materials and design must be compatible with other buildings on the site and in the vicinity.

- (3) Private utilities and mechanical equipment shall be buffered or incorporated into the building design, where appropriate.
- (4) Buildings shall be scaled and oriented to enhance pedestrian access and the visibility of entrances.

HEIGHT BONUS

The maximum building height allowed may be increased by up to 30% if, in the opinion of the Development Authority:

- (1) The increased height does not conflict with the views or create a shadow on adjacent residential properties.
- (2) A development employs one or more of the following design elements:
 - i. Superior or innovative building style.
 - ii. Atrium building design which maximizes the street-orientation of interior ground floor commercial space.
 - iii. Internal or external walkway connections, within the development and between adjacent developments, enhance the pedestrian amenity of the development and the gateway overall.
 - iv. High quality materials on the exterior.
 - v. High quality façade treatment along a wall that adjoins or faces open space, or views and vistas.
 - vi. A step back is provided for the second or higher storey along a façade facing a public roadway, right-of-way.
 - vii. Terracing of (an) upper storey(s)
 - viii. High quality landscaping of setbacks, boulevards, and on-site surface parking lots.
 - ix. The development demonstrates the current LEED design/principles that reflect high performance energy and/or environment design and/or use of renewable energy generation.

INTERFACE WITH ADJACENT RESIDENTIAL

Where a proposed commercial, mixed use development apartment building will be located on a site adjacent to a residential use or district, the Development Authority may require mitigation of potential development impacts on the residential uses including:

- (1) Provision of noise attenuation walls.
- (2) Increased landscaping, including a landscape buffer that includes providing trees planted in a linear

arrangement along the length of the setback area with one for every 30.0 m² (323 ft²) and 1 shrub for every 10 m² (108 ft²).

- (3) Relocation of parking areas, walkways, business entrances, or other high activity areas away from residential property lines.
- (4) Screening or relocating on-site lighting to avoid spillage onto residential properties.
- (5) Restricting the location of outdoor speakers.
- (6) Changing the proposed structure to mitigate noise, light, or glare impacts.
- (7) Where a setback area shares a property line with a lane that separates the parcel from a parcel designated as a residential district and there is no access from the lane, the setback area:
 - i. Must be a soft surfaced landscaped area.
 - ii. May have a sidewalk along the length of the building; and
 - iii. Must provide a minimum of 1.0 trees and 2.0 shrubs:
 - a. For every 35.0 m² (377 ft²)

BICYCLE PARKING

- (1) The minimum number of bicycle parking stalls in this district shall be:
 - a. Each dwelling unit is:
 - i. 2.0 stalls for developments of 20 units or less; and
 - ii. 0.1 stalls per unit for developments of more than 20 units; and
 - b. All other uses are 5.0 per cent of the motor vehicle parking stalls.

MOTOR VEHICLE PARKING

- (1) Motor vehicle parking shall be provided on site in accordance with **section 4.23 - PARKING PROVISIONS** of this Bylaw.

OUTDOOR DISPLAY AREA

An area used for outdoor display must:

- (1) Be paved or otherwise surfaced and landscaped in a manner consistent with other landscaped lots in the vicinity.
- (2) Provide additional access, parking, screening, and lighting as necessary to accommodate the outdoor display.

- (3) Provide adequate drainage to the satisfaction of the Development Officer.

OUTDOOR STORAGE

In addition to the requirements pertaining to outdoor storage found in **section 4.18 – OPEN STORAGE AND OUTDOOR DISPLAY**, storage must be screened to the satisfaction of the Development Authority taking into consideration the adjacent land use or district.

LIGHTING

Outdoor lighting shall be established so that adjacent properties and roadways are not adversely affected, and no direct light is cast on them unless the lighting is specifically intended to illuminate pedestrian paths or other means of inter-parcel connectivity. It shall be designed to provide adequate illumination, but light shall not be excessive to cause light pollution, create a negative visual impact, or safety concerns.

All sign illumination shall be kept to a minimum light level to make the sign readable while limiting light pollution.

GARBAGE STORAGE

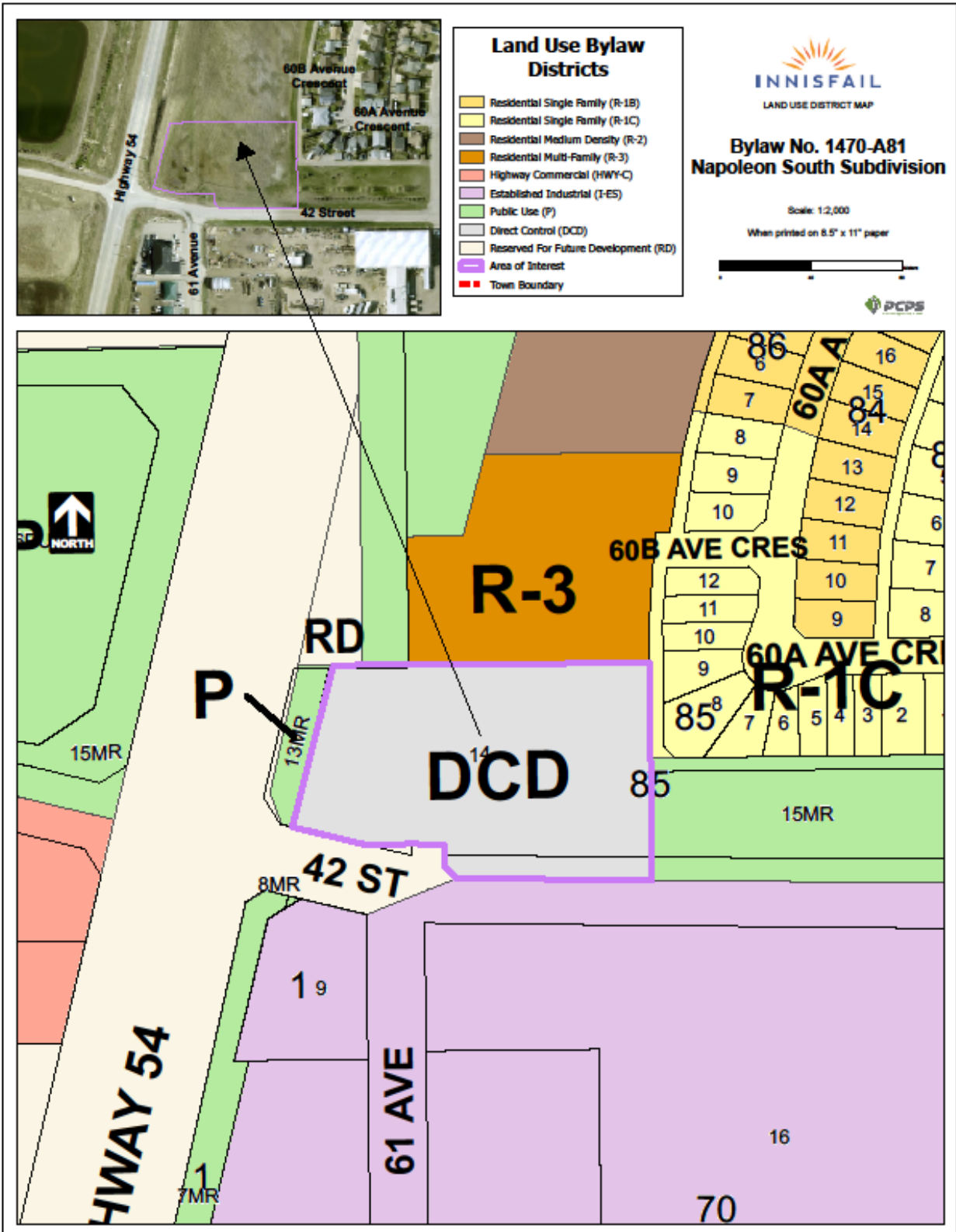
Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage bylaw and garbage storage areas shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority. Screening shall take the form of berming, landscaping, or solid fencing or any combination of the foregoing.

PEDESTRIAN WALKWAY ACCESS

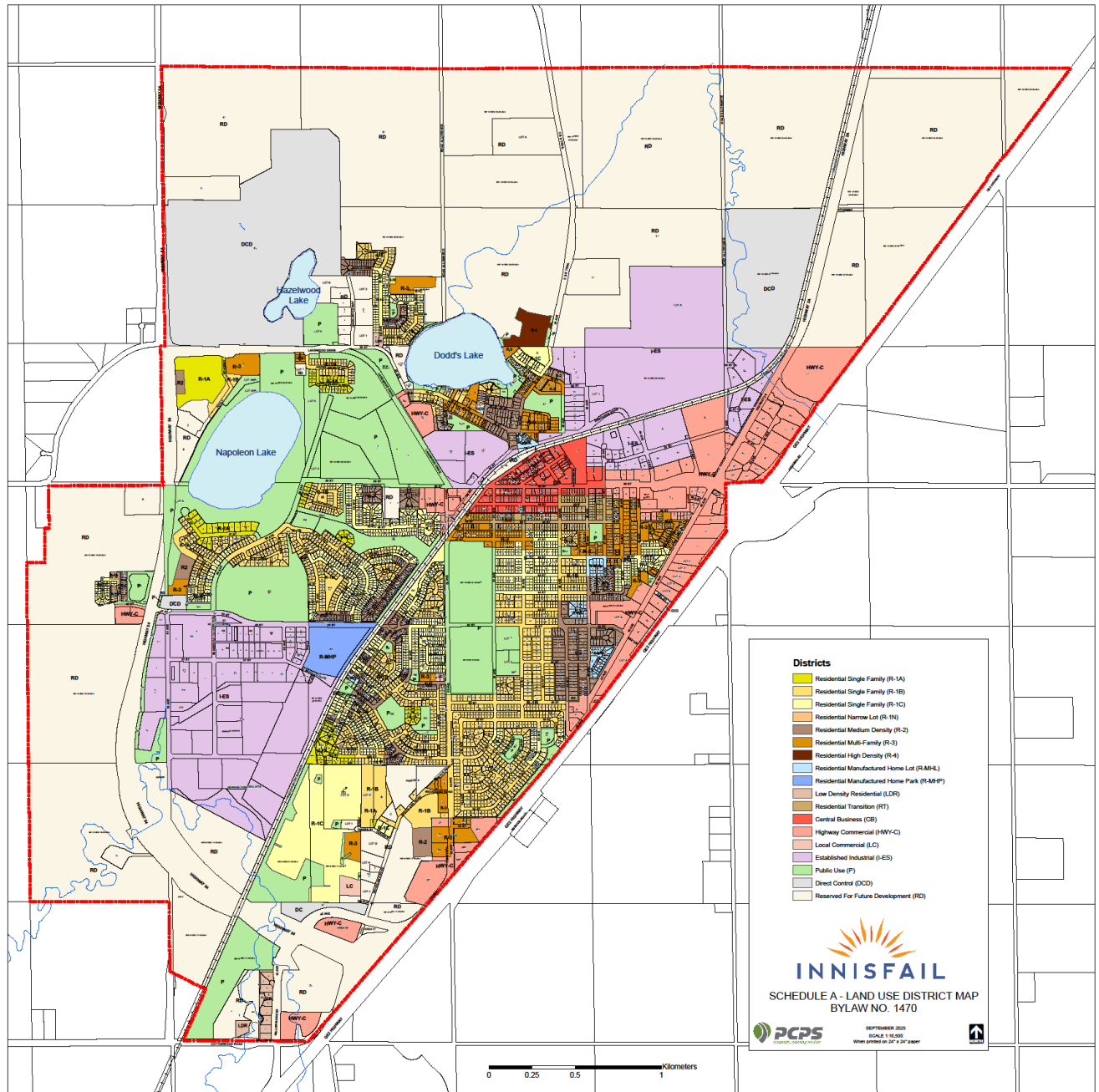
- (1) All developments must provide on-site exterior pedestrian walkways which:
 - (a) Connect on-site uses to each other and to the public right-of-way adjoining the development in a safe and convenient manner.
 - (b) Coordinate with alignments and access points to other existing or planned pedestrian walkways on adjacent sites.
- (2) Pedestrian walkways must include landscaping improvements or fixtures to separate users from adjoining on-site roadways and public roadways.

ROOF-TOP MECHANICAL EQUIPMENT

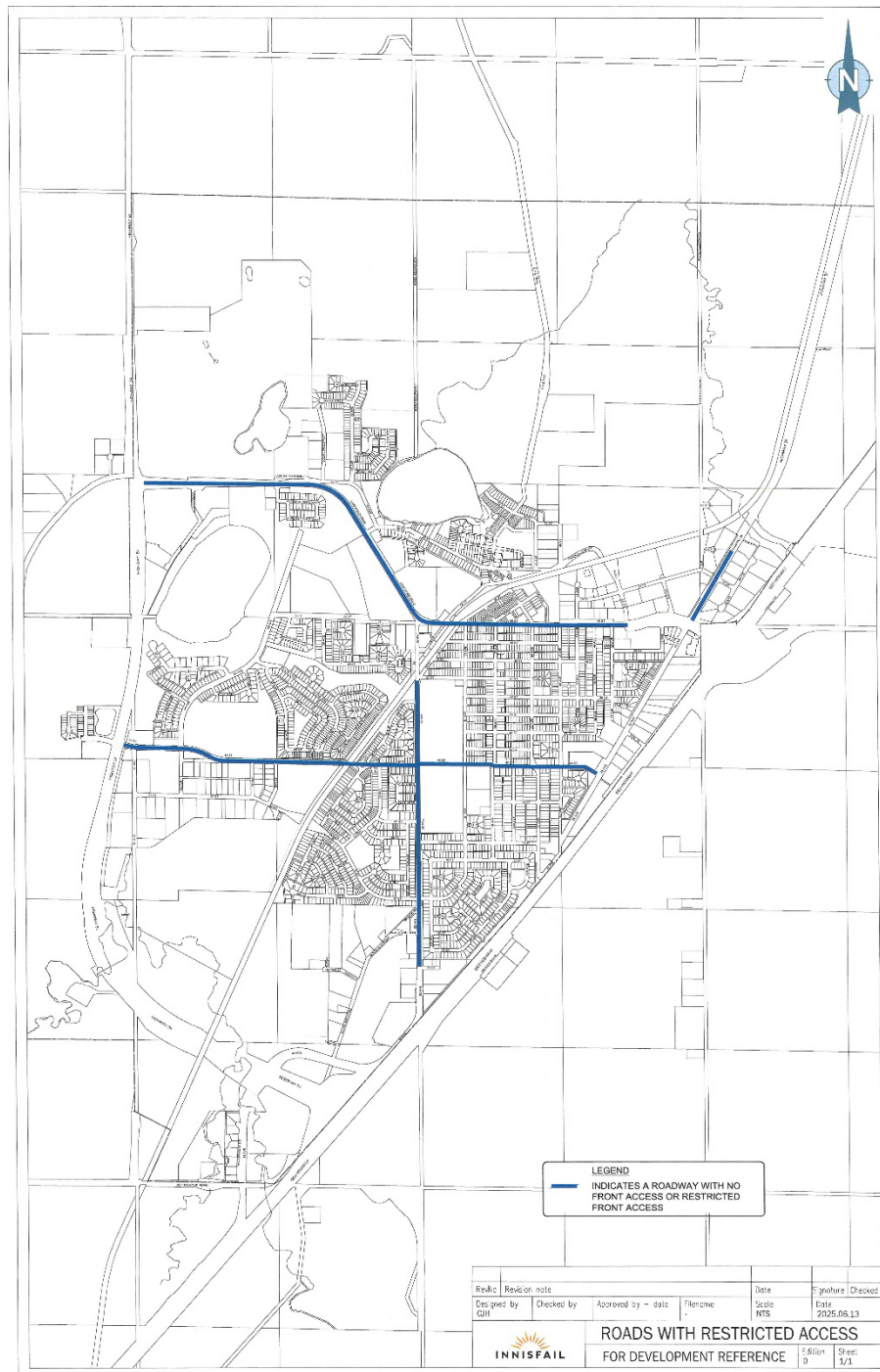
- (1) The location of roof-top mechanical equipment, exhaust fans and other potential sources of noise and smells must be oriented to reduce adverse effects on surrounding properties and communal amenity areas.
- (2) All mechanical equipment on the roof of any building must be visually and acoustically screened or incorporated in the building roof.



SCHEDULE A: LAND USE DISTRICT MAP



SCHEDULE B: ROADS WITH RESTRICTED VEHICULAR ACCESS



SCHEDULE C: SPECIFIED PENALTIES FOR OFFENCES UNDER THIS BYLAW

Description of Offence	First Offence	Second Offence	Third or Subsequent Offence
Section 3.8.3 Displaying a sign without a required permit	\$500.00	\$1,000.00	\$5,000.00
Section 5.0 Displaying a sign in contravention of this Bylaw	\$500.00	\$1,000.00	\$5,000.00
Displaying a sign in contravention of the conditions of a development permit	\$500.00	\$1,000.00	\$5,000.00
Section 3.6 Commence development without a permit	\$1,500.00	\$2,000.00	\$5,000.00
Section 4.15.8 Breach of restrictions on corner sites	\$500.00	\$750.00	\$1,000.00
Section 4.17 Breach of restrictions on objects prohibited or restricted in yards	\$500.00	\$1,000.00	\$1,500.00
Section 4.3 Accessory building in contravention of this Bylaw	\$500.00	\$750.00	\$1,000.00
Failing to comply with a Development Permit/Development Permit Conditions	\$1,500.00	\$2,000.00	\$5,000.00
Impounding of signs	\$250.00 per sign		
Storage of signs	\$5.00 per sign per day		