



TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

OFFICE CONSOLIDATION
&
RECORD OF AMENDING BYLAWS

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LAND USE BYLAW OFFICE CONSOLIDATION

Bylaw 924/2019, the Land Use Bylaw, was adopted by Town of Devon Council on December 9, 2019 and became effective on that date.

Persons using this consolidation are hereby informed that it has no legal sanction unless signed and sealed; that amendments have been embodied only for convenience of information and that reference should be made to the original bylaws for legal interpretation and application.

Following is a list of Bylaws adopted by Council subsequent to passing of Land Use Bylaw 924/2019, which amend the text and/or the Land Use District Map.

Questions concerning the interpretation and application of the Bylaw may be directed to the Town of Devon at the address on the title page.

RECORD OF AMENDING BYLAWS

Bylaw No.	Content
937/2019	Change to Secondary Suite in R1A, Rc (selected districts); Home Occupations on Erie Street
944/2020	Derrick Drive subdivision rezoning
975/2020	Discretionary Use – Secondary Suites R1B District & Fencing Regulations R1A, R1B, R1C & R2 Districts
979/2022	Redistrict 0-lot properties to R1C and Fairfax Lane portion to C3 Amend C3 building Height to 5 storey Amend Discretionary use to include MPC approving side yard setbacks if less than the required
1003/2024	Remove fees from Land Use Bylaw and include in a fees Bylaw
1004/2024	Add to the R 2 Residential Low Density for Secondary Suites as per requirements
1010/2024	RCD district regulations in South Ravines allowing duplexes and townhouses and smaller lots, higher bldgs..

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TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'A'

GENERAL REGULATIONS

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GENERAL REGULATIONS

1.1 TITLE & MEANINGS

1.1.1 Title

- (a) This Bylaw may be referred to as the LAND USE BYLAW of the TOWN OF DEVON, in the Province of Alberta.

1.1.2 Meanings

- (a) In this Bylaw:

ABATTOIR – means a development for the killing and processing of animals or animal parts and includes a slaughter house and rendering plant;

ACCESS – means an area that serves as the physical connection between a site and a public roadway;

ACCESSORY – means subordinate, incidental to and exclusively devoted to a principal use or principal building;

ACCESSORY BUILDING – means a building which is separate from the principal building on the site where both are located and which the Development Authority decides is normally subordinate to, and the use of which is incidental to that of, the principal building;

ACCESSORY USE – means a use of a building or land that the Development Authority decides is normally incidental to and subordinate to the principal use of the site on which it is located;

ACT – means the Municipal Government Act, Chapter M-26.1, Statutes of Alberta, 1994, and the regulations pursuant thereto, as amended;

ADJACENT SITE – means a site that is contiguous to a site which is the subject of a development application and includes land that would be contiguous if not for a public roadway, public utility lot, public utility right-of-way, rail right-of-way, stream or sidewalk;

ADULT ENTERTAINMENT FACILITY – means:

- (a) a development or part thereof where, for any consideration, live performances are held, the central feature of which is any specified act or specified body area;
- (b) any cinema where motion pictures, videotapes, video disks, computer disks, or similar electronic, photographic or computer software reproductions are shown or displayed, the central feature of which is any specified act; or

- (c) any development where the main feature of more than 50% of the inventory of the business is used to display, sell or rent any items, the central feature of which is: any specified act or specified body area or items which simulate or are reproductions of any specified body area.

Typical uses are adult mini-theatres, strip clubs or shows, peep shows and adult video stores;

AGRICULTURE – means the cultivation of soil for the growing of a crop or the raising of livestock, but does not include intensive agriculture;

AMENITY AREA – means an area which shall be provided subject to the regulations of this By-law and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;

AMENITY AREA – PRIVATE OUTDOOR – means an amenity area which shall be provided subject to regulations in this By-law, but which must be developed for the active or passive recreation and enjoyment of residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve;

AMUSEMENT ARCADE – means a development where 3 or more mechanical or electronic amusement game machines are provided for public entertainment for any consideration, but does not include adult entertainment, casino or bingo;

AMUSEMENT GAME MACHINE – means a coin operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin and may be used by the public for playing any game of skill, chance or mixed skill and chance, which is used to afford entertainment or amusement to the operator and, without limiting the generality of the foregoing, shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities;

ANIMAL SERVICE – means a development located within an enclosed building used for the accommodation, boarding, breeding, grooming, impoundment, training, sale of small domestic animals including, but not limited to, cats and dogs, but does not include intensive agriculture;

APARTMENT BUILDING – means a single building containing three or more dwelling units with a common entrance from the exterior, but does not include any other type of multiple dwelling unit building defined in this Bylaw;

AREA REDEVELOPMENT PLAN – means a plan accepted or adopted by Council as an area redevelopment plan pursuant to the Planning Act, R.S.A., 1980 or the Municipal Government Act, Chapter M-26.1, Statutes of Alberta, 1994 as updated or amended;

AREA STRUCTURE PLAN – means a plan accepted or adopted by Council as an area structure plan pursuant to the Planning Act, R.S.A., 1980 or the Municipal Government Act, Chapter M-26.1, Statutes of Alberta, 1994 as updated or amended;

AUCTION FACILITY – means a development used for the auctioning of goods, motor vehicles and equipment, including the temporary storage of the same, but excludes a live animal auction;

AUTOMOTIVE BODY AND PAINT SERVICE – means a development used for the service and repair of motor vehicles, but does not automotive wrecker;

AUTOMOTIVE RENTALS – means a development used for the storage and rental of automobiles and trucks;

AUTOMOTIVE SALES AND SERVICE – means a development used for the sale, service and repair of motor vehicles or the sale of gasoline, lubricating oils and other automotive fluids or any combination of the foregoing, but does not include an automotive body and paint service or automotive specialty;

AUTOMOTIVE REPAIR OR SPECIALTY – means a development solely used for the service and repair of components of motor vehicles, but does not include an automotive body and paint service or an automotive service. Typical developments are a service shop for the following components: brake, lubrication, muffler, rust proofing, transmission, wheel alignment and windshield;

AUTOMOTIVE WRECKER – means a development used for the storing, junking, dismantling or wrecking of three or more motor vehicles, not in running condition, or parts of them;

AWNING – means a light, detachable, roof-like structure covered by fabric or other material and supported from a building by a fixed or retractable frame, normally extending from the outside wall of a building;

BACHELOR SUITE – means a dwelling unit in which all of the sleeping and living areas are combined in a single room;

BALCONY – means an exterior platform projecting from a wall and located adjacent to a doorway, the platform being 4.0 m or greater in height from finished grade;

BARE LAND CONDOMINIUM UNIT – means a bare land unit as defined in the Condominium Property Act, RSA, 1980 c22 or as amended;

BARRIER-FREE ACCESS – means a development, or parts thereof, as defined in this Bylaw, that can be used by persons with physical disabilities;

BASEMENT – means the lowest floor level of a building, located wholly or partly below the finished grade of a site;

BED AND BREAKFAST – means a development that forms an accessory use to a single detached house, semi-detached house or duplex and

provides temporary sleeping accommodation and meals to persons for stays not exceeding 14 days, but does not include a boarding house;

BERM – means an elongated mound of earth 1.0 m or more in height above the average finished grade, designed to provide screening or noise attenuation within a development, between developments or between a development and a public roadway;

BICYCLE PARKING STATION – means part of a development designed to provide parking for bicycles;

BI-LEVEL – means a dwelling that has the main living area on one storey, but raised to such a level that the upper face of the floor is 1.2 m or more above grade, but not high enough to constitute a two-storey dwelling;

BINGO HALL – means a development used for the playing of bingo;

BOARDING HOUSE – means a commercial development located in a dwelling unit with common washroom facilities and used to provide sleeping accommodation, or sleeping accommodation and meals, to residents of the Town. Typical uses include a rooming house and hostel;

BOULEVARD – means:

- (a) that portion of the right-of-way of a public roadway lying between the curb line of the carriage way and the adjacent fronting property line, or
- (b) where there is no curb, that portion of the right-of-way lying between the edge of the carriage way ordinarily used by vehicles and the adjacent fronting property line;

BREEZEWAY – means a roofed structure that connects two buildings;

BULK OIL AND CHEMICAL STORAGE – means a development where refined or crude oil or liquid or solid chemical is stored outdoors;

BUILDING – includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;

BUILDING ENVELOPE – means a graphical illustration which defines the maximum area or volume of space within which a building may be designed relative to its site boundaries;

BUILDING FRONTAGE – means a wall on the exterior of a building that faces a public roadway;

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

BUILDING PERMIT – means a certificate or document issued by a Building Inspector pursuant to the Town of Devon Building Permit Bylaw authorizing the commencement of construction;

BUILDING SUPPLY CENTRE – means a commercial, retail or wholesale store where the primary purpose is to store or offer for sale lumber, building materials, household accessories and other related goods;

BUS DEPOT – means a development for the transient housing or parking of motor-drive buses and the loading and unloading of passengers, but does not include a municipal transit station;

BUSINESS – means:

- (a) a commercial, merchandising or industrial activity or undertaking;
- (b) a profession, trade, occupation, calling or employment; or
- (c) an activity providing goods or services whether or not for profit, and however formed or organized, including a cooperative or association of persons;

BUSINESS SUPPORT SERVICE – means a development used to provide any of the following services: printing, duplicating, binding, photographic processing, janitorial services, office maintenance services, secretarial services, security services, sales or rentals of business equipment or machines, service and repairs to office equipment or machines and advertising;

CAMPGROUND – means a development used to provide outdoor spaces or stalls to the public for temporary accommodation in tents or recreation vehicles, and includes kiosks and manager and caretaker dwelling units or trailers and storage buildings;

CANNABIS – means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

CANNABIS ACCESSORY CANNABIS RETAIL STORE – means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time.

CANNABIS PRODUCTIONS AND DISTRIBUTION – means development used principally for one or more of the following activities as it relates to Cannabis:

- (a) a production, cultivation, and grown of Cannabis;
- (b) the processing of raw materials;
- (c) the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods or products;
- (d) the storage or transshipping materials, goods and products; or
- (e) the distribution and sale of materials, goods and products to Cannabis Retail stores.

CANNABIS RETAIL SALES – means a retail store, licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises.

CANOPY – see **AWNING**;

CANTILEVERED WALL SECTION – means a projection of part of an exterior wall of a building not supported by a foundation wall, such as a bay window, bow window or room section;

CANOPY SIGN – see **SIGN, CANOPY**;

CARPORT – means a roofed structure used for storing or parking of not more than two private vehicles and which has not less than 40 percent of its total perimeter open and unobstructed;

CAR WASH – means a development used for the primary purpose of washing motor vehicles up to 10 000 kg gross vehicle weight, but does not include a truck wash;

CATERING SERVICE – means a development where foods and beverages, to be served off the premises, are prepared for sale to the public;

CASINO – means a development used for the playing of games of chance, authorized by a gaming license, but does not include a bingo, or a drinking establishment in which video lottery terminals are located;

CHATTEL – means a moveable item of personal property;

CHEMICAL PROCESSING – means a development used for the processing and any related storing or warehousing of chemicals and petrochemicals. Typical uses include manufacturing of chemical products and tank farms;

CHURCH – means a development and any related meeting halls used for spiritual worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings, but does not include a school. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

CINEMA – means a development used to show motion pictures to the public for any consideration;

CLUSTER HOUSING – means a development of multiple dwellings other than apartment buildings and may include duplex and semi-detached dwellings on a site or several such developments located on adjoining lots, which are designed to be architecturally integrated;

COMMERCIAL GARBAGE CONTAINER – means a garbage container provided or used by a commercial garbage pickup and disposal service;

COMMERCIAL SCHOOL – means a commercial development used for training and instruction in a trade, skill or service but does not include a “school”;

COMMUNITY HALL – means a development that provides auditorium, banquet, exhibition, gymnasium, meeting or seminar facilities but does not include a bingo that operates for more than 3 days in a calendar year, an adult entertainment facility or a casino;

COMMUNITY RECREATION FACILITIES – means municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities;

COMPLIANCE CERTIFICATE – means a document that may be issued by the Development Officer indicating that a building(s), as shown on a Real Property Report prepared by an Alberta Legal Surveyor and provided to the Town, is located in accordance with the building setback requirements in this Bylaw at the time the Compliance Certificate is issued;

COMPUTER SOFTWARE PRODUCTION – means a development that provides : the creation and development of the portion of the computer system that consists of data or computer instructions, in contrast to physical hardware; OR the creation and development of the programs and other operating information used by a computer;

CONSERVATION RESERVE – land used to protect environmental significant features such as a wildlife corridor, significant tree stand, or other environmentally significant features that the Town of Devon chooses to conserve. (Policies on Conservation Reserve’s is included in the Municipal Development Plan).

CONSTRUCTION SERVICE – means a development used to provide landscaping, electrical, plumbing, heating, ventilating, painting, woodworking or similar contractor services to households or to general contractors, but does not include equipment rental;

CONSTRUCTION STANDARDS – see TOWN OF DEVON CONSTRUCTION STANDARDS;

CONVENIENCE STORE – means a development for the retail sale of a variety of small goods required on a day-to-day basis by people working or living near the store. Typical uses include small food stores, milk stores and variety stores that sell confectioneries, foodstuffs, newspapers, magazines, non-alcoholic beverages and similar items. This definition does not include Cannabis Retail Sales;

CORNER – means the intersection of any two property lines of a site;

CORNER SITE - see SITE, CORNER;

COUNCIL – means the council of the municipality of the Town of Devon;

CURB CUT – means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

DAY CARE FACILITY – means a facility and programs for the provision of care, maintenance and supervision for 7 or more children or adults. Typical uses include day care centres, nursery schools or kindergartens;

DECK – means a raised platform, extending from the principal building and used for outdoor living, but does not include a balcony;

DENSITY – means a quantitative measure of the average number of persons, families or dwelling units per area;

DESIGN STANDARDS – see TOWN OF DEVON DESIGN STANDARDS;

DETACHED SECONDARY SUITE – means a self-contained temporary accessory dwelling unit located in the rear yard of a lot that has an existing principal dwelling unit for the purpose of accommodating the needs of family members of the occupants of the principal dwelling, including manufactured homes and converted garages;

DETENTION OR CORRECTION FACILITY – means a development used to hold, confine or to provide regulated or temporary residential facilities for young or adult individuals either awaiting trial on criminal charges or as part of the disposition of criminal charges, or released from custody under the supervision of the National Parole Board, a parole or probation officer or similar authority. Typical uses include a remand centre, jail prison or half-way house;

DEVELOPER – means an owner, agent or any person, firm or company required to obtain, or who has obtained, a development permit;

DEVELOPMENT – means:

- (a) an excavation or stockpile and the creation of either of them,
- (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land,
- (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;

DEVELOPMENT AUTHORITY – means a development authority established pursuant to Town of Devon Bylaws and any amendments thereto and includes a Development Officer(s) and a Municipal Planning Commission;

DEVELOPMENT PERMIT – means a document that is issued under a Land Use Bylaw that authorizes a development;

DISCONTINUED – means the time at which, in the opinion of the Development Authority, substantial construction activity or a non-conforming use, or conforming use has ceased;

DISCRETIONARY USE – means a use of land or buildings provided for in the District Parts of this By-law, for which a development permit may be issued, with or without conditions;

DOUBLE FRONTING SITE – means a corner site which is not a flanking site, but also includes a site which abuts two public streets, (except alleys as defined in the Highway Traffic Act, 1980 as amended) which are parallel or nearly parallel where abutting the site;

DRINKING ESTABLISHMENT – means a development licensed to serve alcoholic beverages for consumption on the premises and may include video lottery terminals as an accessory use. This definition does not include Cannabis Retail Sales;

DRIVE-THROUGH-BUSINESS – means an establishment that services customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service or parks his vehicle for a short period of time for the purpose of doing business at the premises; but does not include automotive service. This definition does not include Cannabis Retail Sales;

DUPLEX – means a building containing two dwelling units, with one title, the dwelling area of one being located above the dwelling area of the other, either in whole or in part, each with a separate private entry;

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

DWELLING UNIT – means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for the domestic use of one or more individuals, but does not include any part of a hospital, hotel, motel or recreation vehicle;

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

EMERGENCY PROTECTIVE SERVICE – means a development used as a fire hall, police station, ambulance station or similar facility;

EMERGENCY SHELTER – means a development or part thereof used to provide individuals with temporary residential facilities based upon immediate and compelling need;

ENVIRONMENTAL RESERVE – means the land designated as environmental reserve by a subdivision authority or a municipality under Part 17, Division 8 of the Act;

ENVIRONMENT RESERVE EASEMENT – means an easement created under Part 17, Division 8 of the Act as amended;

EQUIPMENT RENTAL – means a development used to rent household or light equipment, but not motor vehicles, to the public;

EQUIPMENT SALES AND SERVICE – means a development used for the storage, offer for sale, rental and servicing of heavy construction equipment, farm tractors and implements, industrial equipment and vehicles;

EXCAVATION – means any breaking of ground, except common household gardening and ground care;

EXHIBITION GROUNDS – means an outdoor facility used to host public events including rodeos, horse shows and exhibitions and any accessory structure used for spectator seating or viewing;

FAMILY DAY HOME – means an accessory development within a dwelling unit or part thereof used to provide care and supervision to more than 4 but less than 7 children or adults, including any children under the age of five who are otherwise permanent residents of the dwelling unit;

FENCE – means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access along the perimeter of a site;

FINANCIAL INSTITUTION – means a bank, brokerage company, treasury branch, credit union, finance company or similar financial services company;

FINISHED GRADE – means the elevation of the ground at the exterior of a building when the construction of the building and landscaping are complete and as may be shown on an approved plan;

FIRE PIT – means a ground level or below ground level container not greater than 1.0 m in diameter suitable for building a fire for recreational or cooking purposes;

FLANKING SITE – means a corner site on which a side boundary is abutting onto a street and where all other sites, which are within 6.0 m of the site, have no front boundary on the same street;

FLEET SERVICE – means a development from which 4 or more motor vehicles are operated for the transportation of passengers or goods;

FLOOD RISK AREA – means the area of the North Saskatchewan River Valley and its tributaries that is prone to flooding from time to time;

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

FLOOR AREA RATIO – means the total floor area, divided by the lot area;

FORMER ACT – means the Planning Act, R.S.A. 1980 cP-9, The Planning Act, 1977, SA 1977 c89, The Planning Act, R.S.A. 1970 c276 or the Planning Act, SA 1963 c43;

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

FOURPLEX – means a single building comprised of four dwelling units, side-by-side and back-to-back, each having a separate direct entrance from the exterior;

FREESTANDING SIGN – see SIGN, FREESTANDING;

FRONT YARD - see YARD, FRONT;

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

FUNERAL HOME – means a development used for the arrangement of funerals, the preparation of the deceased for burial, including a crematorium, and the holding of funeral services, but does not include a church;

GARAGE – means an accessory building or part of the principal building, designed and used primarily for the parking and storage of motor vehicles;

GARAGE SUITES – means a single-story Dwelling Unit located at or above Building Grade to a detached Garage. A Garage Suite is accessory to a Building in which the Principal Use is a Single Detached Dwelling. This Use does not include Secondary Suites. A garage suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. A garage suite has a separate entrance from the vehicle entrance to the detached garage; *Note: Secondary suites are allowed only as an Accessory dwelling within a Single Detached Dwelling. Garage suites are allowed as an Accessory dwelling on a site with a Single Detached Dwelling. Secondary and Garage Suites are not allowed as an Accessory dwelling to a semi-detached (side by side duplex) or Row House (townhouse) dwelling. Not more than one, either Secondary or Garage Suite, are allowed in conjunction with a Single Detached Dwelling.*

GAS BAR – means a development used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories;

GAZEBO – means a small, detached building with a roof structure supported by posts, provided for shade and landscaping;

GENERAL RETAIL STORE – means a development used for the retail sale of a wide range of consumer goods with a floor area less than 4000.0 m², but does not include a grocery store or a specialty store. Typical uses include plumbing and hardware stores, clothing stores, shoe stores, sporting goods stores, furniture stores, appliance stores, jewellery stores, second hand stores or pharmacies. This use does not include Cannabis Retail Sales;

GOVERNMENT SERVICE – means a development used by a municipal, provincial or federal government agency to provide government services directly to the public and includes a school district office or transit service, but does not include a public utility building, emergency protective service or school;

GRADE – means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The

building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

GREENHOUSE & PLANT NURSERY – means a development used for the growing, storage and basic processing of fruits, vegetables, household and ornamental plants and may include the sale of their products or by-products;

GROCERY STORE – means a development used for the retail sale of raw or prepared foods with a floor area of less than 4000.0 m². This definition does not include Cannabis Retail Sales;

GROSS FLOOR AREA – means the total floor area of the building contained within the outside surface of the exterior and basement walls and includes enclosed and heated malls, utility rooms, public washrooms, stairwells and elevators;

GROSS SITE AREA – means the total area of a lot, parcel or site, including any area dedicated to an easement or right-of-way, as shown on a plan of subdivision registered in a land titles office;

GROSS VEHICLE WEIGHT – means the aggregate weight of a vehicle and the load which the vehicle is permitted to carry on highways and public roadways in Alberta;

GROUND ELEVATION CERTIFICATE – means a plan that is duly signed and certified by an Alberta Land Surveyor, Professional Engineer or Architect as accurately representing the existing as built grades and elevations of a lot;

HABITABLE ROOM – means a room or enclosed space used or useable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, and dens, excluding **NON-HABITABLE ROOMS** which include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements or cellars used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

HALF STOREY – see **STOREY, HALF**;

HARD SURFACED – means the provision of a durable, dust-free hard surface consisting of concrete, asphalt, paving stones or similar types of pavement on a prepared base sufficient for the super-imposed traffic loading;

HEALTH SERVICE – means a development used for the out-patient health care and social or counselling services, but does not include a hospital;

HEAVY INDUSTRY – means any manufacturing or processing activity;

- (a) which may consume large amounts of land, energy, water or other natural resources in its operation, or which requires access to

transportation facilities capable of handling bulk materials and commodities; or

- (b) that may have a detrimental effect on the environment through the following: high volumes of heavy vehicle movement; pollution of air, soil or water; nuisance as a result of noise, smoke odour, dust, fumes, glare or humidity; or hazard arising from fire, explosion, radiation or contamination;

HIGHWAY COMMERCIAL BUILDING – means a commercial building intended primarily for the use of the travelling public and which is located on a site adjacent to a major route designated as a public highway pursuant to the Public Highway Development Act. This definition does not include Cannabis Retail Sales;

HIGH VAPOUR PRESSURE PIPELINE – a pipeline transporting volatile hydrocarbons (ethane, propane, butane) in the liquid state;

HISTORICAL SITE – means a site or building or both designated to be of historical significance by the Government of Canada, the Province of Alberta or the Town of Devon;

HOME OCCUPATION – means an accessory use in a dwelling unit, or its garage and/or accessory building to conduct a business or occupation that is operated by a permanent resident of the dwelling unit; does not include a home office. This definition does not include Cannabis Retail Sales or distribution of cannabis;

HOME OFFICE – means an accessory use contained within a dwelling unit, for a business that involves office functions only and is operated by a permanent resident of the dwelling unit; This definition does not include Cannabis Retail Sales or distribution of cannabis;

HOSPITAL – means an institutional development used to provide in-patient and out-patient health care to the public. Typical developments include a community health centre and a full-service hospital;

HOTEL – means a commercial development, including a motel, used to provide temporary sleeping accommodation to the public, and which may also contain a restaurant, drinking establishment and/or a convention hall, but does not include a cannabis lounge or cafe;

HOUSE – means a development comprised of one dwelling unit on a site separated by open space from any development on an adjoining site.

HOUSEHOLD REPAIR SERVICE – means a development that provides repair service for household goods, equipment and appliances, but does not include personal services. Typical uses are radio, television, computer, video and appliance repair shops and furniture refinishing and upholstery shops;

HYDROCARBON PIPELINE – means any pipe whereby oil, gas or synthetic crude oil or water incidental to the drilling for, or production of oil, gas, or synthetic crude oil is conveyed and:

- (a) includes all property of any kind used for the purpose of, or in connection with, or incidental to, the operation of a pipeline in the gathering, transportation, handling and delivery of oil, gas, synthetic crude oil or water, but
- (b) does not include any pipe or any system or arrangement of pipes that constitutes a distribution system for the distribution of gas within a community to ultimate consumers;

INCLUSIONARY HOUSING – means the provision of dwelling units or land, or money in place of dwelling units or land, for the purpose of affordable housing as a condition of subdivision approval or of being issued development permits.

INDOOR RECREATION SERVICE – means a development used for sports or recreation within an enclosed building and any related accessory development for the users of the principal facilities, but does not include adult entertainment facilities, pool hall, bingo, casino, or any type of cannabis business. Typical uses are an athletic club, health and fitness club, curling, skating or hockey rink, swimming pool, bowling alley, miniature golf and racquet courts. Typical accessory uses are a cafeteria, pro shop and amusement arcade;

INSTRUMENT – means a plan of subdivision and an instrument as defined in the Land Titles Act;

INTENSIVE AGRICULTURE – means a development used for the raising of livestock under confined conditions in pens or buildings. Typical uses are hatchery, feedlot, poultry operation, hog barn and piggery;

INTERIOR SITE – see **SITE, INTERIOR**;

INTERMUNICIPAL SERVICE AGENCY – means an Inter-municipal service agency established under Division 3 of the Act;

KENNEL – means a development where more than two (2) dogs are harboured at any one location, shelter, room, dwelling or place. This definition does not include animal services or veterinary clinic, nor does it include premises known as a pound, as defined by the Animal Control By-law;

LABORATORY – means a facility equipped for scientific experiments, research, or teaching and is performed for the purposes of providing information or as a part of research and development;

LANDSCAPING or **LANDSCAPED AREA** – means to preserve or change the natural features of a site or a portion thereof by adding lawns, trees, shrubs, ornamental plantings, ground covers, fencing, walks, driveways or other structures and architectural elements including fences and walls;

LAND USE DISTRICT – means an area of the Town established as a land use district by this Bylaw;

LAND USE BYLAW – means a Bylaw made under Division 5 of the Act and a Bylaw made under Section 23 of the Historical Resources Act;

LAND USE MAP – means a plan or plans showing the land use districts established in the Town;

LAND USE POLICIES – means policies established by the Lieutenant Governor in Council under Division 2 of the Act;

LANE – means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m and is not less than 6.0 m in width, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Highway Traffic Act;

LIGHT INDUSTRIAL – means any general industrial uses which do not cause any external, objectionable or dangerous conditions beyond any building on the site, but excludes bulk oil and chemical storage and chemical processing;

LINTEL – means a horizontal structural member or beam that supports the load over an opening such as a door or window;

LIQUOR STORE – means a development where alcoholic beverages are offered for sale to the public, for consumption off-site. This definition does not include Cannabis Retail Sales;

LIVING ROOM – means any room in a dwelling unit used primarily for the social activities of the occupants and which is designed for general living whether or not combined with specific activities such as dining, food preparation or sleeping;

LOADING SPACE – means an off-street space on the same site as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

LOT – means

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

LOT AREA – see **SITE AREA**;

LOT BOUNDARIES – see **SITE BOUNDARIES**;

LOT CORNER – see **SITE, CORNER**;

LOT COVERAGE – see **SITE COVERAGE**;

LOT DEPTH – see SITE DEPTH;

LOT, INTERIOR – see SITE, INTERIOR;

LOT WIDTH – see SITE WIDTH;

MANUFACTURING – means a development associated with manufacturing, assembling, fabrication and processing facilities;

MANUFACTURED HOME – means a factory constructed detached dwelling unit readily relocatable as a single unit or in modules.

MARIJUANA – see CANNABIS;

MEDIAN – means that portion of a public road right-of-way way lying between the carriageways of a divided roadway;

MEDIUM INDUSTRIAL – means a development used for manufacturing, processing, assembling, cleaning, repairing, testing, storage, warehousing and trans-shipment, where any actual or potential nuisance factor generated by the development is contained within the boundaries of the site;

MICRO-BREWERY – means a limited-production brewery, producing specialty beers and typically selling its products to a local market;

MINI-STORAGE – means a development that provides cubicles for rent to the public for the storage of goods;

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

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

MOBILE HOME COURT – means a site designated for mobile homes under this By-law and which contains sites designated for leasehold tenure which have not been subdivided by plan of survey;

MOBILE HOME STAND – means an area upon which a mobile home is intended to be placed or which is intended to be covered by a mobile home within a mobile home court or on a mobile home subdivided lot;

MOBILE HOME SUBDIVIDED LOT – means a lot held in fee simple in a mobile home subdivision;

MOBILE HOME SUBDIVISION – means an area that has been subdivided by legal subdivision into lots designated for mobile homes under this By-law;

MODULAR HOME – means a housing unit manufactured offsite, transported without its own frame, and assembled on site;

MOTEL – see HOTEL;

MULTIPLE DWELLING – means a development containing 2 or more dwelling units;

MUNICIPAL DEVELOPMENT PLAN – means a plan accepted or adopted by Council as a municipal development plan pursuant to the Municipal Government Act, Chapter M-26.1, Statutes of Alberta, 1994;

MUNICIPAL PLANNING COMMISSION – means a municipal planning commission established under Part 17, Division 3 of the Act as updated or amended;

MUNICIPAL RESERVE – means the land designated as municipal reserve under Part 17, Division 8 of the Act as updated or amended;

MUNICIPAL AND SCHOOL RESERVE – means the land designated as municipal reserve under Part 17, Division 8 of the Act as updated or amended;

MUNICIPALITY – means the Town of Devon, in the Province of Alberta;

NON-CONFORMING BUILDING – means a building that

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

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 or any amendment thereof affecting the land or building becomes effective, and
- (b) that on the date the Land Use By-law or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use By-law;

OCCUPANCY – means the use or intended use of a building or part thereof for the shelter or support of persons or property;

OCCUPANCY PERMIT – means a permit permitting occupancy;

OFF-SITE SIGN – see SIGN, OFF-SITE;

OFF-STREET – means an off-street facility, also referred to as an on-site parking facility. Off-street does not mean any area within a public roadway right-of-way or public utility lot or a boulevard;

OFF-STREET OR ON-SITE PARKING LOT – means an off-street facility for the parking of three or more vehicles, also referred to as an on-site parking facility;

ON-SITE – means on the lot or within the boundaries of a lot, property or parcel of land; does not include any public boulevards or roadway rights-of-way adjacent to or abutting a property;

OUTDOOR DISPLAY AREA – means an outdoor area forming part of a development used to exhibit or show motor vehicles, recreation vehicles, equipment, goods, materials or products;

OUTDOOR RECREATION SERVICE – means a development used for outdoor sports or leisure and any related accessory developments for the use and convenience of the users of the principal facility. Typical uses are athletic field, picnic area, playground, pedestrian and bicycle trail, skating rink, boating facility, lawn bowling green, tennis court, swimming and wading pool, water spray park and golf course;

OUTDOOR STORAGE – means an outdoor area forming part of a development used for the storage of equipment, goods, materials, motor vehicles, recreation vehicles or products;

PARAPET WALL – means that part of an exterior wall, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

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

PARKING – means leaving a motor vehicle temporarily on a lot, parcel or site;

PARKING FACILITY – means a site or part of a site set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot;

PARKING STALL – means a space set-aside for the parking of one vehicle;

PARKING STRUCTURE – means a development in tiers, levels or floors used for the parking of motor vehicles;

PATIO – means a ground level, hard surfaced area used for outdoor living;

PENTHOUSE – means a structure built on a roof to conceal or cover machinery;

PERMITTED BACKGROUND AREA – means the total area between the lintel and the parapet wall on a one-storey building or between the lintel bar and the floor level of the floor above on a multi-storey building;

PERMITTED USE – means the use of land or a building provided for in the District Parts of this Bylaw for which a development permit shall be issued with or without conditions upon an application having been made that conforms to the Land Use By-law;

PERSONAL SERVICES – means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. These include, but are not limited to barbershops, hairdressers, beauty salons, pedicurists, manicurists, massage therapists, tanning salons, tailors, dressmakers, shoe repair shops, cleaning establishments and laundromats, but does not include the use of cannabis for any of these services;

PLAN OF SUBDIVISION – means a plan of survey prepared in accordance with the Land Titles Act for the purpose of effecting subdivision;

PLANTING – see **LANDSCAPING**;

POOL HALL – means a commercial development used for pool, billiards, snooker or similar table games;

PRINCIPAL BUILDING – means a building which, in the opinion of the Development Authority:

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

There shall be no more than one principal building on each site unless specifically permitted otherwise in this By-law;

PRINCIPAL USE – means the primary purpose, in the opinion of the Development Authority, for which a building or site is used;

PRIVATE AMENITY AREAS – means a common area or areas provided on a lot for the exclusive use of residents of a building or buildings, which may include a balcony, a patio, a recessed balcony enclosed with exterior windows of a sun-room enclosed with exterior windows, and other similar features, for recreational and/or social purposes.

PRIVATE CLUB AND LODGE – means a development used for the meeting, social or recreational activities of members of non-profit philanthropic, social service, athletic, business or fraternal organizations, excluding on-site residence;

PRODUCT ASSEMBLY – means a location where goods are assembled together to create a finished or semi-finished product for distribution;

PROFESSIONAL SERVICES – means development primarily used for the provision of professional services, but does not include health service or government services. Typical uses include offices providing accounting, architectural, drafting, employment, engineering, medical, dental, optometry, ophthalmology, chiropractic, insurance, investment, legal, professional associations, business associations, real estate, town planning and travel agent services;

PROJECTING SIGN – see **SIGN, PROJECTING**;

PUBLIC ROADWAY – means the right-of-way of the following:

- (a) a local road of any classification;
- (b) a service road;
- (c) a street;
- (d) an avenue;
- (e) a lane; or
- (f) an undeveloped registered road plan that is publicly used or intended for public use;

PUBLIC UTILITY – means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) water or steam;
- (b) sewage disposal;
- (c) public transportation operated by or on behalf of the municipality;
- (d) irrigation;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management;
- (j) telecommunications;

PUBLIC UTILITY LOT – means land required to be given under Part 17, Division 8 of the Act for public utilities;

PUBLIC UTILITY BUILDING – means a development in which the owner or operator of a public utility maintains or houses any operation in connection with the distribution of a public utility, but does not include any development for the production or generation of electric power or natural gas;

RADIO ANTENNA – means a device and its support structure designed to receive or transmit radio waves, but does not include a satellite dish antenna;

REAL PROPERTY REPORT – means a document showing building locations and other site data referenced to site property lines, prepared by a registered Alberta Land Surveyor according to the standards of the Alberta Land Surveyors Association;

REAR YARD – see YARD, REAR;

RECREATION EQUIPMENT – means a utility trailer, boat, boat trailer, all-terrain vehicle and snowmobile, but does not include a recreation vehicle;

RECREATION VEHICLE – means a portable structure with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by a motor vehicle, or transported under its own power;

RECYCLING DEPOT – means a development for collecting, sorting and temporary storage of recyclable materials such as bottles, cans, paper, boxes and small household goods and appliances, but does not include an auto wrecker;

RESERVE LAND – means an environmental reserve, municipal reserve, school reserve or municipal and school reserve;

RESIDENTIAL SALES OFFICE – means a temporary building or trailer not greater than 80.0 m² in area, used to market a residential development or undeveloped lots.

RESTAURANT – means a commercial development where foods and beverages are prepared and served for consumption on-site by the public and may include a take-out component as an accessory development and may include an outdoor eating and drinking area component as an accessory development;

ROAD or ROADWAY – see PUBLIC ROADWAY;

ROOF SIGN – see SIGN, ROOF;

SATELLITE DISH ANTENNA – means a parabolic device and its support structure to receive or transmit frequencies from and to earth orbiting satellites;

SCHOOL – means a publicly or privately supported or subsidized development used for education and includes its administrative offices. Typical developments are elementary and secondary schools, but do not include commercial schools;

SCREENING – means the total or partial concealment from view of a development by a fence, wall, berm or landscaping;

SECONDARY SUITE – means Development consisting of a self-contained dwelling unit located in a structure in which the Principal Use is a Single Detached Dwelling. This includes conversion of basement space to a dwelling unit or the addition of a new floor space for a Secondary Suite to an existing Single Detached Dwelling. This does not include Duplex Dwelling, Multi-Attached Dwelling, Garage Suite, or Apartment Housing, where the structure was initially designed for two (2) or more Dwelling Units. *Note: Secondary suites are allowed only as an Accessory dwelling within a Single Detached Dwelling. Garage suites are allowed only as an Accessory dwelling on a site with a Single Detached Dwelling. Secondary and Garage Suites are not allowed as an Accessory dwelling to a semi-detached (side by side duplex) or Row House (townhouse) dwelling. Not more than one, either Secondary or Garage Suite is allowed in conjunction with a Single Detached Dwelling.*

SEMI-DETACHED HOUSING – means a single building containing two side-by-side dwelling units each with its own title and direct entrance from the exterior finished grade and separated from each other by a party wall extending from foundation to roof;

SEPARATION SPACE – means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy for activities undertaken within the dwelling. Unless otherwise specified in this By-law, a separation space may be partially or entirely outside the lot boundaries of a dwelling unit;

SERVICE AND REPAIR ESTABLISHMENTS – means a location where a building is used for the sole purpose of repairing and servicing all types of vehicles. Examples could be light automotive to heavy-duty vehicles or equipment;

SETBACK – means the minimum horizontal distance between the site boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified elsewhere in this By-law;

SHOPPING CENTRE – means a development comprising three or more separate commercial use facilities that operate as a unit and share a common parking area;

SHORT FORM – means an abbreviation;

SHOW HOME - means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area;

SINGLE DETACHED HOUSE – means a development comprised of one dwelling unit on a site separated by open space from any development on an adjoining site.

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

SIGN, A-BOARD – means a collapsible portable sign consisting of two sides, each not greater than 1.0 m high and 0.75 m wide with an advertising message on either or both sides;

SIGN, BALLOON – means an air-inflated sign;

SIGN, BANNER – means a sign constructed from a non-rigid fabric in a banner style and attached to a pole, poles or other structures;

SIGN, BILLBOARD – means a sign used for third party advertising only, is supported by one or more uprights, braces or pylons, stands independently of buildings, has a minimum vertical sign dimension of 2.5 m, a minimum horizontal dimension of 3.0 m, a maximum sign area of 30.0 m² and does not exceed the maximum height permitted for buildings in the district in which it is located, nor is higher than 10.0 m from the ground elevation to the top of the sign;

SIGN, CANOPY – means a canopy or awning, which projects from a structure or building and displays the building or proprietor's advertising or identification;

SIGN, DEVELOPER MARKETING – means a temporary sign for promoting vacant lots for sale or show homes in a new subdivision;

SIGN, DEVELOPMENT DIRECTIONAL – means a temporary sign for guiding or directing pedestrian or vehicular traffic to new subdivisions, new home areas or show homes;

SIGN, FASCIA – means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimension exceed 1.5 m;

SIGN, FREESTANDING – means a sign supported by one or more uprights, braces or pylons and which stands independently of buildings, but does not include a billboard sign;

SIGN, OFF-SITE – means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services or facilities advertised. Off-site for purposes of this definition does not include a sign on a public roadway, municipal reserves or on public lands;

SIGN, PORTABLE – means a sign mounted on a frame or on a trailer, stand, or similar support and which together with the support can be relocated to another location, and may include copy that can be changed manually through the use of detachable characters, but does not include an A-Board sign;

SIGN, PROJECTING – means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground;

SIGN, ROOF – means any sign erected upon, against or directly above a roof, on top of, or above, the parapet wall of a building, but does not include a billboard sign;

SIGN, TEMPORARY – see **PORTABLE SIGN**;

SIGN, UNDER-CANOPY – means a sign that is attached to the bottom face of a canopy;

SIGN, VEHICLE – means a sign which is attached, affixed or displayed on any parked vehicle or trailer not normally used in the daily activity of the business and that is visible from a road so as to act as a sign for the advertisement of products, or to direct people to a business or an activity

SIGN, WALL – means a sign which attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet;

SITE – means a lots or parcel on which a development exists or occurs or for which an application for a development permit is being made;

SITE AREA – means the total area of a site;

SITE BOUNDARIES – means those boundaries that bound the site;

SITE, CORNER – means a site at the intersection of two or more public roadways;

SITE COVERAGE – means, in the case of a residential building or structure, the combined area of all buildings on the lot, measured at 1.0 m above grade and, in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including, in both cases, all porches and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within a building except inner or outer courts;

SITE DENSITY – means the number of dwelling units per hectare of gross site area;

SITE DEPTH – means the average horizontal distance between the front and rear site boundaries;

SITE, INTERIOR – means any site or lot other than a corner site or lot;

SITE, INTERNAL – means any site or lot other than a corner site or lot;

SITE WIDTH – means the average horizontal distance between the side boundaries of a site or, where one site width would be shorter than the required minimum, the distance between the side boundaries of the site at the permissible front or rear yard setback, or at such other setback as may be designated in the regulations in any district for pie-shaped lots, measured parallel to the street or at right angles to the radius on a curved street;

SPECIAL CARE FACILITY – means an institutional development used to provide residential care including meals, sleeping accommodation and incidental care to residents, including nursing homes, auxiliary hospitals and respite care facilities, but does not include a detention or correction facility;

SPECIALTY STORE – means a bookstore, florist, craft studio, art gallery, photographic shop, delicatessen, butcher shop, bakery or specialty food store;

SPECIFIED ACTS – means actual or simulated acts of bestiality, buggery, cunnilingus, defecation, fellatio, masturbation, sexual bondage, sexual intercourse, urination, or the sexual bonding, sexual flagellation, sexual mutilation, sexual maiming, sexual murder or sexual torture of one or more human beings or animals;

SPECIFIED BODY AREA – means, in the case of female human beings, the breasts; and in the case of all human beings, the pubic perineal and perineal areas and the buttocks;

SPLIT LEVEL – means a dwelling that has three or more separate living areas, each separated from the next by one half-storey;

STACKED TOWNHOUSING – means townhousing constructed such that at least one dwelling unit is located totally or partially above another dwelling unit, and each dwelling unit has a separate, direct entrance from the exterior;

STATUTORY PLAN – means an inter-municipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Part 17, Division 4 of the Act;

STOREY – means the habitable space between the top of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m above grade;

STOREY, HALF – means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent of the ground floor area;

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD – means a Subdivision and Development Appeal Board established under Part 17, Division 3 of the Act;

SUBSTANTIAL COMPLETION – means that the proposed development is ready for occupancy or use, regardless of whether the development is occupied or used or not;

SUNDECK – see DECK;

SUN ROOM – means an enclosed glass/screened room intended for 3 seasons only. This room is not intended to be used in the winter months. A 4 season room would be considered an addition.

SURVEILLANCE SUITE – means a single dwelling unit forming part of a development and used solely to accommodate a person or persons whose official function is to provide surveillance for the maintenance and safety of the development;

TAKE-OUT RESTAURANT – means a commercial development where foods and beverages are prepared and sold for consumption off-site and which contains no on-site facilities for seating or consumption of food and beverages, but does not include a drive-through;

TEMPORARY BUILDING – means a structure that has been permitted to exist for a limited time only;

THEATRE – means a commercial development where live entertainment or theatre is provided to the public, but does not include a bingo hall, casino, restaurant or adult entertainment;

TOURIST ATTRACTION – means a natural or man-made feature that is of interest to tourists for the purposes of rest, recreation, sightseeing or business, including the provision of food and beverage service, including but not limited to unique shops, historic sites, industries, fairs, competitions and tours;

TOWN – means the Town of Devon in the Province of Alberta;

TOWN OF DEVON CONSTRUCTION STANDARDS – means the standards adopted by the Town of Devon setting the minimum requirements for the construction of local improvements and servicing within the Town;

TOWN OF DEVON DESIGN STANDARDS – means the standards adopted by the Town of Devon governing the design requirements for local improvements and servicing within the Town.

TOWNHOUSING – means a single building comprised of 3 or more dwelling units, each unit having a separate, direct entrance from the exterior and includes stacked townhousing;

TRAFFIC ISLAND – means an area or space set aside within a roadway, street, lane or parking facility, not intended for use by motor vehicles;

TRANSMITTING STATION – means a development used for the rebroadcasting of radio or television signals;

TRANSPORTATION SERVICE – means a service provider that transports goods, products and people;

TREATMENT CENTRE – means a development used to provide rehabilitation treatment to the public including detoxification treatment and may concurrently provide overnight or short-term accommodation to residents, but does not include a detention or correction facility;

TRIPLEX – means a single building comprised of three dwelling units with each having a separate direct entrance from finished grade from the exterior;

TRUCK & CAR WASH – means a development used for the primary purpose of washing motor vehicles of all gross vehicle weights;

USE – means a use of land or a building;

UTILITY – see PUBLIC UTILITY;

UTILITY BUILDING – see PUBLIC UTILITY BUILDING;

VEHICLE RENTALS – means a development used for rental of new or used private, commercial or industrial vehicles, including heavy duty equipment, machinery and recreational vehicles;

VERANDA or VERANDAH – means a roofed porch or balcony extending along the exterior of a building wall, without walls and not enclosed;

VETERINARY CLINIC – means a development used for the medical care and treatment of small domestic animals and incidental overnight accommodation, but does not include animal service;

VIDEO OUTLET – means a development where pre-recorded video cassettes or computer disks are rented or sold to the public for any consideration for use off-site, but does not include adult entertainment facility;

WALKOUT BASEMENT – means a basement with a direct entrance from the finished grade, but not an entrance through a door-well located below finished grade;

WALL MURAL – means a graphic, painted or affixed to an exterior wall for decorative purposes only;

WAREHOUSE – means a commercial development for the indoor storage of equipment, goods, motor vehicles, recreation vehicles, materials or products;

WAREHOUSE STORE – means a commercial development for the wholesale or retail sale of goods with a gross floor area of 4000.0 m² or greater. This definition does not include Cannabis Retail Sales;

WHOLESALE – means a provider which buys and sells products to and from retailers, commercial, industrial or profession business users, as well as other wholesalers;

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

YARD, FRONT – means that portion of the site extending across the full width of the site and lying between the front property boundary of the site and the exterior front wall(s) of the principal building situated on the site;

YARD, REAR – means that portion of the site extending across the full width of the site and lying between the rear property boundary of the site and the exterior wall(s) of the principal building situated on the site;

YARD, SIDE – means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall of the building; and

ZERO SIDE YARD – means a case in which a development is built on the side lot line, with no required side yard setback.

- (b) Notwithstanding the meanings above, Bill C-45 an Act respecting cannabis (as amended) and the Municipal Government Act (as amended) takes precedence over this Bylaw in a case of a dispute as to the meanings of any or all words or clauses.

1.2 LAND USE DISTRICTS

1.2.1 Land Use Districts

1.2.1.1 For the purposes of this Land Use Bylaw, the Town of Devon is divided into the following land use districts; the Parts of this Bylaw establish the regulations applying to each district:

<u>Short Form</u>	<u>District Designation</u>
R1A	Residential – Low Density (Class 1A)
R1B	Residential – Low Density (Class 1B)
R1C	Residential – Low Density (Class 1C)
R2	Residential – Low Density (Class 2)
R3	Residential – Medium Density
R4	Residential – High Density
RCD	Residential – Comprehensive Development
C1	Commercial – General
C2	Commercial – Neighbourhood
C3	Commercial – Corridor
M1	Industrial – Light
M2	Industrial – General
P	Public Park
PS1	Public and Private Service 1
PS2	Public and Private Service 2
UR	Urban Reserve
DC	Direct Control

1.2.2 District Map and Boundaries

1.2.2.1 Land use districts specified in the Bylaw are described in the short form on the LAND USE DISTRICT MAP, which is an integral part of this By-law. It divides the Town of Devon into districts and specifies the regulations applying to particular lands

1.2.2.2 The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following rules apply:

- (a) Where district boundaries are shown to approximate the following, they shall be deemed to be:
 - (i) the parcel boundaries, or
 - (ii) the municipal boundaries, or
 - (iii) the centre lines of railway rights-of-way, or
 - (iv) the centre lines of road rights-of-way.
- (b) District boundaries not referenced specifically to items indicated in Clause (a) shall be determined on the basis of the scale of the map.
- (c) Where land use districts have been established in accord with a proposed subdivision of land, the district shall be understood to conform to the certificate of title or the plan of survey when registered in a Land Titles Office. Prior to the registration, the district boundary shall be determined on the basis of the scale of the map.
- (d) Where a district boundary is shown as approximately following the edge or shore lines of the North Saskatchewan River or other bodies of water, it shall be deemed to follow such lines, and in the event of change in such edge or shore lines, it shall be deemed as moving with the same.
- (e) Where a district boundary is shown as approximately following a top-of-bank line, it shall be deemed to follow such lines, and in the event of change in location of such tops-of-banks, it shall be deemed as moving with the same.

1.2.3 Street & Highway Boundaries

1.2.3.1 The district regulations of this By-law do not apply to roads, lanes or other public thoroughfares and any public roadway may be altered, widened and redesigned in such manner as may be determined by the Town of Devon.

- 1.2.3.2 Where any public road is closed pursuant to the Act, the land contained within the area of closure shall be deemed to carry the same Land Use District as the abutting land, or where the abutting Land Use Districts are different, the centre line of the public roadway being closed shall be deemed to be the boundary.

1.3 BYLAW TEXT AND REDISTRICTING AMENDMENTS

1.3.1 Conformity with Statutory Plans

- 1.3.1.1 Notwithstanding anything contained in this Bylaw, no amendment to the Land Use Bylaw shall be enacted which would cause this Land Use Bylaw to be, or become, at variance with, or in contravention of, an adopted statutory plan, being an Inter-municipal Development Plan, Municipal Development Plan, an Area Structure Plan or an Area Redevelopment Plan.

- 1.3.1.2 If, in the opinion of the Development Authority, a proposed amendment to the Land Use Bylaw is at variance with, or in contravention of, a statutory plan, the Development Authority shall advise the applicant that the statutory plan must first be amended.

1.3.2 Text Amendments

- 1.3.2.1 Any person applying to amend the text of the Land Use Bylaw shall apply in writing to the Development Authority, furnishing reasons in support of the application and requesting that the application be submitted to Council. The Development Authority shall submit the application to Council within 40 days of receipt of the application.

1.3.3 Redistricting Applications

- 1.3.3.1 Any person applying for an amendment to the Land Use Bylaw to change the land use district governing any land shall apply in writing to the Development Authority, furnishing reasons in support of the application and requesting that the application be submitted to Council. The Development Authority shall submit the application to Council within 40 days of receipt of the application.

1.3.4 Procedure for Bylaw Amendments

1.3.4.1 The requirements and procedure for amendment or repeal of this By-law or any part thereof is established by the Act.

1.3.4.2 Notice for a public hearing to be held with respect to a proposed by-law, to amend or repeal this By-law or any part thereof, must be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed Bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.

1.3.4.3 In addition to the requirement for a notice of public hearing as in the previous Article, when a proposed amendment to the Bylaw is for a redistricting, written notice shall be given to all property owners affected and all owners of adjacent lands, as prescribed in Section 692(4) of the Act.

1.3.4.4 When application is made to the Town for an amendment to this By-law it shall be accompanied by:

- (a) an application fee, to be determined by resolution of Council, and
- (b) the cost of advertising for the public hearing, which is to be borne by the applicant,

although Council may determine that the whole or part of the application fee be returned to the applicant.

1.3.4.5 A proposed Bylaw amendment/redistricting which has been rejected by Council, may not be re-applied for until a period of six (6) months has lapsed, unless Council otherwise directs.

1.3.4.6 The Development Authority or Council may require the applicant to submit a plan of development that contains the following, or any other element that Council may request:

- (a) size and number of lots and locations of buildings
- (b) the site location of all accesses: vehicular, pedestrian and emergency

- (c) plan of internal vehicular and pedestrian circulation systems
- (d) location and function of all open space
- (e) elevations and architectural treatment of all buildings or structures.

1.4 DEVELOPMENT AGENCIES

1.4.1 Development Authority

1.4.1.1 The office of Development Authority is hereby established. The Development Authority shall consist of:

- (a) Development Officers as required appointed by Council or the Chief Administrative Officer of the Town, one of whom shall be the General Manager of Planning & Operations and the other will be the Development Officer and
- (b) a Municipal Planning Commission, as appointed by the Council of the Town of Devon.

1.4.1.2 A Development Officer shall:

- (a) receive and forward to Council all applications for amending the text or districts of this Bylaw, and
- (b) receive, consider and decide on applications for a development permit for permitted uses in all land use districts, and
- (c) receive and forward to the Municipal Planning Commission, with recommendations, all applications for a development permit for discretionary uses in all land use districts, and
- (d) receive and forward to Council, with recommendations, applications for a development permit in Direct Control Districts, other than those uses delegated by Council to the Development Authority, and
- (e) make available for inspection during regular municipal office hours: a copy of this By-law as amended, and a register of all applications, including the decisions rendered on them and the reasons therefor, and

- (f) ensure that copies of this office consolidation of the Bylaw can be purchased by the public at a reasonable cost, and
- (g) perform such duties specified by this Bylaw, and
- (h) perform such other duties as established to enforce this Bylaw in conformance with the Act.

1.4.1.3 The Municipal Planning Commission shall:

- (a) consider and decide on all applications for a development permit for discretionary uses in all land use districts, and
- (b) perform such other duties specified by this Bylaw.

1.4.1.4 The duties and powers imposed or given under this Bylaw and the Act can be discharged by any one (1) of the persons appointed to the office of Development Officer.

1.4.1.5 Where an application for a development permit is required to be determined by the Municipal Planning Commission, the Commission shall have all of the duties and powers imposed or given under this Bylaw to the Development Officer or Development Authority in respect of that application.

1.4.2 Subdivision and Development Appeal Board

1.4.2.1 The Subdivision and Development Appeal Board carries out the duties as prescribed in the Act and the Bylaw establishing the Board with regard to development appeals. The procedure for appeals is described in Article 1.6 of this Part.

1.4.3 Council

1.4.3.1 The Council of the Town of Devon shall consider and decide on all applications for amendment(s) to the text or districting of this Bylaw.

1.4.3.2 The Council of the Town of Devon shall consider and decide on all applications for development in a Direct Control District of this Bylaw, other than those delegated by Council to be decided by the Development Authority.

1.4.3.3 When a development permit application is made to enlarge a non-conforming building or extend a non-conforming use of land or building, Council shall decide on all applications; except where provision is made in this Bylaw for granting minor variance powers to the development authority.

1.4.3.4 Council may allow for an area of land to be subdivided whereby proposed lots within the said area contain lesser dimensions than are prescribed within that district if, in the opinion of Council, the non-compliance is minor in nature and is consistent with the general character of the area.

1.5 DEVELOPMENT CONTROL

1.5.1 Control of Development and Prohibited Uses

1.5.1.1 Subject to Article 1.5.2, no person shall commence any development within the Town of Devon unless that person has been issued a development permit in respect thereof.

1.5.1.2 Notwithstanding any other provision of this Bylaw, the following uses, unless specifically listed as a permitted or discretionary use in the land use district where the site is located, are prohibited as accessory uses to any other use:

- (a) adult entertainment facilities;
- (b) animal services or kennel;
- (c) automotive body and paint service;
- (d) automotive repairs;
- (e) auto wrecker;
- (f) bingos and casinos;
- (g) boarding house;
- (h) bulk oil and chemical storage;
- (i) car wash and truck and car wash;
- (j) day care facility;
- (k) detention or correction facility;
- (l) dry cleaning;

- (m) emergency shelter;
- (n) fleet service;
- (o) funeral home;
- (p) health service for more than two patients;
- (q) hotel;
- (r) intensive agriculture;
- (s) industrial uses of any type;
- (t) pool or billiard halls;
- (u) commercial schools;
- (v) sheet metal work;
- (w) special care facility for more than two persons;
- (x) treatment facility;
- (y) vehicle or equipment storage or cleaning;
- (z) welding work.

1.5.2 Permit Requirement

1.5.2.1 A development permit is not required for development of the type described as follows:

- (a) the maintenance, repair, interior improvements, leasehold improvements, structural modifications, exterior finish alterations of any building that does not increase the site coverage, building floor area or building volume provided in all cases that the use of the building is an existing permitted or approved discretionary use and is a conforming use in the land use district where the development is contemplated;
- (b) a home office, provided that no individual other than the permanent resident of the dwelling operates the home office; no customer or client is received at the dwelling for business purposes; no pedestrian or vehicular traffic is generated; there are no exterior signs or displays; there are no materials or goods stored on-site.
- (c) in residential districts, uncovered decks that are less than 0.6 m in height, a fire pit, a patio, a gazebo, or a barbecue, provide these are not in a front yard;

- (d) the completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this By-law provided that the development is completed within the time limit of such a permit or within twelve months of the effective date of this By-law, whichever is earlier;
- (e) the construction, alteration, maintenance or repair of a road, street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- (f) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty days of substantial completion;
- (g) the erection of campaign signs for federal, provincial, or other elections on any property for no more than sixty days, or such other time as regulated under provincial or federal law provided that such signs are removed within 10 days of the election date, the consent of the property owner or occupant is obtained, such signs do not obstruct vision or traffic and such signs are not attached to utility poles;
- (h) the erection of a fence or gate no greater than 1.8 m in height provided there is no contravention of this or any other Bylaw and provided that such a fence or gate does not obstruct the vision of persons using abutting roads;
- (i) one sign on internal lots, or two signs on corner lots, advertising a residential property for sale or rent displayed on the property to which it pertains during the time the property is being offered for sale or rent, and which shall be removed within one week after occupancy. Such signs shall be a maximum of 0.6 m² in area and shall be placed or erected no closer than 1.0 m to a public right-of-way;
- (j) signs in non-residential districts provided the signs are totally on the site and otherwise meet the regulations of the land use district in which the site is located, but does not include billboard signs.
- (k) boarding and foster care provided these facilities cannot be classified as "day care facilities", "boarding house", "family day home", "special care facility" or "treatment facility", as defined;
- (l) hard-surfacing of any yard area on a residential lot for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such

hard-surfacing does not exceed 11.0 m in width. If a curb cut is proposed a Development Permit is required and the reconstruction of the curb must be in accordance with the Town of Devon Design and Construction Standards;

- (m) landscaping, where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development requirement in a land use district;
- (n) construction of an accessory building less than 10.0 m² area;
- (o) the use of a building in connection with a federal, provincial, municipal or school election, referendum or census;
- (p) the construction of the local improvements, structures and infrastructure required to be provided by a developer under any valid development agreement between a developer and the Town;
- (q) in a residential district, the storage of recreation equipment in a screened side or rear yard;
- (r) the erection of radio antenna, satellite dish antenna, flag poles, and other poles not exceeding 5.0 m in height provided that the structure is not located in a front yard; and
- (s) those uses and development exempted by Section 618 of the Act
- (t) 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 in that permit;
- (u) farm buildings, other than those used as dwellings
- (v) the erection of communication towers, poles, aerials or masts where:
 - i) the zoning of the site is not residential and such structures are freestanding and do not cause a load to be placed upon a building through their attachments or placement upon such buildings; and
 - ii) such structures comply with Federal Regulations

1.5.3 Application for a Development Permit

1.5.3.1 Every application for a development permit shall:

- (a) be made in the form prescribed by the Town of Devon; and
- (b) be signed by the registered owner of the land on which the development is proposed, by a person having a registered interest in the land on which the development is proposed, or by some other person with the written consent of the owner to make application to the Development Authority; and
- (c) state the proposed use of all parts of the land and buildings, and such other information as may be required by the Development Authority to enable consideration of the application under the regulations of the Bylaw; and
- (d) include written authorization for the Development Authority to enter upon the site; and
- (e) include the plans and information required in Article 1.5.3.3 in this Part; and
- (f) give an address for any subsequent notification.

The applicant assumes full responsibility for the correctness of the information supplied.

1.5.3.2 An application is incomplete until the information required under Article 1.5.3.1 is submitted to the Development Authority.

1.5.3.3 Unless the Development Authority or this Bylaw specifies a lesser requirement, the following information must be submitted to the Development Authority with the application for a development permit:

- (a) for all applications involving proposed site development, three copies of a site plan to a metric scale on a digital file

suitable for AutoCAD or on paper no greater than tabloid size (11x17 inch), showing all of the following:

- (i) north arrow and scale of plan;
 - (ii) legal description of property and municipal address;
 - (iii) labelled property line and front, side and rear setbacks;
 - (iv) all easements shown and labelled;
 - (v) the location of all buildings, structures, driveways and parking stalls in relation to property lines;
 - (vi) outlines of the roof overhangs and projections on all buildings;
 - (vii) dimensioned layout of all proposed buildings in relation to property lines;
 - (viii) the height and horizontal dimensions of all buildings, existing and proposed.
- (b) Where landscaping is a requirement of the land use district regulations, the Development Authority may require an application for a development permit to include a detailed landscaping plan in triplicate of the entire site to show grading, loading and parking areas, tree planting or removal, grassed areas including location and species of shrubs and trees, playgrounds and parks.

1.5.3.4 The Development Authority may require an irrevocable letter of guarantee, an irrevocable letter of credit or a performance deposit (certified cheque) from the developer to secure performance of any of the conditions of a development permit.

1.5.3.5 In certain cases, where adequate information is not available or submitted to evaluate the sufficiency of the application or the impact of a proposed development, the Development Authority may request in writing, and the applicant shall submit:

- (a) a Real Property Report, and/or
- (b) a Ground Elevation Certificate, and/or

- (c) a copy of the title of the site indicating current ownership, and/or
- (d) a traffic impact study, a utility impact study or a noise attenuation study prepared by a Professional Engineer, and/or
- (e) copies of any permit, license, approval, study or analysis that the applicant has or will be required to obtain pursuant to any federal, provincial or municipal enactment, and/or
- (f) an environmental impact assessment, and/or
- (g) any other information necessary to evaluate the sufficiency of the application or impact of a proposed development

1.5.3.6 An application for a development permit shall be considered by the Development Authority as follows:

- (a) The Development Authority must within 20 days after receipt of an application for a development permit determine whether the application is complete. This time period may be extended by an agreement in writing between the applicant and the Development Authority. If no decision is made within 20 days or within some other time period agreed to, the application is deemed to be complete.
- (b) If the application is complete in the opinion of the Development Authority, the Development Authority must issue to the applicant an acknowledgment in the form and manner provided for in the Land Use Bylaw, which can be receipt of the completed permit to the applicant or an acknowledgement in the form of a notice issued within 29 days.
- (c) If the development authority determines that the application is incomplete, the development authority must issue a notice that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed upon in order for the application to be considered complete. If the information is not submitted on or before the set date, the application is deemed refused. In this case, the development authority must issue a notice that the application has been refused and the reason for refusal.

- (d) The 40-day time period during which a development authority must make a decision on the application for a development permit starts from the date of receipt by the applicant of an acknowledgement of completeness issued in accordance with section 683.1. A decision of a development authority on an application for a development permit must specify the date on which the decision was made and must be given or sent to the applicant on the same day the decision is made. A Development Officer shall receive all applications for development permits and shall determine whether or not the submitted applications are complete, shall notify the applicant if an application is not complete, and, once the application is complete:
- (e) a Development Officer shall review each application for a development permit to determine what type of use the development constitutes, and
- (f) a Development Officer shall approve, with or without conditions allowed by this Bylaw, an application for a permitted use where the proposed development conforms to this By-law. No appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Municipal Government Act, or
- (g) a Development Officer shall refer, with recommendations, an application for a discretionary use to the Municipal Planning Commission, or
- (h) a Development Officer shall refuse an application for a use which is neither a permitted use nor a discretionary use, or
- (i) a Development Officer shall refer to Council, with recommendations, an application for the development of land or building within a Direct Control Land Use District.
- (j) the Municipal Planning Commission may issue a development permit for a discretionary use, with or without conditions, if the application conforms to this Bylaw, or
- (k) the Municipal Planning Commission may issue a development permit for a discretionary use, with or without conditions, if the application does not conform to this Bylaw provided that the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or

value of neighbouring properties and the proposed development conforms with the use prescribed for that land or buildings in this Bylaw, or

- (l) the Municipal Planning Commission may refuse a development permit application for a discretionary use on its merits, even though it conforms to this Bylaw.
- (m) The Municipal Planning Commission may approve a development permit application for additions to any structures in any district which does not meet the requirements of that District's regulations. Variances to the regulations may be approved by the Municipal Planning Commission with the exception of the following sections: Utility Easements, Well Site Setbacks, Pipeline Setbacks, Battery Site Setbacks (these are regulated by A.E.U.B.) and Corner Lots – Traffic Site Lines, or setbacks from top of bank or a Natural Protected Area or the Restricted Development Areas, and parking for residential on-site parking requirements. These variances are to be treated as discretionary. Notice of the decision must be sent to all landowners within 30.0 m of the boundaries of the subject property.

1.5.3.7 The Development Authority may not approve an application for development that is:

- (a) in conflict with or contravenes the intent and objectives of a Municipal Development Plan as adopted or amended, or
- (b) in conflict with or contravenes the intent and objectives of an Area Structure Plan as adopted or amended, or
- (c) in conflict with or contravenes the intent and objectives of an Area Redevelopment Plan as adopted or amended.

1.5.3.8 The Development Authority may require, with respect to a development, that as a condition of issuing a development permit, the applicant enter into an agreement with the Municipal Council to do all or any of the following:

- (a) to construct or pay for the construction of a public roadway required to give access to the development, or a pedestrian walkway system to serve the development, or pedestrian walkways that will 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, or
- (b) to install or pay for the installation of utilities that are necessary to serve the development, or
- (c) to construct or pay for the construction of on-site or other parking facilities, and loading and unloading facilities, or
- (d) to pay an off-site levy or redevelopment levy imposed by By-law.

1.5.3.9 The erection of a building on any site may be prohibited where it would otherwise be permitted under the By-law when, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer for the supply of required improvements as specified in Article 1.5.3.8, including payment of the costs of installing or constructing any such local improvements or facilities by the developer.

1.5.3.10 Notwithstanding Article 1.5.3.8, if Council decides that an agreement required by the Development Authority to pay for improvements pursuant to Article 1.5.3.8 would not be necessary, then the condition requiring the agreement is void.

1.5.3.11 Where an application for a development permit is approved with conditions, the Development Authority may, before issuing the Development Permit, require the applicant or the owner of the land affected by the Development Permit to enter into an agreement with the Municipality to ensure compliance with the conditions, and such an agreement may be protected by caveat registered by the Municipality against the title.

1.5.4 Notice of Proposed Development

1.5.4.1 Prior to an application being considered for a development in a direct control district, the Development Authority may require, as a

condition prior to consideration of the application, that the applicant display for no less than seven days in a conspicuous place on the site a notice or notices setting out the proposed use in a form prescribed by the Development Authority.

1.5.4.2 The notice required pursuant to Article 1.5.4.1 shall state:

- (a) the proposed use of the building or site, and
- (b) that an application respecting the proposed use will be considered by the Development Authority, and
- (c) that any person who objects to the proposed use of the site may deliver to the Development Authority a written statement of objection to such use indicating:
 - (i) the person's full name and the address for service of any notice to be given in respect of the objection, and
 - (ii) the reasons for the person's objection to the proposed use.

The Development Authority must receive the statement not later than the day specified in the notice.

1.5.5 Notice of Decision

1.5.5.1 The decision of the Development Authority on an application for a development permit shall be given to the applicant in writing.

1.5.5.2 If the Development Authority refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.

1.5.5.3 When an application for a development permit is approved for a development in a direct control district, a notice of the permit approval shall be published at least once in a newspaper or other publication circulating in the Town.

1.5.5.4 When an application for a development permit is approved for a discretionary use in any district, a notice in writing shall be mailed forthwith to owners of all assessed properties within 30.0 m of the boundaries of the site, and further, to any property owners who, in

the opinion of the Municipal Planning Commission, may be affected.

1.5.5.5 The Development Authority may require, as a condition of any permit granted that the applicant display, for no less than fourteen days after the permit is issued, in a conspicuous place on the site and no further from the street or streets abutting the site than the Development Authority directs, a notice or notices setting out the proposed use in a form prescribed by the Development Authority.

1.5.6 Effective Date of Permit

1.5.6.1 Development permits granted pursuant to this Bylaw have a twenty-one-day appeal period and therefore do not come into effect until the twenty second day after the date of issuance. Any development proceeded with prior to the expiry of this period is done solely at the risk of the applicant.

1.5.6.2 Where an appeal is made to the Subdivision and Development Appeal Board on a development permit issued, the permit shall not come into effect until a decision on the appeal has been made.

1.5.7 Issuance of Development Permit

The Development Authority shall issue a development permit to the applicant upon completion of all the following:

- (a) approval or conditional approval of the application by the Development Authority, or approval or conditional approval after appeal to the Subdivision and Development Appeal Board; and
- (b) the delivery of an irrevocable letter of guarantee or credit or a performance deposit, if a condition of approval, pursuant to Article 1.5.3.4; and
- (c) the execution and delivery of an agreement for construction of off-site roads, utilities and facilities, if required, pursuant to Article 1.5.3.8; and
- (d) the payment of any off-site levy charge as per the Town of Devon Off-site Levy Bylaw, and/or any redevelopment levy as per Bylaw; and

- (e) the payment of the applicable development permit fee(s) prescribed by resolution of Council.

1.5.8 Conditions of Development Permit

- 1.5.8.1 A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- 1.5.8.2 The applicant shall be financially responsible during construction for any damage by the applicant, his servants, suppliers, agents or contractors to any public property. The applicant shall repair, reinstate or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalks, walkways, boulevard landscaping or trees, utility appurtenances and any other public facility or utility.
- 1.5.8.3 The applicant shall prevent soil or debris from being spilled on public streets, lanes, and sidewalks and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- 1.5.8.4 Notwithstanding any other remedies available to the Town of Devon, any costs incurred by the Town of Devon as a result of neglect to public property may be collected from the applicant where security has been required with respect to Article 1.5.3.4.
- 1.5.8.5 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.
- 1.5.8.6 Prior to any development occurring on vacant land or in instances of demolition of an existing building and erection of a new building, the applicant shall provide, and conform to, a Subdivision and/or a /Lot Grading Design Plan as approved by the Town of Devon. In addition, a Ground Elevation Certificate must be submitted to, and

approved by, the Town by the applicant for a development permit upon completion of the site grading and before landscaping.

1.5.8.7 Where additions are proposed to an existing structure in any district of the Town of Devon, and the addition changes the original Subdivision/Lot Grading Design Plan, the Development Authority may require to be submitted, and approved, a new Lot Grading Design Plan and Ground Elevation Certificate (upon completion of the site grading and before landscaping).

1.5.8.8 An Alberta Land Surveyor, Professional Engineer or Architect shall prepare all Ground Elevation Certificates. The certificates shall contain, but is not limited to, the following information:

- (a) A scale drawing of the lot in metric units.
- (b) All proposed surface elevations and grades shown on the approved Subdivision/Lot Grading Design Plan.
- (c) Existing surface elevations and grades at the same points and locations as the proposed surface elevations and grades.
- (d) Existing surface elevations adjacent to the foundation walls.
- (e) The property address and legal description.

1.5.8.10 The applicant is responsible for ascertaining that the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings, where applicable, is high enough to ensure a gravity flow connection to the design or existing sewer elevations at the property line. In the event that gravity sewer flow is not possible or desirable, the applicant is responsible for installing a pump to discharge sewage in accordance with the Alberta Building Code and Plumbing Regulations.

1.6 APPEAL PROCESS

1.6.1 Deemed Refusal

1.6.1.1 An application for a development permit is, at the option of the applicant, deemed to be refused if a decision by the Development Authority is not made within 40 days of receipt of the application, unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

1.6.2 Grounds for Appeal

1.6.2.1 If the Development Authority:

- (a) refuses or fails to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues a stop order under Section 645 of the Act,

the person applying for the permit or affected by the order under Section 645 may appeal to the Subdivision and Development Appeal Board.

1.6.2.2 In addition to an applicant under Article 1.6.2.1, any person affected by an order, decision or development permit, made or issued by a Development Authority may appeal to the Subdivision and Development Appeal Board.

1.6.2.3 Notwithstanding Articles 1.6.2.1 and 1.6.2.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.

1.6.2.4 The procedure for hearing development appeals is as outlined in the Act.

1.6.2.5 Where an appeal is filed, the Secretary of the Subdivision and Development Appeal Board shall mail a written notice to the owners of all assessed properties within 30.0 m of the boundaries of the site, or greater at the discretion of the Secretary of the Board, and to those property owners who, in the opinion of the Secretary of the Board, may be affected.

1.6.3 Direct Control District Decisions

1.6.3.1 When Council makes a decision on a development permit application in a Direct Control District, there is no appeal to the Subdivision and Development Appeal Board. However, if the decision was made by the Development Authority, the appeal is limited to whether the Development Authority followed the

directions of Council. If the Subdivision and Development Appeal Board finds that the Development Authority did not follow those directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.

1.7 EMERGENCY ACCESS TO BUILDINGS

1.7.1 Sites shall be so designed that appropriate access for fire-fighting equipment is afforded to all buildings as prescribed by the Alberta Building Code.

1.8 RELOCATION OF BUILDINGS

1.8.1 No person shall place on a lot a building that has previously been erected or placed on a different lot, or alter the location on a lot of a building that has already been constructed on that lot, unless a development permit has been issued for that placement or alteration.

1.8.2 An approval will only be granted under the previous Article if the proposed placement or re-location of the building meets the requirements of this By-law, and the building and the lot meet the requirements of this By-law and the regulations of this Land Use District.

1.9 SHOW HOMES AND SALES OFFICES

1.9.1 In addition to the regulations in this district, the following conditions shall also apply for the use of show homes and sales offices:

- (a) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

1.10 PUBLIC UTILITY BUILDINGS

1.10.1 In addition to the regulations in this district, the following conditions shall apply for the use of public utility buildings, equipment and appurtenances on a site other than a public right-of-way or utility easement:

- (a) Notwithstanding other regulations in this By-law, a person erecting a public utility building or facility or placing utility equipment or appurtenances on a site shall cause it to be

placed in a location and with yard setbacks, fencing and/or screening that are satisfactory to the Development Authority.

- (b) Public utility buildings and facilities permitted shall be only those required for the distribution of the utility to the district; production and generation facilities, office facilities and vehicle and material storage will not be permitted in this district.

1.11 POLLUTION CONTROL

1.11.1 No storage or activity may be undertaken that would materially interfere with or affect the use, enjoyment or value of neighbouring properties, or constitute undue danger or annoyance to persons on the site or any other site, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, water or steam or other noxious emissions or containment of hazardous materials.

1.11.2 Sites and buildings in this district shall be maintained in a condition free from all rubbish and debris.

1.12 WELLSITES SETBACKS

1.12.1.1 The minimum setback from a well to the nearest occupied dwelling (building) will normally be 100.0 m, however, depending on site conditions and the requirements of the well operator, the distance could be reduced to 50.0 m. If a reduced setback is acceptable to the well operator, the following additional measures may be required by the Development Authority: special landscaping, such as trees, to reduce the visual impact of the facility, pumping wells equipped with a suitable deflection device to minimize spray and berms or other suitable sound barriers constructed around the well site.

1.13 PIPELINE SETBACKS

1.13.1 The minimum permissible setback from major hydrocarbon pipelines (equal to or greater than 324.0 mm diameter and 3,475 kPa pressure) to residential dwellings is 15.0 m from the nearest edge of the pipeline right-of-way.

- 1.13.2 The minimum permissible setback from all other hydrocarbon pipelines to residential dwellings is 5.0 m from the centre line of the pipeline and 0 m from the nearest edge of the pipeline right-of-way.
- 1.13.3 The minimum permissible setback from major hydrocarbon pipelines (equal to or greater than 324.0 mm diameter and 3,475 kPa pressure) to accessory buildings is 5.0 m from the centre line of the pipeline or 0 m from the nearest edge of the pipeline right-of-way.
- 1.13.4 The minimum permissible setback from all other hydrocarbon pipelines to accessory buildings is 0 m from the nearest edge of the pipeline right-of-way.

1.14 BATTERY SITE SETBACKS

- 1.14.1 The minimum setback from the edge of a battery site to dwellings will normally be 100.0 m, however, depending on site conditions and the approval of the battery operator the distance could be reduced to 50.0 m.
- 1.14.2 Battery sites shall be secured with fences and locked gates and posting of signs giving 24-hour emergency telephone numbers.
- 1.14.3 Flaring shall not be allowed except in emergency situations.
- 1.14.4 A separation distance of 40.0 m shall be maintained between oil facilities and public roadways.

1.15 SATELITE DISH ANTENNA & COMMUNICATION TOWERS

- 1.15.1 Satellite dish antenna and/or radio antenna, larger than 1.0 m in diameter, and communication towers, shall not be permitted within a front or flanking front yard in or abutting any residential district and shall meet the district regulations for accessory buildings in the district in which they are located.
- 1.15.2 Satellite dishes shall not be permitted on a street-facing wall or roof of a building in or abutting a residential district.

1.16 ENFORCEMENT AND ADMINISTRATION

1.16.1 Non-conforming Uses and Buildings

- 1.16.1.1 If a development permit has been issued on or before the day on which a Land Use Bylaw or a Land Use Amendment Bylaw comes into force in a municipality and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw.
- 1.16.1.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.
- 1.16.1.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations shall be made to it or in it.
- 1.16.1.4 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be constructed on the lot while the non-conforming use continues.
- 1.16.1.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
- (a) to make it a conforming building,
 - (b) for routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this section.
- 1.16.1.6 If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above

its foundation, the building may not be repaired or rebuilt except in accordance with the Land Use Bylaw.

1.16.1.7 A change of ownership or tenancy of the land or building does not affect the land use or the use of a building.

1.16.1.8 The Council may allow for an area of land to be subdivided whereby proposed lots within said area contain lesser dimensions than are prescribed within that district if, in the opinion of Council, the non-compliance is minor in nature and is consistent with the general character of the area.

1.16.1.9 Where a development permit application is made to enlarge a non-conforming building or extend a non-conforming use of land or building, Council shall decide on all applications, except as allowed in Article 1.7.1.5(c). Notice of a decision must be sent to all landowners within 30.0 m of the boundaries of the subject property.

1.16.2 Stop Order

1.16.2.1 If the Development Authority finds that a development, land use or use of a building is not in accordance with:

- (a) Part 17 of the Act or this Land Use Bylaw, or
- (b) a development permit

1.16.2.2 The Development Authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to:

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the Act, the Land Use Bylaw or a development permit,

within the time set out in the notice.

- 1.16.2.3 A person who receives a notice referred to in Article 1.7.2.1 may appeal to the Subdivision and Development Appeal Board in accordance with Section 685 of the Act.

1.16.3 Right of Entry

- 1.16.3.1 An authorized person may enter into or upon any land or building within the municipal boundary, pursuant to the Act, for the purpose of ensuring compliance with this Land Use Bylaw.

1.16.4 Compliance Certificates

- 1.16.4.1 The registered owner, or a person with a legal or equitable interest in a site, may apply, upon payment of such fee as may be prescribed from time to time by Council, to the Development Authority for a Compliance Certificate.

- 1.16.4.2 The applicant for a Compliance Certificate shall submit a Real Property Report for the site. The Town of Devon may accept a Real Property Report that is not current as evidence of the improvement(s) on a property if it is accompanied by an affidavit signed by the property owner(s) that no further improvement(s) other than that shown on the Real Property Report have been made since the date of the Real Property Report.

- 1.16.4.3 The Development Authority may issue a Compliance Certificate when the buildings as shown on the Real Property Report are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which has been issued for the site.

- 1.16.4.4 The Development Authority may refuse to issue a Compliance Certificate when the Authority does not have sufficient information from the applicant or if the buildings as shown on the Real Property Report are not located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which has been issued for the site.

1.16.5 Variances

1.16.5.1 The Development Authority, to allow for minor construction tolerances and variables, when issuing a compliance certificate may, in ascertaining whether an as-constructed or existing development has been constructed in accordance with the regulations of any land use district or the requirements of a valid development permit, apply the following variances in determining compliance:

<u>Regulation</u>	<u>Residential Districts</u>	<u>Other Districts</u>
Front Yard Setback	10% relaxation	10% relaxation
Side Yard Setback	10% relaxation	10% relaxation
Rear Yard Setback	10% relaxation	10% relaxation
Building Height	0% increase	10% increase
Lot Coverage	0% increase	0% increase

1.16.5.2 The Development Authority may not utilize the variance limits prescribed in Article 1.7.5.1 when making a determination as to whether a development permit application for any proposed new development conforms to the land use district regulations of this Bylaw; the variance limits may only be applied to an existing development.

1.16.5.3 In a district that has been redistricted from Direct Control to a specific district, the Development Authority may vary the building setbacks, lot coverage, building height or any other regulation for any existing developments that were approved and had a valid development permit, but which do not comply with regulations of the current district and consider those variations to be in compliance.

1.16.5.4 For any development with a valid development permit issued prior to the passing of this Bylaw, where the side, front or rear yard setback to a principal building is less than the minimum that is prescribed in this Bylaw, the existing building shall not be considered to be non-conforming.

1.16.6 Enforcement, Offenses and Penalties

- 1.16.6.1 A development permit shall lapse after one year from the date of issuance unless development has commenced on the site.
- 1.16.6.2 A development once commenced is not to be discontinued or suspended for a period or periods totalling more than six months unless the Development Authority has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- 1.16.6.3 If, at any time while this By-law is in effect, it appears expedient to the Council (upon finding that a permit has been approved by fraud or misrepresentation) the Council by resolution may suspend or revoke the original approval.
- 1.16.6.4 In the case of suspension pursuant to Article 1.7.6.3, if and when the development has been modified to comply with the original and intended approval, the Council may by resolution authorise the resumption of development.
- 1.16.6.5 Any person who contravenes or fails to comply with the provisions of this Bylaw or hinders any person in the exercise or performance of his powers is guilty of an offence as prescribed in Section 557 of the Act and is liable upon conviction to a penalty as well as an order of compliance.

1.16.7 Compliance with Other Legislation

- 1.16.7.1 A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining the requirements of and complying with:
- (a) the requirements of the Safety Codes Act;
 - (b) the requirements of the Alberta Building Code;
 - (c) the requirements of the Alberta Fire Code;
 - (d) the requirements of the Environmental Protection and Enhancement Act;

- (e) the requirement of any federal, provincial or municipal enactment or any other law; and
- (f) the conditions of any caveat, covenant, easement or other instrument affecting a building or land

1.16.7.2 The Town of Devon is not responsible for and does not have any obligation to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

End of Part A



TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'B'
R1A RESIDENTIAL – LOW DENSITY
DISTRICT REGULATIONS

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R1A RESIDENTIAL – LOW DENSITY DISTRICT REGULATIONS

2.1 APPLICATION

- 2.1.1 The regulations in this Part apply to the District designated as R1A Low Density Residential (Class 1A) on the Land Use District Map of this Bylaw.

2.2 PURPOSE

- 2.2.1 The purpose of this District is to provide an area for single-detached houses on relatively large lots and other Developments compatible with the low-density residential nature of this District. Secondary suites or garage suites are discretionary in select areas.

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2.3 PERMITTED LAND USES

- 2.3.1 The following uses are permitted in this District:

- (a) single detached house;
- (b) public park;
- (c) family day home;
- (d) show homes and residential sales centre;
- (e) private swimming pools;
- (f) accessory development to any permitted use in this District; and
- (g) home occupations, except a home occupation described in subsection 2.4.1.

2.4 DISCRETIONARY LAND USES

- 2.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) bed and breakfast with a maximum of 2 guest rooms;
- (b) modular homes – single detached;
- (c) home occupation that uses a garage;
- (d) public utility buildings; and

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- (e) accessory development to any discretionary use in this District.
- (f) 3 season sun rooms where the setback is less than the required 8.0 m
- (g) Secondary suites with a minimum of three (3) single detached dwelling between each approved suite or garage suite; and
- (h) Garage suites with a minimum of three (3) single detached dwelling between each approved suite or secondary suite.

2.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

2.5 DWELLING UNITS ON A LOT

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2.5.1 The maximum allowable number of dwelling units on one site is one with the exception that the Municipal Planning Commission approves a maximum of one of either a garage or secondary suite.

2.6 FLOOR AREA

2.6.1 The minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be 120.0 m²; and

2.6.2 The area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

2.7 LOT WIDTH

2.7.1 The minimum lot width in this District shall be:

- (a) 17.0 m for internal sites
- (b) 18.0 m for corner or double fronting sites

2.7.2 For a pie-shaped lot located on a bulb of a cul-de-sac or a partial bulb on the corner or bend of a public roadway, the minimum lot width is measured

along a line 9.0 m back from the front property line; as well the curb frontage must be a minimum of 6.0 m as measured between the points determined by the intersections of the extensions of the side property lines and the line of the curb face. For purposes of this subsection, the side property lines are extended to the curb face.

2.8 LOT WIDTH DISTRIBUTION

2.8.1 An application for subdivision shall not be approved unless the lot width distribution for single detached houses within the subdivision conforms to the following:

- a) 100% of the lots in any R1A Low Density Residential (Class 1A) District have a width equal to or greater than 17.0 m.

2.9 LOT DEPTH

2.9.1 The minimum lot depth in this district is 34.0 m or 36.0 m if the lot backs on to an arterial roadway.

2.10 LOT AREA AND COVERAGE

2.10.1 The minimum site area in this District is 578.0 m².

2.10.2 Coverage of all buildings shall not exceed 40 % of the total site area.

2.11 BUILDING HEIGHT

2.11.1 The maximum height of any principal building shall be 10.0 m and shall not consist of more than 2 1/2 storeys.

2.12 FRONT YARD SETBACK

2.12.1 The minimum permissible front yard setback for lots fronting on local roadways shall not be less than 6.0 m from the front property line and 1.0 m from an easement on the property.

- 2.12.2 For lots fronting on roadways other than local roadways the front yard setback permitted shall be not less than 6.0 m from the front property line and 1.0 m from an easement on the property.
- 2.12.3 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this District, except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply.
- 2.12.4 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

2.13 SIDE YARD SETBACK

- 2.13.1 Side yard setbacks to the principal building shall be a minimum of 1.5 m.
- 2.13.2 Notwithstanding the above, where a site has vehicular access from the front only, one side yard setback must be a minimum of least 3.8 m to accommodate a driveway for vehicular passage to the rear of the property, except where an attached garage or carport is provided.
- 2.13.3 In all cases the determination of whether the yard setback on the buildings on corner sites shall be frontage on two sides or one yard being considered frontage and the other being considered flankage shall rest with the Development Authority. The Development Authority shall take into account the location of existing buildings on adjacent sites or the permitted setback on adjacent sites, where a building does not exist, in making a ruling.
- 2.13.4 The side yard setback where a flanking site abuts on a street shall be 20 % of the site width except that it shall in no case be less than 3.8 m.
- 2.13.5 Canopies, eaves and cornices shall not project beyond any permissible building lines into any side yard setback by more than 0.6 m; verandas, balconies, chimneys, cantilevered wall sections, bay or oval windows, porches shall be located at least 0.9 m from the side property line;

unenclosed steps not more than 3.0 m above finished grade shall not project more than 1.0 m into one side yard only. If the side yard is required to accommodate a driveway for vehicular passage to the rear of the property, no projection is allowed within 3.0 m of the property line.

2.13.6 Where open carports are attached to the dwelling the side yard setback shall not be less than 1.5 m on the carport side.

2.14 REAR YARD SETBACK

2.14.1 A rear yard setback to the principal building shall be provided of not less than 8.0 m provided that in the case of a corner site, the yard next to a lane at the rear of a site shall not be less than 4.5 m. Where the rear property line is adjacent to Municipal Reserve, Environment Reserve, Public Utility Lot or School Reserve a rear yard setback to the principal building shall be provided of not less than 6.0 m from the rear property line at the discretion of the Development Authority.

2.14.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

2.15 LIMITED ACCESS TO MAJOR STREETS

2.15.1 No access for vehicles will be permitted from any arterial roadway to any residential lot or parcel in this District.

2.15.2 No access for vehicles will be permitted from any arterial roadway to any non-residential site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

2.16 ACCESS FROM STREETS AND LANES

2.16.1 All lots must have at least one legal means of vehicle access. Only one motor vehicle driveway per lot (two on corner lots) is permitted in this District, except in the case of lots with both a front roadway and a side or rear lane in which case one additional access is permitted from the lane.

2.16.2 Access shall not be allowed from a public roadway across a lot to another public roadway other than a lane.

2.16.3 Direct access shall not be permitted from a street or lane to a parking stall in a parking facility of more than 3 stalls.

2.17 LANDSCAPING

2.17.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway.

2.17.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

2.18 FENCING

2.18.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This rule applies equally to the height of hedges. Privacy screen maximum 0.6 meters in height can be installed above the fence with written permission from the Development Authority.

2.18.2 For the purposes of Article 2.20.1 only, the depth of the front yard shall be the distance from the property line to the nearest portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

2.18.3 Electrification of fences will not be permitted.

2.19 OBJECTIONABLE ITEMS IN YARDS

2.19.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a

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location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

2.19.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

2.19.3 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

2.20 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

2.20.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed Development, a person shall not begin the excavation for the foundation or commence the Development until the Development Authority has received confirmation that such services or improvements will be undertaken.

2.21 UTILITY EASEMENTS

2.21.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

2.22 BUILDING EXTERIORS

2.22.1 The exterior finish of a building must be completed within 1 year of the date of issuance of the building permit.

2.22.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the District or a part of it.

2.22.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

2.23 SITE GRADING

2.23.1 The applicant is responsible for grading the site of the proposed Development to the design lot grades and direction(s) of drainage in any Development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

2.24 CORNER LOTS – TRAFFIC SIGHT LINES

2.24.1 On a corner lot, there shall be no Development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

2.24.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

2.25 TEMPORARY BUILDINGS

2.25.1 Temporary buildings in this District shall be limited to residential sales offices or trailers and construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the Development.

2.26 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

2.26.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building. Furthermore, a detached garage or accessory building cannot be constructed prior to a Single Detached Dwelling.

2.26.2 An accessory building that's proposed use is a detached garage shall not exceed one storey or 6.0 m in height. If the proposed accessory building is a shed, the maximum height shall not exceed 4.0 m.

2.26.3 Detached garages and accessory buildings shall be located:

- (a) with separation from the principal building as per the Alberta Building Code.
- (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 4.0 m may be permitted from the flankage boundary or a setback of 7.5 m may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent Developments would not be adversely affected.
- (c) where the vehicle doors face into the property (side drive in garage) a minimum of 0.6 m from the rear property line, providing there is no encroachment of any part of the buildings onto public property. Where vehicle doors of a garage face a lane abutting the site the garage shall be no closer than 6.0 m from the lane or, alternatively, exactly 1.0 m from the lane except in those cases where an easement has been placed along the rear property line exceeding this distance. Under such circumstances the building shall be located a minimum of 6.0 m from the lane.
- (d) no closer than 1.0 m from the side property boundary (excepting where an agreement exists between the owners of adjoining properties to build their garages centred on the property boundary, in which case a fire wall shall be constructed to the current building regulations).
- (e) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

2.26.4 Uncovered decks shall be located:

- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
- (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
- (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

- (d) Decks over 0.6 m in height shall have a rear yard setback of not less than the height of the deck.
- (e) Decks over 0.6 m in height shall have a minimum side yard setback of 1.2 m.

2.27 DRIVEWAY CURB CUTS

2.27.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

2.27.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.

2.27.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

2.27.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a Development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

2.28 ON-SITE PARKING REQUIREMENTS

2.28.1 A front drive garage or carport (either attached or detached) on the site shall be provided for each dwelling unit.

2.28.2 A minimum of 2 on-site parking stalls per site shall be provided in this District, inclusive of any parking stalls in a garage or carport.

2.29 SIGNS

2.29.1 Except as otherwise permitted in this Part or Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a Development Permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (c) temporary development directional signs; a Development Permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

2.29.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

2.30 HOME OCCUPATIONS

2.30.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.

- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development Permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

2.31 PRIVATE SWIMMING POOLS

2.31.1 In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.
- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.
- (d) Swimming pools will not be permitted within 75.0 m of the top of the banks of the North Saskatchewan River valley or within 50.0 m of the tops of the banks of Washout Creek or Battery Creek unless the applicant provides a geotechnical report prepared by a Professional Engineer that indicates that leakage from such a pool will not cause a bank slope instability or failure.

2.32 BED AND BREAKFAST

2.32.1 In addition to the regulations in this District, the following conditions shall also apply for bed and breakfast establishments:

- (a) bed and breakfast establishments shall comply with the applicable provincial regulations.

- (b) one additional on-site parking stall shall be provided for every guest room.
- (c) one sign of not more than 1.0 m² in area shall be permitted to be erected on the parcel occupied by the bed and breakfast establishment; such a sign shall be located no closer than 1.5 m to any property boundary

2.33 SECONDARY AND GARAGE SUITES

Bylaw
937/2019
Dec 9, 2019

2.33.1 In addition to the regulations in this District, the following conditions shall also apply for a Secondary Suite:

- (a) Secondary and Garage suites shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.
- (b) Secondary and Garage suites shall only be developed as an Accessory dwelling to a single detached housing (not allowed in conjunction with semi-detached or town or row housing).
- (c) Secondary or Garage suites shall provide an addition of one (1) off-street parking stall for each bedroom, in addition to the two (2) off-street parking stalls required for the principal dwelling. A minimum of three (3) on-site parking spaces are required for sites with a Secondary or Garage suite. Where a Secondary or Garage suite is proposed there must be a minimum hard surfaced 6.0 m by 6.0 m driveway for parking which may include parking space within a garage.
- (d) A maximum of one Secondary or Garage suite on a lot with a single detached dwelling.
- (e) Secondary and Garage suites shall not be developed in combination with a Home-Based Business where customers are coming to the dwelling or where the dwelling is being used as more than an office.
- (f) Occupants living in the suite can have a maximum of three (3) unrelated persons occupying a Secondary or Garage Suite.
- (g) Minimum site area for a secondary suite is 450.0 m².
- (h) Minimum suite size shall be 50.0 m².
- (i) Maximum basement not more than the total floor area of the first story of the building. Suites on or above first floor:
 - 40% of the principal dwelling, or 70.0 m² , whichever is less

- (j) Secondary Suites must have a separate entryway that is:
at the side or rear of the dwelling but shall not be located on a front elevation of a building, or
through a separate entrance within a common landing. This is the only option for an entrance at the front of the building so as to appear as a single detached dwelling .
- (k) A Secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling
- (l) Driveway, if in front yard, must be hard-surfaced, a minimum of 6.0 m in width (20 ft) and cover no more than 80% of the front yard. Driveway width at the street can be a maximum of 5.0 m. Driveways in the rear can be gravel, but must be a designated area – parking is not allowed on grass areas.

Bylaw
937/2019
Dec 9, 2019

2.33.2 In addition to the regulations in this District, the following conditions shall also apply for a Garage Suite Regulations:

- (a) Side yard setback shall be the same as that required for a principal dwelling.
- (b) Privacy
 - i. Place larger windows to face lane or flanking street
 - ii. Offset windows to limit overlooking into neighboring yards
 - iii. Limit Garage suite balconies
 - iv. Prohibit roof decks on top of Garage suite
 - v. Consideration of potential effect on privacy of adjacent properties
- (c) Character is compatible of design and siting with surrounding development.
- (d) Minimum of 4.0 m separation between principal dwelling and garage suite.
- (e) Minimum site size 500.0 m².
- (f) Minimum site width 15.0 m.
- (g) Suite minimum 30.0 m², maximum 60.0 m².
- (h) Maximum height for a second story Garage suite is 8.0 m; 6.0 m. for a bungalow style addition.
- (i) Standard regulations of maximum site coverage of 40%.

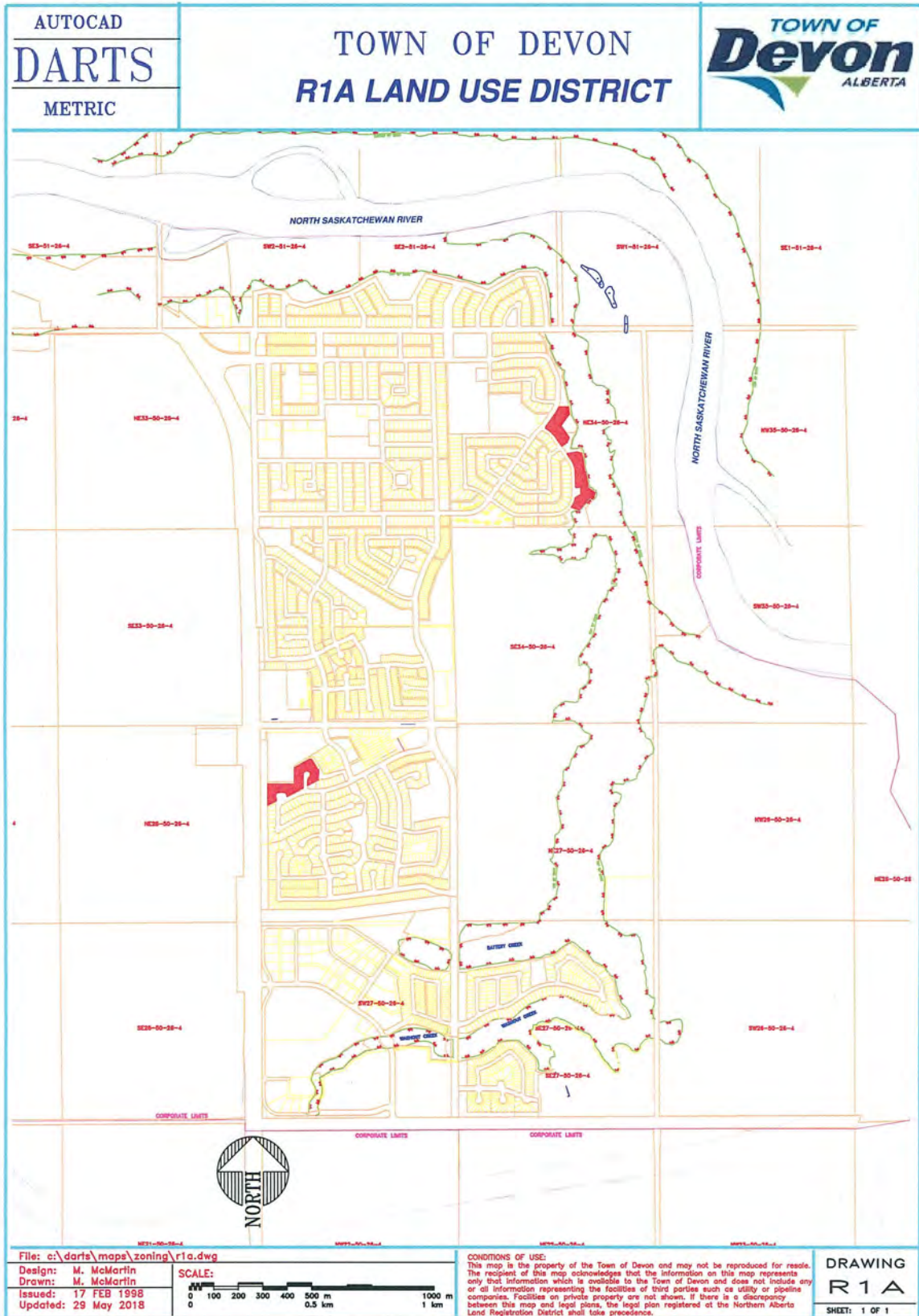
2.34 R1A LAND USE DISTRICT MAP

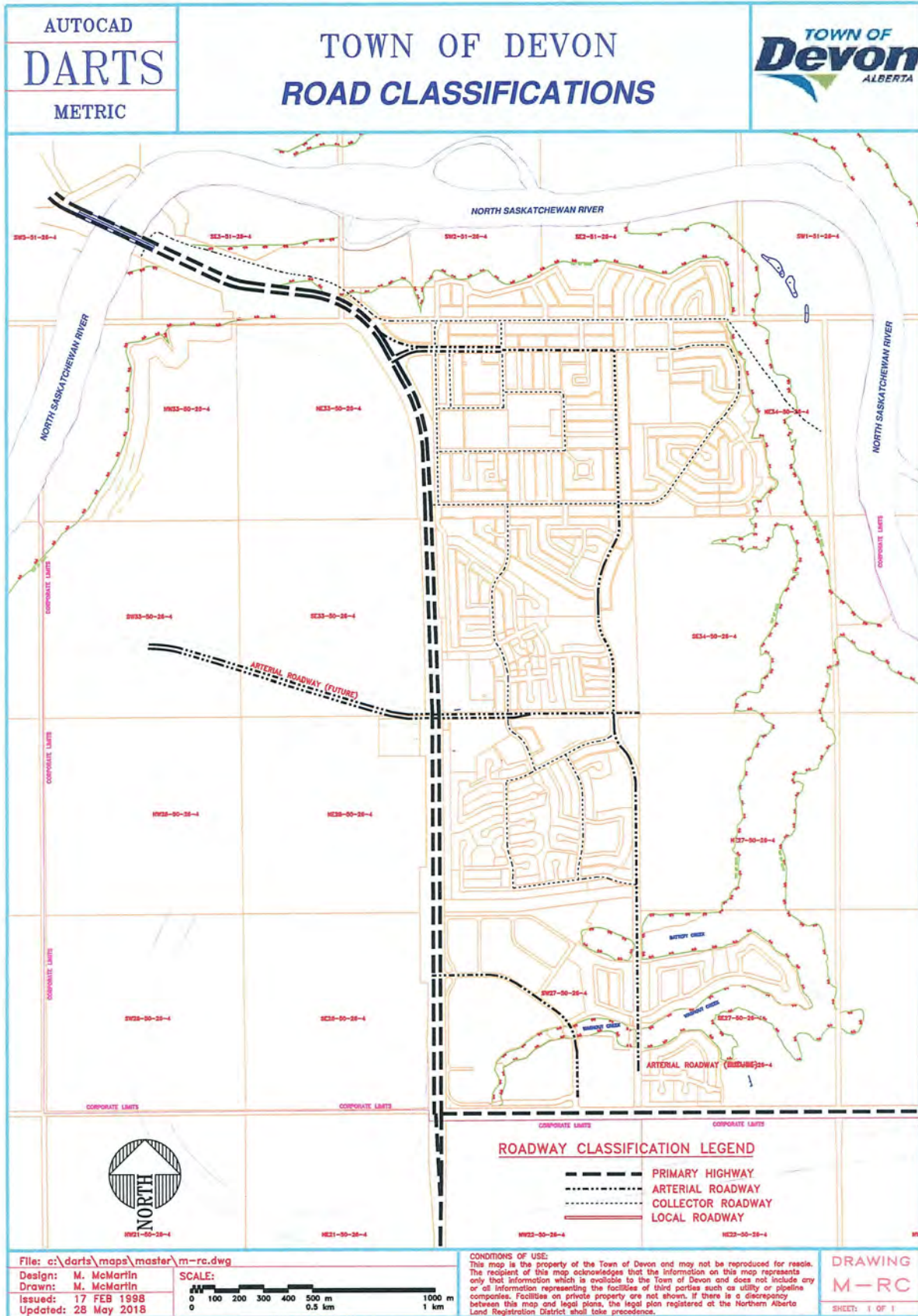
2.34.1 The land use District map following this page shows all of the areas within the corporate limits of the Town that are designated as R1A Residential Low Density (Class 1A) for purposes of application of the regulations in this Part (see page 16).

2.35 ROADWAY CLASSIFICATION MAP

2.35.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 17).

End of Part B – Maps Follow







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'C'
R1B RESIDENTIAL – LOW DENSITY
DISTRICT REGULATIONS

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R1B RESIDENTIAL – LOW DENSITY DISTRICT REGULATIONS

3.1 APPLICATION

- 3.1.1 The regulations in this Part apply to the District designated as R1B Low Density Residential (Class 1B) on the Land Use District Map of this Bylaw.

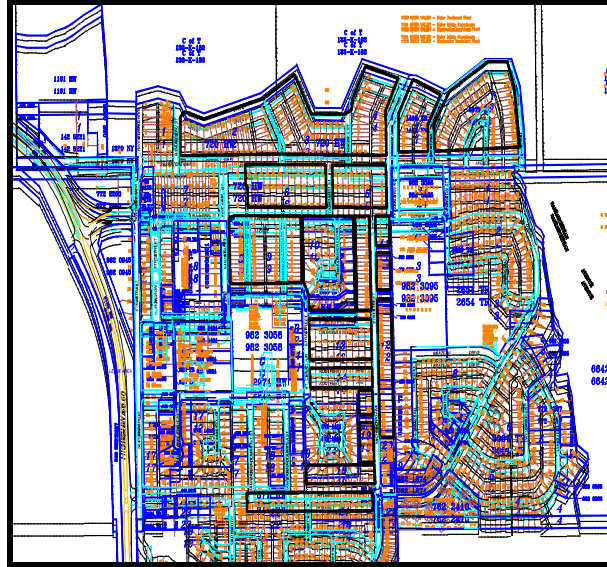
3.2 PURPOSE

- 3.2.1 The purpose of this District is to provide an area for single detached houses on standard lots and other developments compatible with the low-density residential nature of this District. Secondary suites or garage suites are discretionary in select area.

3.3 PERMITTED LAND USES

- 3.3.1 The following uses are permitted in this District:

- (a) single detached house;
- (b) public park;
- (c) family day home;
- (d) accessory development to any permitted use in this District;
- (e) show homes and sales offices;
- (f) private swimming pools;
- (g) additions to single detached houses that do not meet the minimum gross floor area requirements of this District; and
- (h) home occupations, except a home occupation described in subsection 3.4.1;
- (i) single detached house with architectural controls as per Schedule ‘A’ in Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans – see 3.43;



- (j) single detached house with no Town of Devon controls in all other areas;
- (k) semi-detached housing with a minimum of 3 single detached on Lot 1, Block 11, Plan 720 HW or between Lots 27 and 33, Block 12, Plan 720 HW, Lots 12 to 23, Block 10, Plan 720 HW Lots 17 or 18, Block 19, Plan 720 HW or on a site abutting a non-residential, medium density residential or high density residential District or is separated from those Districts by not more than a lane with architectural controls as per Schedule 'A' in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans;
- (l) single detached with profession or personal service business from home or from detached accessory building only on Lots 18 to 31, Block 8, Plan 720 HW with architectural controls as per Schedule 'A'.

3.4 DISCRETIONARY LAND USES

3.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) semi-detached housing on a site abutting a non-residential, medium density residential or high-density residential District or is separated from those Districts by not more than a lane;
- (b) modular homes – single detached;
- (c) home occupation that uses a garage;
- (d) bed and breakfast with a maximum of two guest rooms;

- (e) public utility buildings;
- (f) accessory development to any discretionary use;
- (g) 3 season sun room where the setback is less than the required 8.0 m;
- (h) single detached house with architectural controls as per Schedule 'A' in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans where architectural controls **are not met**;
- (i) semi-detached housing on a site abutting a non-residential, medium density residential or high-density residential District or is separated from those Districts by not more than a lane with architectural controls as per Schedule 'A' in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans;
- (j) secondary suites
- (k) garage suites with a minimum of 3 single detached dwelling between each approved suite or secondary suite.

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3.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week of notification.

3.5 DWELLING UNITS ON A LOT

3.5.1 The maximum allowable number of dwelling units on one site is one with the exception that the Municipal Planning Commission approves a maximum of one of either a garage or secondary suite; for a semi-detached dwelling, each half of the unit is to be on a separate lot.

3.6 FLOOR AREA

3.6.1 For single detached dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be 90.0 m².

3.6.2 For semi-detached dwellings, the minimum gross floor area per principal dwelling unit in this District, excluding the area of an attached garage, shall be 75.0 m².

3.6.3 For all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished.

3.7 LOT WIDTH

3.7.1 The minimum lot width in this District shall be:

- (a) For single detached dwellings:
 - 12.2 m for internal sites
 - 15.1 m for corner or double fronting sites
- (b) For each unit of a semi-detached dwelling:
 - 8.3 m for internal sites
 - 11.2 m for corner or double fronting sites

3.7.2 For a pie-shaped lot located on a bulb of a cul-de-sac or a partial bulb on the corner or bend of a public roadway, the minimum lot width is measured along a line 9.0 m back from the front property line; as well, the curb frontage must be a minimum of 6.0 m as measured between the points determined by the intersections of the extensions of the side property lines and the line of the curb face. For purposes of this subsection, the side property lines are extended to the curb face.

3.8 LOT DEPTH

3.8.1 The minimum lot depth in this District is 30.0 m or 36.0 m if the lot backs on to an arterial roadway.

3.9 LOT AREA AND COVERAGE

3.9.1 The minimum lot area in this District shall be 414.8 m² for single detached housing lots and 282.0 m² for each side of a semi-detached building lot.

3.9.2 Coverage of all buildings shall not exceed 40% of the total site area.

3.10 BUILDING HEIGHT

3.10.1 The maximum height of any principal building shall be 10.0 m and shall not consist of more than 2 1/2 storeys.

3.11 FRONT YARD SETBACK

3.11.1 The minimum permissible front yard setback for lots fronting on local roadways shall not be less than 7.0 m from the back of the sidewalk, or in cases where there is no sidewalk, from the back of the curb and a minimum of 1.0 m from the front property line or an easement on the property.

3.11.2 For lots fronting on roadways other than local roadways the front yard setback permitted shall be not less than 6.0 m from the front property line and 1.0 m from an easement.

3.11.3 Notwithstanding any other provisions of the regulations in this District, in the event that dwellings lawfully exist at the effective date of this Bylaw that have front yard setbacks greater than the minimum specified elsewhere in these regulations, on either or both sides of the proposed development, a minimum setback of 6.0 m shall be required, unless specified differently in an Area Redevelopment Plan.

3.11.4 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply to the flanking side.

3.11.5 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

3.12 SIDE YARD SETBACK

- 3.12.1 Side yard setbacks to the principal building shall be a minimum of 1.2 m with the exception of all properties within Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans where the combined side yard setbacks must be at minimum 4.26 m (14 ft) with one side being a minimum of 1.2 m.
- 3.12.2 Notwithstanding the above, where a site has vehicular access from the front only, one side yard setback must be a minimum of least 3.8 m to accommodate a driveway for vehicular passage to the rear of the property, except where an attached garage or carport is provided.
- 3.12.3 In all cases the determination of whether the yard setback on the buildings on corner sites shall be frontage on two sides or one yard being considered frontage and the other being considered flankage shall rest with the Development Authority. The Development Authority shall take into account the location of existing buildings on adjacent sites or the permitted setback on adjacent sites, where a building does not exist, in making a ruling.
- 3.12.4 The side yard setback where a flanking site abuts on a street shall be 20% of the site width except that it shall in no case be less than 2.5 m.
- 3.12.5 Canopies, eaves and cornices shall not project beyond any permissible building lines into any side yard setback by more than 0.6 m; verandas, balconies, chimneys, cantilevered wall sections, bay or oval windows, porches shall be located at least 0.9 m from the side property line; unenclosed steps not more than 3.0 m above finished grade shall not project more than 1.0 m into one side yard only. If the side yard is required to accommodate a driveway for vehicular passage to the rear of the property, no projection is allowed within 3.0 m of the property line.
- 3.12.6 Where open carports are attached to the dwelling the side yard setback shall not be less than 1.2 m.

3.13 REAR YARD SETBACK

- 3.13.1 A rear yard setback to the principal building shall be provided of not less than 8.0 m provided that in the case of a corner site, the yard next to a lane

at the rear of a site shall not be less than 4.5 m. Where the rear property line is adjacent to Municipal Reserve a rear yard setback to the principal building shall be provided of not less than 6.0 m from the rear property line.

- 3.13.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

3.14 LIMITED ACCESS TO MAJOR STREETS

- 3.14.1 No access for vehicles will be permitted from any arterial roadway to any residential lot or parcel in this District.
- 3.14.2 No access for vehicles will be permitted from any arterial roadway to any non-residential site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

3.15 ACCESS FROM STREETS AND LANES

- 3.15.1 All lots must have at least one legal means of vehicle access. Only one motor vehicle driveway per lot (two on corner lots) is permitted in this District, except in the case of lots with both a front roadway and a side or rear lane in which case one additional access is permitted from the lane.
- 3.15.2 Access shall not be allowed from a public roadway across a lot to another public roadway other than a lane.
- 3.15.3 Direct access shall not be permitted from a street or lane to a parking stall in a parking facility of more than 3 stalls.

3.16 LANDSCAPING

- 3.16.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road

carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway.

- 3.16.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

3.17 FENCING

- 3.17.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This regulation applies equally to hedges. Privacy screens maximum 0.6 meters in can be installed above the fence with written permission from the Development Authority.

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- 3.17.2 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the nearest portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

- 3.17.3 Electrification of fences will not be permitted.

3.18 OBJECTIONABLE ITEMS IN YARDS

- 3.18.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.
- 3.18.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.
- 3.18.3 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

3.19 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

3.19.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

3.20 UTILITY EASEMENTS

3.20.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

3.21 BUILDING EXTERIORS

3.21.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit.

3.21.2 Architectural controls in Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans must be met. Map showing area in permitted uses. (These controls are listed under 3.42 SPECIAL PROVISIONS FOR SPECIFIC LOCATIONS and Schedule 'A'.)

3.21.3 In all other areas the design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the District or a part of it.

3.21.4 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the District or a part of it.

3.21.5 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

3.22 SITE GRADING

3.22.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

3.23 CORNER LOTS – TRAFFIC SIGHT LINES

3.23.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

3.23.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

3.24 TEMPORARY BUILDINGS

3.24.1 Temporary buildings in this District shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

3.25 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

3.25.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building. Furthermore, a detached garage or accessory building cannot be constructed prior to a Single Detached Dwelling.

3.25.2 Any new construction within Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans will not allow a front attached garage unless the garage is set back from the front face of the dwelling at least 1.0 m. Where a front garage or a parking pad from the front street is proposed, the maximum width of the driveway entrance at the street will be 5.0 m.

3.25.3 An accessory building which its proposed use is a detached garage shall not exceed one storey or 6.0 m in height. If the proposed accessory building is a shed, the maximum height shall not exceed 4.0 m.

3.25.4 Detached garages and accessory buildings shall be located:

- (a) with separation from a principal building as per the Alberta Building Code.
- (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 4.0 m may be permitted from the flankage boundary or a setback of 7.5 m may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent developments would not be adversely affected.
- (c) a minimum of 0.6 m from the rear property line, providing there is no encroachment of any part of the buildings onto public property. Where vehicle doors of a garage face a lane abutting the site the garage shall be no closer than 6.0 m from the lane or, alternatively, exactly 1.0 m from the lane except in those cases where an easement has been placed along the rear property line exceeding this distance. Under such circumstances the building shall be located a minimum of 6.0 m from the lane. Where the single-family dwelling has been upgraded to a duplex or semi-detached dwelling, the garage doors abutting a lane must be 6.0 m from the rear property line.
- (d) no closer than 1.0 m from the side property boundary (excepting where an agreement exists between the owners of adjoining properties to build their garages centred on the property boundary, in which case a fire wall shall be constructed to the current building regulations).
- (e) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

3.25.5 Uncovered decks shall be located:

- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
- (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
- (c) natural gas meters and/or gas shut off valves shall not be located under a deck.
- (d) Decks over 0.6 m in height shall have a rear yard setback of not less than the height of the deck.
- (e) Decks over 0.6 m in height shall have a side yard setback of not less than 1.2 m

3.26 DRIVEWAY CURB CUTS

3.26.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town Design Standards.

3.26.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc.; unless a protection post is installed.

3.26.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

3.26.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting the requirements of the Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

3.27 ON-SITE PARKING REQUIREMENTS

- 3.27.1 In the case of sites abutting both a roadway and a lane, a minimum of two parking stalls shall be provided on the site for each dwelling unit, inclusive of any parking stalls provided in a garage or carport.
- 3.27.2 In the case of sites abutting a roadway only, a minimum of two parking stalls shall be provided on the site for each dwelling unit, inclusive of any parking stalls provided in a garage or carport.
- 3.27.3 Parking – Any redevelopment that increases the number of residential units in the area shall provide for offsite parking with the minimum of a 6.0 m hard surfaced driveway constructed.

3.28 SIGNS

- 3.28.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:
- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
 - (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
 - (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
 - (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

- 3.28.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

3.29 HOME OCCUPATIONS

- 3.29.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations in all areas of R1B

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district with the exception of Lots 24 to 31, Block 8, Plan 720HW (lots backing onto Erie Street):

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20 cm by 30 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

3.29.2 In addition to the regulations in this District, the Municipal Planning Commission may approve the following accessory uses of home occupations on Lots 24 to 31, Block 8, Plan 720HW (lots backing onto Erie Street):

- (a) If the lot is large enough up to two business but not more may operate from a building at the rear of the lot, facing Erie Street. Two business cannot operate from the principal dwelling This lot cannot be subdivided. The owner or an employee must live on the property.
- (b) Exterior signage can be placed on the building,

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- (c) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (d) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Personal service business shall operate by appointment only. A minimum of one (1) on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (g) Where the proposed accessory building is being used as a business, the maximum height of the building can be extended to seven (7) metres.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.
- (i) There can be no liquor, cannabis, restaurants, eating establishments, bars, grocery stores, supermarkets, mass merchandiser (i.e. dollar stores, department stores, discount stores, auto parts, convenience stores etc.) The intent is a specialty retail sales. a professional business or any other business approved by the Municipal Planning Commission. Retail sales can operate from 10:00 a.m. to 8:00 p.m.

3.30 PRIVATE SWIMMING POOLS

3.30.1 In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.

- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.
- (d) Swimming pools will not be permitted within 75.0 m of the top of the banks of the North Saskatchewan River valley or within 50.0 m of the tops of the banks of Washout Creek or Battery Creek unless the applicant provides a geotechnical report prepared by a Professional Engineer that indicates that leakage from such a pool will not cause a bank slope instability or failure.

3.31 BED AND BREAKFAST

3.31.1 In addition to the regulations in this District, the following conditions shall also apply for bed and breakfast establishments:

- (a) bed and breakfast establishments shall comply with the applicable provincial regulations.
- (b) One additional on-site parking stall for every guest room.
- (c) One sign of not more than 1.0 m² in area shall be permitted to be erected on the parcel occupied by the bed and breakfast establishment; such a sign shall be located no closer than 1.5 m to any property boundary.

3.32 SECONDARY AND GARAGE SUITES

3.32.1 In addition to the regulations in this District, the following conditions shall also apply for a Secondary Suite:

- (a) Secondary and Garage suites shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.
- (b) Secondary and Garage suites shall only be developed as an Accessory dwelling to a single detached housing (not allowed in conjunction with semi-detached or town or row housing).
- (c) Secondary or garage suites shall provide an addition of one (1) off-street parking stall for each bedroom, in addition to the two (2) off-street parking stalls required for the principal dwelling. A minimum of 3 on-site parking spaces are required for sites with a Secondary or Garage suite. Where a Secondary or Garage suite is proposed there must be a minimum hard surfaced 6.0 m by 6.0 m

- driveway for parking which may include parking space within a garage.
- (d) A maximum of one Secondary or Garage suite on a lot with a single detached dwelling.
 - (e) Secondary and Garage suites shall not be developed in combination with a Home-Based Business where customers are coming to the dwelling or where the dwelling is being used as more than an office.
 - (f) Occupants living in the suite can have a maximum of three (3) of unrelated persons occupying a Secondary or Garage Suite.
 - (g) Minimum site area for a secondary suite is 450.0 m².
 - (h) Minimum suite size shall be 50.0 m².
 - (i) Maximum basement not more than the total floor area of the first story of the building. Suites on or above first floor:
 - 40% of the principal dwelling, or 70.0 m², whichever is less
 - (j) Secondary Suites must have a separate entryway that is:
 - at the side or rear of the dwelling but shall not be located on a front elevation of a building, or
 - through a separate entrance within a common landing this is the only option for an entrance at the front of the building so as to appear as a single detached dwelling
 - (k) A secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling
 - (l) Driveway, if in front yard, must be hard-surfaced, a minimum of 6.0 m in width (20 ft) and cover no more than 80% of the front yard. Driveway width at the street can be a maximum of 5.0 m. Driveways in the rear can be gravel, but must be a designated area – parking is not allowed on grass areas.

3.32.2 In addition to the regulations in this District, the following conditions shall also apply for a Garage Suite Regulations:

- (a) Side yard setback shall be the same as that required for a principal dwelling.
- (b) Privacy
 - i. Place larger windows to face lane or flanking street
 - ii. Offset windows to limit overlooking into neighboring yards
 - iii. Limit garage suite balconies

- iv. Prohibit roof decks on top of garage suite
- v. Consideration of potential effect on privacy of adjacent properties
- (c) Character is compatible of design and siting with surrounding development.
- (d) Minimum of 4.0 m separation between principal dwelling and garage suite.
- (e) Minimum site size 500.0 m².
- (f) Minimum site width 15.0 m.
- (g) Suite minimum 30.0 m², maximum 60.0 m².
- (h) Maximum height for a second story garage suite is 8.0 m; 6.0 m. for a bungalow style addition.
- (i) Standard regulations of maximum site coverage of 40%.

3.33 SPECIAL PROVISIONS FOR SPECIFIC LOCATIONS

3.33.1 Architectural controls (see Appendix 'A') must be met in Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans. There are 20 different architectural features listed. A minimum of 6 of the defined features must be met in order to receive Development Authority approval.

3.33.2 In Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans there must be a variety where any proposal for a significant renovation or redevelopment would need to be significantly different from any house within 3 lots on each side of the property. The attributes that could be altered to archive a distinct difference could include:

- Different Rooflines and roof slopes
- Different Windows
- Different siding style and color

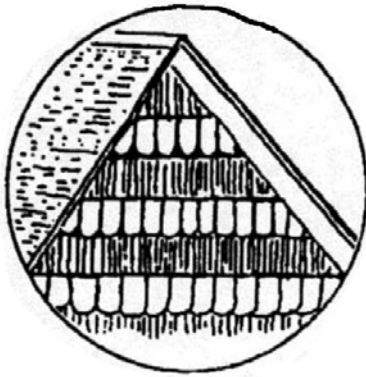
3.34 SCHEDULE ‘A’ – ARCHITECTURAL CONTROLS

SCHEDULE ‘A’

ARCHITECTURAL CONTROLS

The Town of Devon desires that all properties that undergo a significant renovation or complete redevelopment in the defines redevelopment area incorporate at minimum 6 of the following architectural features;

Ornamental Shingles



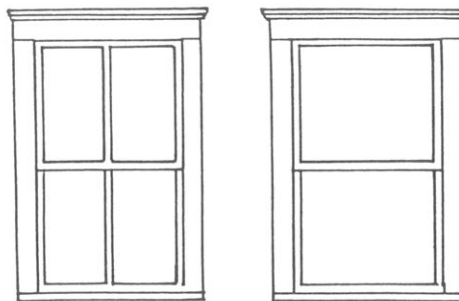
Front Porch



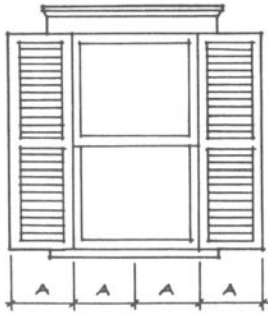
Returned Gables



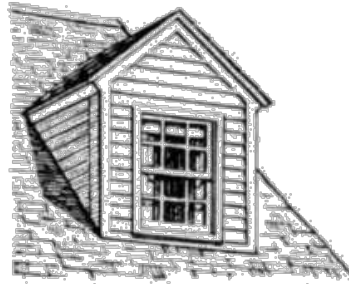
The look of Double Hung Windows



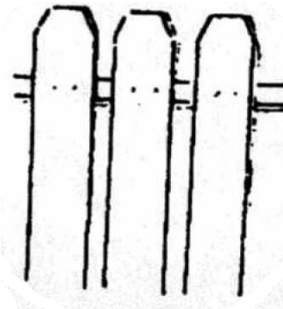
Shutters & Blinds



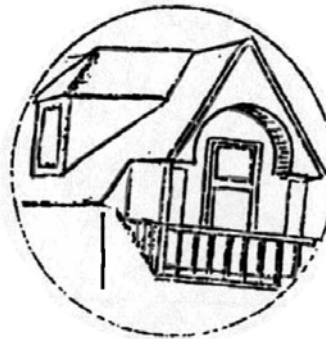
Dormers



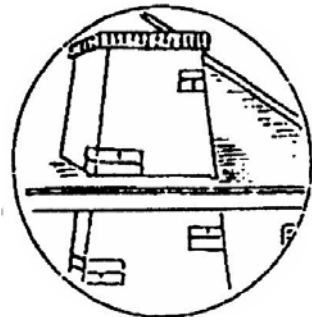
**Picket Fence
Balconies**



Steep Roof and/or Second Storey



Enclosed Chimney Chase



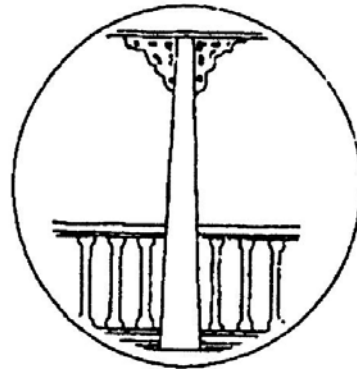
Oversized Buttressed Columns



Soffitt Brackets



Spindles and Rails



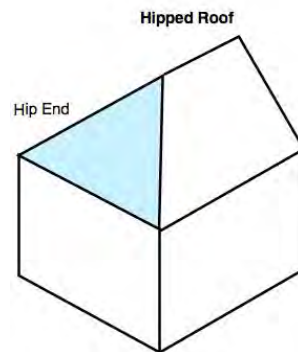
Door Hoods



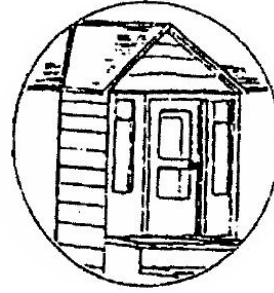
Sculptured Rafter Ends



Hipped Gable

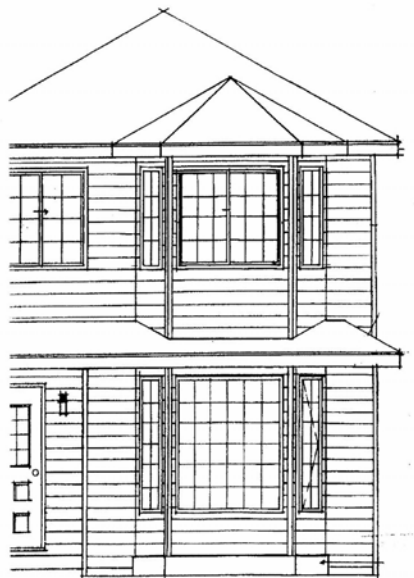


Extended Vestibules



Bay windows

Narrow Lapped Siding



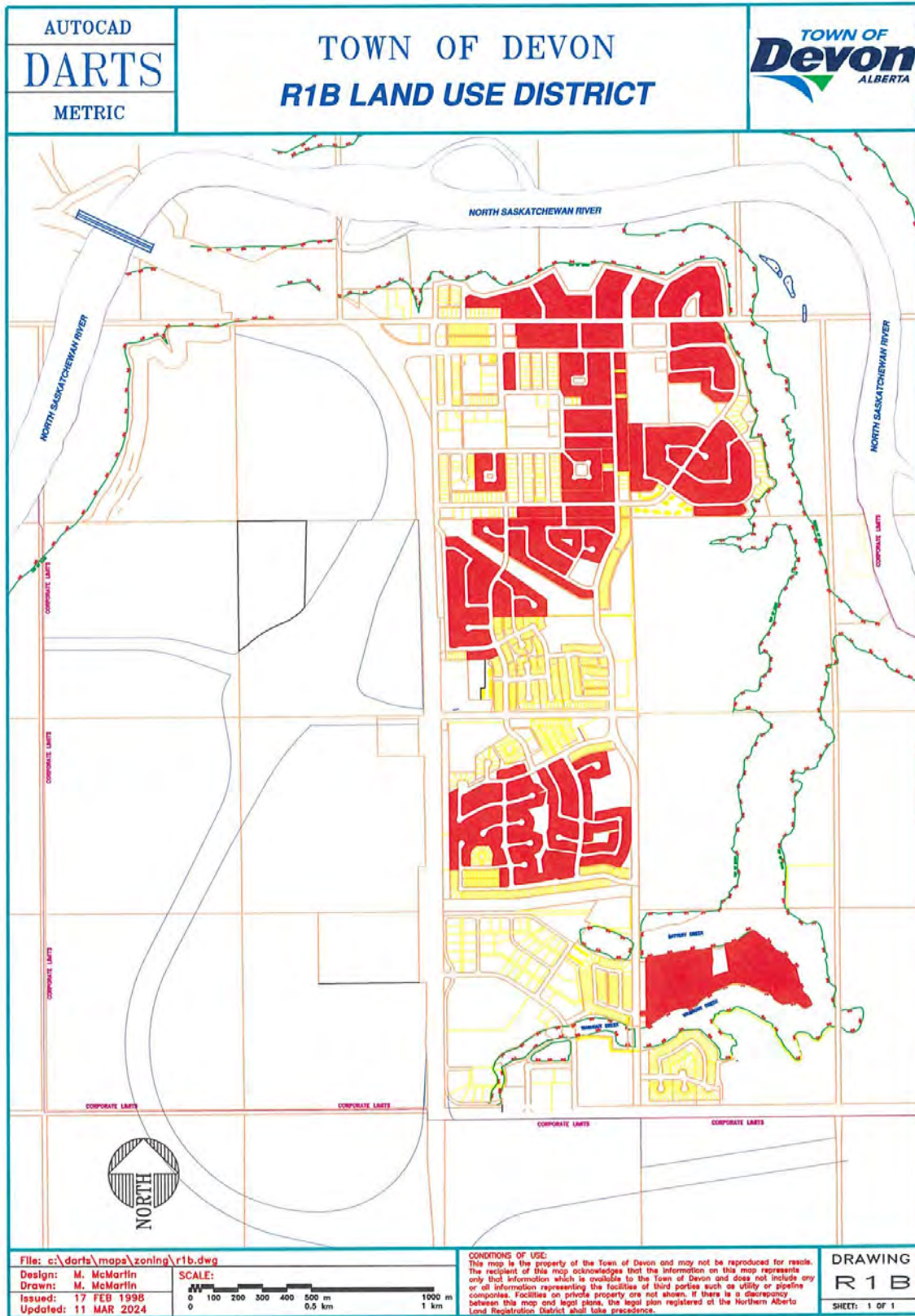
3.35 R1B LAND USE DISTRICT MAP

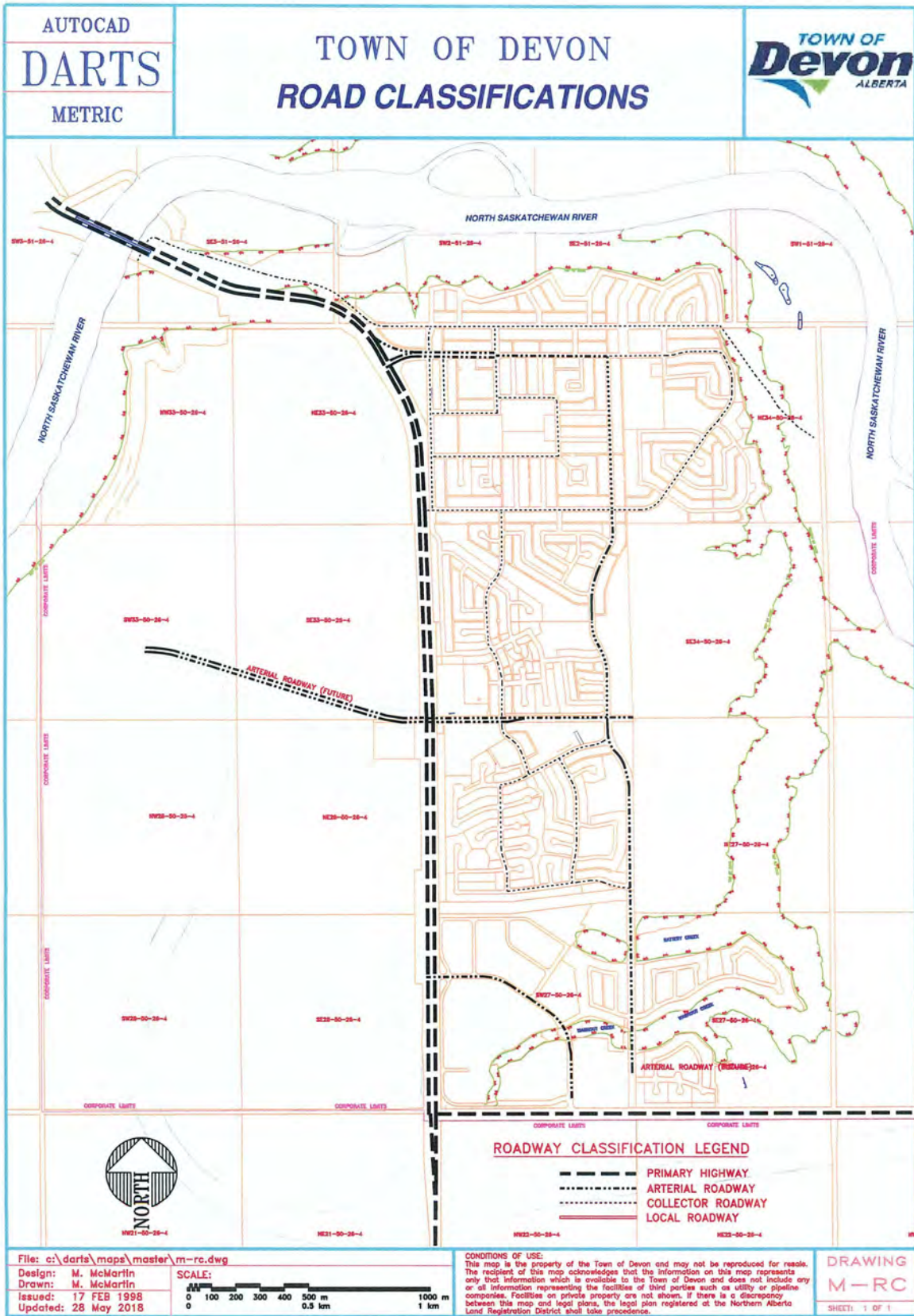
3.34.1 The land use District map following this page shows all of the areas within the corporate limits of the Town that are designated as R1B Residential Low Density (Class 1B) for purposes of application of the regulations in this Part (see page 25).

3.36 ROADWAY CLASSIFICATION MAP

3.35.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 26).

End of Part C – Maps Follow







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'D'
RIC RESIDENTIAL – LOW DENSITY
DISTRICT REGULATIONS

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RIC RESIDENTIAL – LOW DENSITY DISTRICT REGULATIONS

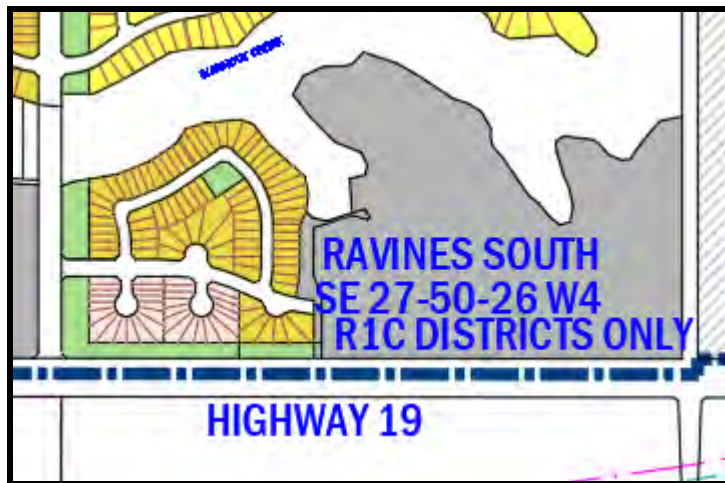
4.1 APPLICATION

4.1.1 The regulations in this Part apply to the District designated as R1C Low Density Residential (Class 1C) on the Land Use District Map of this Bylaw.

4.2 PURPOSE

4.2.1 The purpose of this District is to provide an area for single detached houses on relatively narrow lots. Lots can have front attached garages or garages in the rear yard where the property has a lane. Other Developments compatible with the low-density residential nature of this District may also be considered. Secondary suites are discretionary in South Ravines located on the south half of SE27-50-26 W4

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Dec 9, 2019



4.3 PERMITTED LAND USES

4.3.1 The following uses are permitted in this District:

- (a) single detached house;
- (b) public park;
- (c) family day home;
- (d) accessory development to any permitted use in this District;
- (e) show homes and sales offices; and

- (f) home occupations, except a home occupation described in subsection 4.4.1.

4.4 DISCRETIONARY LAND USES

4.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) modular homes – single detached;
- (b) home occupation that uses a garage;
- (c) public utility buildings;
- (d) accessory developments to any discretionary use; and
- (e) 3 season sun rooms where the setback is less than the required 8.0 m.
- (f) Secondary suites with a minimum of 3 single detached dwellings between each approved suite.
- (g) When a principal dwelling requires rebuilding, the setbacks if less than the required in the Land Use Bylaw.

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Dec 9, 2019

Bylaw 979/2022
Oct 24, 2022

4.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

4.5 DWELLING UNITS ON A LOT

4.5.1 The maximum allowable number of dwelling units on one site is one(1), with the exception that the Municipal Planning Commission may approve a maximum of one (1) Secondary suite in Ravines South.

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4.6 FLOOR AREA

4.6.1 The minimum gross floor area per principal dwelling in this District shall be 75.0 m² or a minimum of 97.0 m² for 2 storey; and

4.6.2 for all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished.

4.7 LOT WIDTH

4.7.1 The minimum lot width in this District shall be:

(a) For single detached dwellings on lots bounded by a roadway:

- (a) 9.14 m for internal sites
- (b) 11.0 m for corner or double fronting sites

(b) For a single detached dwelling on a lot where there is a laneway a requirement will be that they must have a minimum of a 6 m hard surfaced driveway

- (a) 8.5 m for internal sites
- (b) 10.5 m for corner or double fronting sites

4.7.2 For a pie-shaped lot located on a bulb of a cul-de-sac or a partial bulb on the corner or bend of a public roadway, the minimum lot width is measured along a line 9.0 m back from the front property line; as well, the curb frontage must be a minimum of 6.0 m as measured between the points determined by the intersections of the extensions of the side property lines and the line of the curb face. For purposes of this subsection, the side property lines are extended to the curb face.

4.8 LOT DEPTH

4.8.1 The minimum lot depth in this District is 30.0 m, or 32.0 m if the lot backs onto an arterial roadway. No access for vehicles will be permitted onto any arterial roadway.

4.9 LOT AREA AND COVERAGE

4.9.1 The minimum lot area in this District shall be 255 m² for lots with rear laneway access. Where there is no rear lane the minimum lot area shall be 274.2 m²

4.9.2 Coverage of all buildings shall not exceed 45 % of the total site area. Coverage of the principal building shall not exceed 35 % of the total site area, where a garage is attached to or is part of a principal building, that building shall not exceed 45 % of the total site area.

4.9.3 An additional five (5) % coverage may be allowed for decks, porches, verandas, or similar projections.

4.10 BUILDING HEIGHT

4.11.1 The maximum height of any principal building shall be 10.0 m and shall not consist of more than 2 storeys.

4.11 FRONT YARD SETBACK

4.11.1 The minimum permissible front yard setback for lots fronting on local or collector roadways with a front attached garage shall not be less than 7.0 m from the back of the sidewalk, or in cases where there is no sidewalk, from the back of the curb and a minimum of 1.0 m from the front property line or an easement on the property.

4.11.2 The minimum permissible front yard setback for lots fronting on arterial roadways shall not be less than 7.0 m from the back of the sidewalk, or in cases where there is no sidewalk, from the back of the curb and a minimum of 1.0 m from the front property line or an easement on the property. No vehicular access will be permitted onto Arterial roadways.

4.11.3 The minimum front yard setback for lots fronting on local roadways where no front attached garage and access to parking is in the laneway, may not be less than 3.5 m from the front property line and a minimum of 1.0 m from an easement on the property where:

- (a) no front attached or detached garage is developed
- (b) access to parking is provided from the land, and
- (c) must have a minimum hard surfaced driveway of 6 m .

This will be approved at the discretion of the Development Officer must be a complete street and be aesthetically matching to the other principal dwelling on the street.

- 4.11.4 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply to the flanking side.
- 4.11.5 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

4.12 SIDE YARD SETBACK

- 4.12.1 Side yard setbacks to the principal building shall be a minimum of 1.2 m.
- 4.12.2 In all cases the determination of whether the yard setback on the buildings on corner sites shall be frontage on two sides or one yard being considered frontage and the other being considered flankage shall rest with the Development Authority. The Development Authority shall take into account the location of existing buildings on adjacent sites or the permitted setback on adjacent sites, where a building does not exist, in making a ruling.
- 4.12.4 The side yard setback where a flanking site abuts on a street shall not be less than 2.5 m.
- 4.12.5 Canopies, eaves and cornices shall not project beyond any permissible building lines into any side yard setback by more than 0.6 m; verandas, balconies, chimneys, cantilevered wall sections, bay or oval windows, porches shall be located at least 0.9 m from the side property line; unenclosed steps not more than 3.0 m above finished grade shall not project more than 1.0 m into one side yard only.

4.13 REAR YARD SETBACK

- 4.13.1 A rear yard setback to the principal building shall be provided of not less than 7.5 m provided that in the case of a corner site, the yard next to a lane

at the rear of a site shall not be less than 4.5 m. Where the rear property line is adjacent to Municipal Reserve a rear yard setback to the principal building shall be provided of not less than 6.0 m from the rear property line.

- 4.13.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

4.14 LIMITED ACCESS TO STREETS

- 4.14.1 No access for vehicles will be permitted from any arterial roadway to any residential lot or parcel in this district.

- 4.14.2 No access for vehicles will be permitted from any arterial roadway to any non-residential site in this district, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

4.15 ACCESS FROM STREETS AND LANES

- 4.15.1 All lots in this District must have at least one legal means of vehicle access from a lane. Only one motor vehicle driveway per lot is permitted in this District.

4.16 LANDSCAPING

- 4.16.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway.

- 4.16.2 Driveways for vehicular access from lanes to sites in this District shall be gravel or hard surfaced, in accordance with the Town of Devon Design and Construction Standards.

4.17 FENCING

Bylaw
975/2022
May 9, 2022

4.17.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This regulation applies equally to hedges. Privacy screen maximum 0.6 meters in height can be installed above the fence with written permission from the Development Authority.

4.17.2 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the nearest portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

4.17.3 Electrification of fences will not be permitted.

4.18 OBJECTIONABLE ITEMS IN YARDS

4.18.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

4.18.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

4.18.3 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

4.19 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

4.18.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

4.20 UTILITY EASEMENTS

4.20.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

4.21 BUILDING EXTERIORS

4.21.1 The exterior finish of a building must be completed within 1 year of the date of issuance of the building permit.

4.21.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the district or a part of it.

4.21.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

4.22 SITE GRADING

4.22.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

4.23 CORNER LOTS – TRAFFIC SIGHT LINES

4.23.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

4.23.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

4.24 TEMPORARY BUILDINGS

4.24.1 Temporary buildings in this district shall be limited to residential sales offices and construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

4.25 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

4.25.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building. Furthermore, a detached garage or accessory building cannot be constructed prior to a Single Detached Dwelling.

4.25.2 An accessory building other than a garage shall not exceed one storey or 4.0 m in height; a garage shall not exceed one storey or 6.0 m in height.

4.25.4 Detached garages and accessory buildings shall be located:

- (a) with separation from a principal building as per the Alberta Building Code.
- (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 4.0 m may be permitted from the flankage boundary or a setback of 7.5 m may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent Developments would not be adversely affected.
- (c) a minimum of 0.6 m from the rear property line, providing there is no encroachment of any part of the buildings onto public property. Where vehicle doors of a garage face a lane abutting the site the garage shall be no closer than 6.0 m from the lane or, alternatively, exactly 1.0 m from the lane except in those cases where an easement has been placed along the rear property line exceeding

this distance. Under such circumstances the building shall be located a minimum of 6.0 m from the lane.

- (d) no closer than 1.0 m from the side property boundary.
- (e) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

4.25.5 Uncovered decks shall be located:

- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
- (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
- (c) natural gas meters and/or gas shut off valves shall not be located under a deck.
- (d) Decks over 0.6 m in height shall have a rear yard setback of not less than the height of the deck.
- (e) Decks over 0.6 m in height shall have a side yard setback of not less than 1.2 m.

4.26 DRIVEWAY CURB CUTS

4.26.1 Driveway curb cuts are permitted in this District but are required to apply for a Development Permit.

4.27 ON-SITE PARKING REQUIREMENTS

Bylaw
937/2019
Dec 9. 2019

4.27.1 Where there is a lane, a minimum of two parking stalls shall be provided in the rear yard of each site, inclusive of any parking stalls provided in a garage or carport. All residential properties shall have a minimum of two (2) parking stalls per dwelling.

4.28 SECONDARY SUITES

Bylaw
937/2019
Dec 9. 2019

4.28.1 In addition to the regulations in this District, the following conditions shall also apply for Secondary suites:

- (a) Secondary suites shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.
- (b) Secondary suites shall only be developed as an Accessory dwelling to a single detached house (not allowed in conjunction with semi-detached or town or row housing).
- (c) Secondary suites shall provide an addition of one (1) off-street parking stall, in addition to the two (2) off-street parking stalls required for the principal dwelling. A minimum of three (3) on-site parking spaces are required for sites with a Secondary suite. Where a Secondary suite is proposed there must be a minimum hard surfaced 6.0 m by 6.0 m area for parking which may include parking space within a garage.
- (d) A maximum of one Secondary suite on a lot with a single detached dwelling.
- (e) Secondary suites shall not be developed in combination with a Home-Based Business where customers are coming to the dwelling or where the dwelling is being used as more than an office.
- (f) Minimum site area for a Secondary suite is 255.0 m².
- (g) Minimum suite size shall be 50.0 m².
- (h) Maximum basement not more than the total floor area of the first story of the building. Suites on or above first floor:
 - 40% of the principal dwelling, or 70.0 m², whichever is less.
- (i) Secondary suites must have a separate entryway that is:
 - at the side or rear of the dwelling but shall not be located on a front elevation of a building, or
 - through a separate entrance within a common landing this is the only option for an entrance at the front of the building, so as to appear as a single detached dwelling.
- (j) A Secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling.
- (k) A driveway, if in the front yard, must be hard-surfaced and cover no more than 80% of the front yard. Driveways in the rear can be gravel, but must be a designated area – parking is not allowed on grass areas.

4.29 SIGNS

4.29.1 Except as otherwise permitted in this Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and

- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (c) temporary development directional signs; a Development Permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

4.29.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

4.30 HOME OCCUPATIONS

4.30.1 In addition to the regulations in this district, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be

provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited.

- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

4.31 PRIVATE SWIMMING POOLS

4.31.1 In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.
- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.

4.32 SPECIAL PROVISIONS FOR SPECIFIC LOCATIONS

4.32.1 There are no special provisions at the time of passing of this Bylaw for any specific locations within this District.

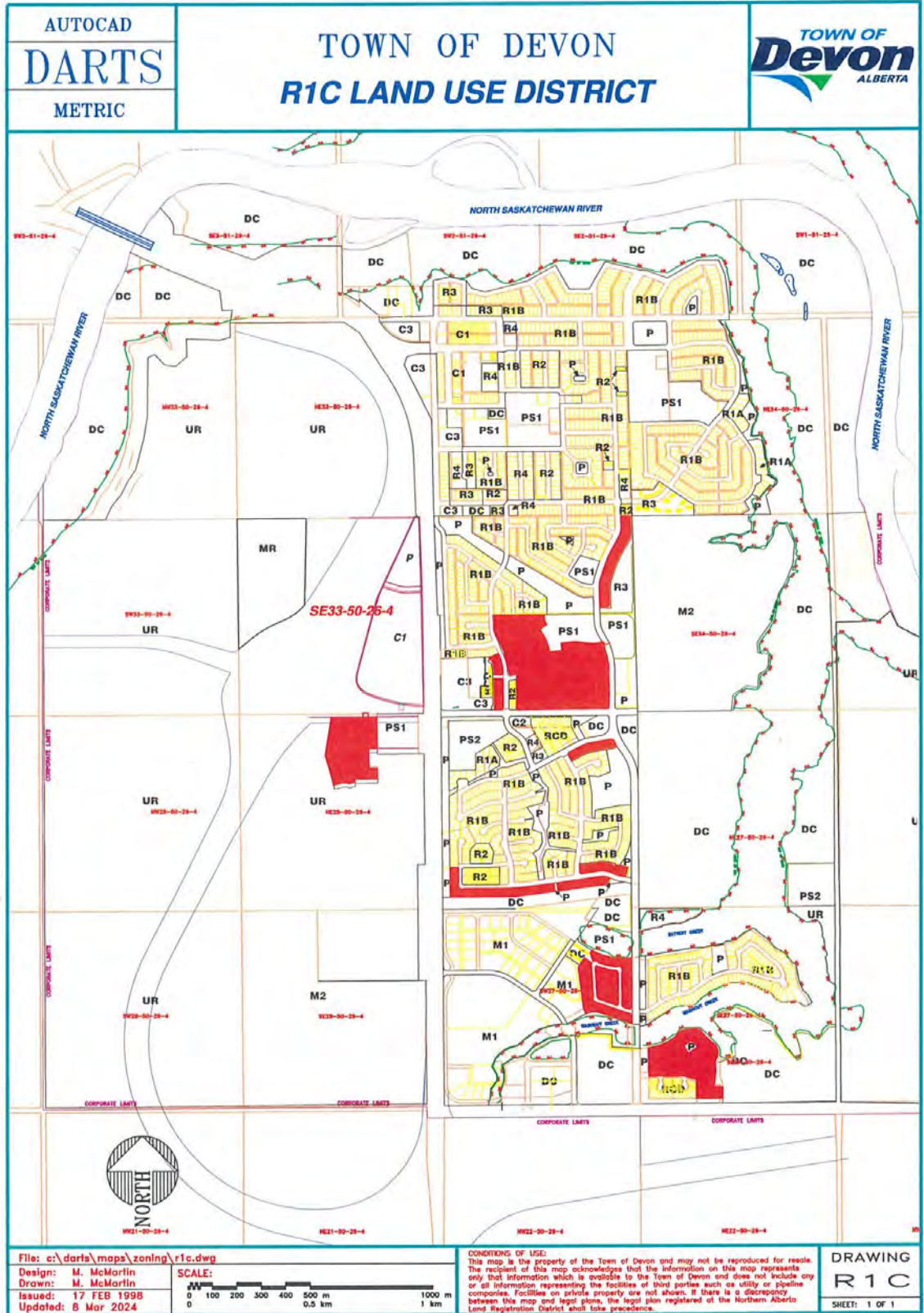
4.33 R1C LAND USE DISTRICT MAP

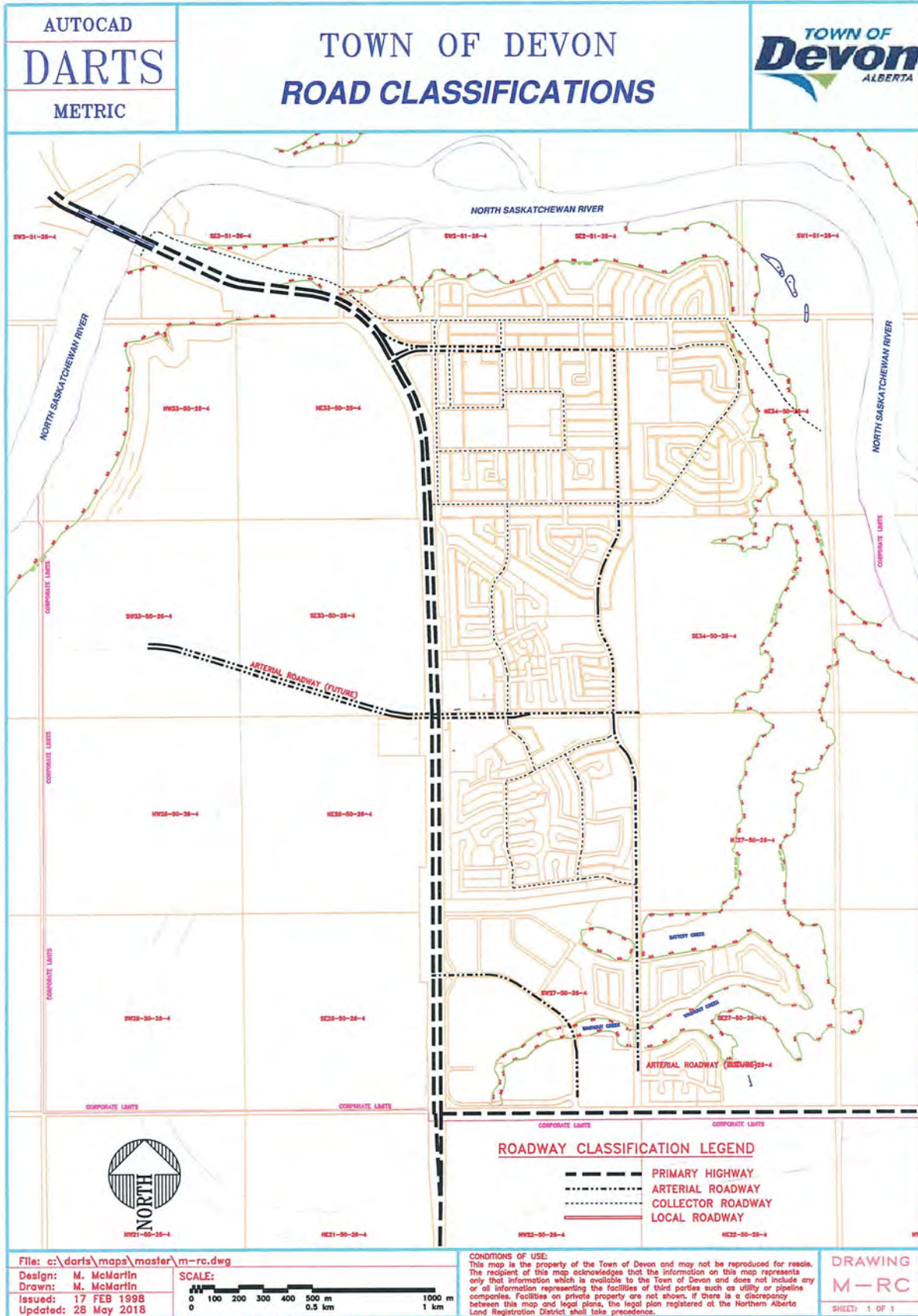
4.33.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as R1C Residential Low Density (Class 1C) for purposes of application of the regulations in this Part. (see Page 15).

4.34 ROADWAY CLASSIFICATION MAP

4.34.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part. (See Page 16).

End of Part D - Maps Follow







TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'E'

**R2 RESIDENTIAL – LOW DENSITY
DISTRICT REGULATIONS**

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R2 RESIDENTIAL – LOW DENSITY DISTRICT REGULATIONS

5.1 APPLICATION

5.1.1 The regulations in this Part apply to the District designated as R2 Low Density Residential (Class 2) on the Land Use District Map of this Bylaw.

5.2 PURPOSE

5.2.1 The purpose of this District is to provide an area for semi-detached and duplex houses and other developments compatible with the low-density residential nature of this District.

5.3 PERMITTED LAND USES

5.3.1 The following uses are permitted in this District:

- (a) semi-detached house;
- (b) duplex;
- (c) single detached house;
- (d) public park;
- (e) family day home;
- (f) accessory development to any permitted use in this District;
- (g) show homes and sales offices;
- (h) private swimming pools;
- (i) home occupations, except a home occupation described in subsection 5.4.1;
- (j) semi-detached house with architectural controls as per Schedule 'A' in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans;
- (k) semi-detached house with no Town of Devon architectural controls in all other areas;
- (l) duplex with architectural controls as per Schedule 'A' in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans;
- (m) duplex house with no Town of Devon architectural controls in all other areas;

- (n) single detached house with architectural controls as per Schedule ‘A’ in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans; and
- (o) single detached house with no Town of Devon architectural controls in all other areas.

5.4 DISCRETIONARY LAND USES

5.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) modular homes – single detached;
- (b) home occupation that uses a garage;
- (c) public utility buildings;
- (d) accessory development to any discretionary use;
- (e) 3 seasons sun rooms where the setback is less than the required 8.0 m;
- (f) modular homes – single detached with architectural controls as per Schedule ‘A’ in Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans; and
- (g) modular homes – single detached with no architectural controls in all other areas.
- (h) Secondary Suite where access to parking is in the rear or side yard of the lot. It can only be in the front yard when there is no access from the rear or side yard and there is adequate room for additional parking

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5.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

5.5 DWELLING UNITS ON A LOT

5.5.1 The maximum allowable number of dwelling units on one site is one, except in the case of a duplex, where two dwelling units in one building are permitted on one lot.

5.6 FLOOR AREA

5.6.1 The minimum gross floor area per principal dwelling unit in this District, excluding the area of an attached garage, shall be 75.0 m².

5.6.2 For all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

5.7 LOT WIDTH

5.7.1 The minimum lot width in this District is:

(a) For each dwelling unit of a semi-detached dwelling:

- 8 m for internal sites
- 10.5m for corner or double fronting sites

(b) For a duplex building:

- 13.0 m for internal sites
- 15.0 m for corner or double fronting sites

(c) For single detached dwellings:

- 12.2 m for internal sites
- 15.1 m for corner or double fronting sites

5.7.2 For a pie-shaped lot located on a bulb of a cul-de-sac or a partial bulb on the corner or bend of a public roadway, the minimum lot width is measured along a line 9.0 m back from the front property line; as well, the curb frontage must be a minimum of 6.0 m as measured between the points determined by the intersections of the extensions of the side property lines and the line of the curb face. For purposes of this subsection, the side property lines are extended to the curb face.

5.8 LOT WIDTH DISTRIBUTION

5.8.1 An application for subdivision shall not be approved unless the lot width distribution for semi-detached houses within the subdivision conforms to the following:

- (a) 100% of the semi-detached lots in any R2 Low Density Residential (Class 2) District have a width equal to or greater than 8.3 m.

5.9 LOT DEPTH

5.9.1 The minimum lot depth in this District is 30.0 m or 32.0 m if the lot backs on to an arterial roadway.

5.10 LOT AREA AND COVERAGE

5.10.1 For an interior lot, the minimum lot area in this District shall be 240.0 m² for each side of a semi-detached building lot and 390.0 m² for a duplex or 360.0 m² single detached dwelling lot.

5.10.2 For a corner lot, the minimum lot area in this District shall be 315 m² for the corner side of a semi-detached building lot and 240 m² for the interior side; 450.0 m² for a duplex or 453.0 m² single detached dwelling lot.

5.10.3 Coverage of the principal dwelling shall not exceed 30% of the total site area; where a garage is attached to or is part of the principal building, that building shall not exceed 35% of the total site area.

5.11 BUILDING HEIGHT

5.11.1 The maximum height of any principal building shall be 10.0 m and shall not consist of more than 2 1/2 storeys.

5.12 FRONT YARD SETBACK

5.12.1 The minimum permissible front yard setback for lots fronting on arterial roadways shall not be less than 7.0 m from the back of the sidewalk, or in cases where there is no sidewalk, from the back of the curb and a

minimum of 1.0 m from the front property line or an easement on the property.

- 5.12.2 An attached garage or carport must comply with the building setback requirement for the principal building.
- 5.12.3 The minimum front yard setback for lots fronting on local roadways where no front attached garage and access to parking is in the laneway, may not be less than 3.5 m from the front property line and a minimum of 1.0 m from an easement on the property where:
- (a) no front attached or detached garage is developed
 - (b) access to parking is provided from the land, and
 - (c) a rear attached or detached garage is developed.

This will be approved at the discretion of the Development Officer must be a complete street and be aesthetically matching to the other principal dwelling on the street.

- 5.12.4 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply to the flanking side.
- 5.12.5 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

5.13 SIDE YARD SETBACK

- 5.13.1 Side yard setbacks to the principal building shall be a minimum of 1.2 m.
- 5.13.2 Where a site has vehicular access from the front only, one side yard setback must be a minimum of at least 3.8 m to accommodate a driveway

for vehicular passage to the rear of the property, except where an attached garage or carport is provided.

- 5.13.3 In all cases the determination of whether the yard setback on the buildings on corner sites shall be frontage on two sides or one yard being considered frontage and the other being considered flankage shall rest with the Development Authority. The Development Authority shall take into account the location of existing buildings on adjacent sites or the permitted setback on adjacent sites, where a building does not exist, in making a ruling. For semi-detached dwelling units on a corner lot, the front of the dwelling units shall face the same road as the adjacent interior lot.
- 5.13.4 The side yard setback where a flanking site abuts on a street shall be 20% of the site width except that it shall in no case be less than 2.5 m.
- 5.13.5 Canopies, eaves and cornices shall not project beyond any permissible building lines into any side yard setback by more than 0.6 m; verandas, balconies, chimneys, cantilevered wall sections, bay or oval windows, porches shall be located at least 0.9 m from the side property line; unenclosed steps not more than 3.0 m above finished grade shall not project more than 1.0 m into one side yard only. If the side yard is required to accommodate a driveway for vehicular passage to the rear of the property, no projection is allowed within 3.0 m of the property line.

5.14 REAR YARD SETBACK

- 5.14.1 A rear yard setback to the principal building shall be provided of not less than 8.0 m provided that, in the case of a corner site, the yard next to a lane at the rear of a site shall not be less than 4.5 m.
- 5.14.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

5.15 LIMITED ACCESS TO MAJOR STREETS

- 5.15.1 No access for vehicles will be permitted from any arterial roadway to any lot or parcel in this District.

5.16 ACCESS FROM STREETS AND LANES

- 5.16.1 All lots must have at least one legal means of vehicle access. Only one motor vehicle driveway per lot is permitted in this District (two on corner lots), except in the case of lots with both a front roadway and a side or rear lane in which case one additional access is permitted from the lane.
- 5.16.2 Access shall not be allowed from a public roadway across a lot to another public roadway other than a lane.

5.17 LANDSCAPING

- 5.17.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway.
- 5.17.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway. Driveways to sites from lanes shall be gravel or hard surfaced and allow for a minimum of two side by side parking stalls and a minimum length of 6.0 m unless a detached garage, in accordance with the Town of Devon Design and Construction Standards.

5.18 FENCING

- 5.18.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This regulation applies equally to hedges. Privacy screen maximum 0.6 meters in height can be installed above the fence with written permission from the Development Authority.

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May 9, 2022

- 5.18.2 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the nearest portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.
- 5.18.3 Electrification of fences will not be permitted.

5.19 OBJECTIONABLE ITEMS IN YARDS

5.19.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

5.19.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

5.19.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

5.20 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

5.20.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

5.21 UTILITY EASEMENTS

5.21.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

5.22 BUILDING EXTERIORS

5.22.1 The exterior finish of a building must be completed within 1 year of the date of issuance of the building permit for the development.

5.22.2 Architectural controls in Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans

must be met. (These controls are listed under 3.42 SPECIAL PROVISIONS FOR SPECIFIC LOCATIONS and in Schedule ‘A’).

- 5.22.3 In all other areas the design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the District or a part of it.
- 5.22.4 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the District or a part of it.
- 5.22.5 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

5.23 SITE GRADING

- 5.23.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

5.24 CORNER LOTS – TRAFFIC SIGHT LINES

- 5.24.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.
- 5.24.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

5.25 TEMPORARY BUILDINGS

5.25.1 Temporary buildings in this District shall be limited to residential sales offices and construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

5.26 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

5.26.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building. Furthermore, a detached garage or accessory building cannot be constructed prior to a Single Detached Dwelling.

5.26.2 Any new construction within Plan 720HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans will not allow a front attached garage unless they were set back from the front face of the dwelling at least 1 meter. Where a front garage or a parking pad from the front street is proposed, the maximum width of the driveway entrance at the street will be 5 meters.

5.26.3 A garage building shall not exceed one storey or 6.0 m in height. If the proposed accessory building is a shed the maximum height shall not exceed 4.0 m.

5.26.4 Detached garages and accessory buildings shall be located:

- (a) with separation from a principal building as per the Alberta Building Code.
- (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 4 meters may be permitted from the flankage boundary or a setback of 7.5 meters may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent developments would not be adversely affected.
- (c) a minimum of 0.6 m from the rear property line, providing there is no encroachment of any part of the buildings onto public property. Where vehicle doors of a garage face a lane abutting the site the garage shall be no closer than 6.0 m from the lane or, alternatively, exactly 1.0 m from the lane except in those cases where an easement has been placed along the rear property line exceeding

this distance. Under such circumstances the building shall be located a minimum of 6.0 m from the lane. Where the single family has been upgraded to a duplex or semi-detached unit, the garage doors abutting a lane must be 6.0 m from the rear property line.

- (d) no closer than 1.0 m from the side property boundary (excepting where an agreement exists between the owners of adjoining properties to build their garages centred on the property boundary, in which case a fire wall shall be constructed to the current building regulations).
- (e) such that no roof overhang shall be within 0.3 m of the side property boundary, excepting that a roof overhang shall not encroach on to an easement.

5.26.5 Uncovered decks shall be located:

- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
- (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
- (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

5.27 DRIVEWAY CURB CUTS

5.27.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town Design Standards.

5.27.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc.; unless a protection post is installed.

5.27.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

5.27.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a

development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting the requirements of the Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

5.28 SECONDARY SUITES

Bylaw
1004/2024
May 13, 2024

5.28.1 In addition to the regulations in this District, the following conditions shall also apply for Secondary suites:

- (a) Secondary suites shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.
- (b) Secondary suites shall only be developed as an Accessory dwelling to a single detached house or semidetached house where access to parking is at the rear or side yard of the lot. Parking can only be in the front yard when there is no access from the rear or side yard and there is adequate room on the front to allow 1 to 2 extra parking stalls. (not allowed in conjunction with town or row housing).
- (c) Secondary suites shall provide an addition of one (1) off-street parking stall, in addition to the two (2) off-street parking stalls required for the principal dwelling. A minimum of three (3) on-site parking spaces are required for sites with a Secondary suite. Where a Secondary suite is proposed there must be a minimum hard surfaced 6.0 m by 6.0 m area for parking which may include parking space within a garage but does not include tandem parking.
- (d) A maximum of one Secondary suite on a lot with a single or semidetached dwelling.
- (e) Secondary suites shall not be developed in combination with a Home-Based Business where customers are coming to the dwelling or where the dwelling is being used as more than an office.
- (f) Minimum site area for a Secondary suite is 240.0 m².
- (g) Minimum suite size shall be 50.0 m².
- (h) Maximum basement not more than the total floor area of the first story of the building. Suites on or above first floor:
 - 40% of the principal dwelling, or 70.0 m², whichever is less.
- (i) Secondary suites must have a separate entryway that is:
 - at the side or rear of the dwelling but shall not be located on a front elevation of a building, or
 - through a separate entrance within a common landing this is the only option for an entrance at the front of the building, so as to appear as a single detached dwelling.
- (j) A Secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling.
- (k) A driveway, if in the front yard, must be hard-surfaced and cover no more than 80% of the front yard. Driveways in the rear can be gravel but must be a designated area – parking is not allowed on the grass areas.
- (l) A secondary suite is only permitted on every fourth lot with 3 lots between each suite.

5.29 ON-SITE PARKING REQUIREMENTS

5.29.1 In the case of sites abutting both a roadway and a lane, a minimum of two parking stalls shall be provided on the site for each dwelling unit, inclusive of any parking stalls provided in a garage or carport.

5.29.2 In the case of sites abutting a roadway only, a minimum of two parking stalls shall be provided on the site for each dwelling unit, inclusive of any parking stalls provided in a garage or carport.

5.29.3 Parking – Any redevelopment that increases the number of residential units in the area shall provide for offsite parking with the minimum of a 6.0 m hard surfaced driveway constructed.

5.30 SIGNS

5.30.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
- (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

5.30.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

5.31 HOME OCCUPATIONS

5.31.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

5.32 PRIVATE SWIMMING POOLS

5.32.1 In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.

- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.
- (d) Swimming pools will not be permitted within 75.0 m of the top of the banks of the North Saskatchewan River valley or within 50.0 m of the tops of the banks of Washout Creek or Battery Creek unless the applicant provides a geotechnical report prepared by a Professional Engineer that indicates that leakage from such a pool will not cause a bank slope instability or failure.

5.33 SPECIAL PROVISIONS FOR SPECIFIC LOCATIONS

5.33.1 Notwithstanding any other provisions of the regulations in this District, on any lot within the area of Registered Plans 982 2378 and 992 0149,

- (a) an accessory building (garage) shall not exceed one storey or 6.0 m in height and the maximum permissible area of an accessory building (shed) is 9.59 m² and 4.0 m in height;
- (b) fencing will be constructed in a timely and workmanlike manner and to a standard which, in the sole opinion of the Development Authority, is suitable and will not adversely affect adjacent developments.

5.33.2 Architectural controls (see Schedule 'A') must be met in Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans. There are 20 different architectural features listed. A minimum of 6 of the defined features must be met in order to receive Development Authority approval.

5.33.3 In Plan 720 HW, 877 HW, 5989 RS, 4400 KS, 5977 MC and 872 1461 or any subsequent plans registered from these plans there must be a variety where any proposal for a significant renovation or redevelopment would need to be significantly different from any house within 3 lots on each side of the property. The attributes that could be altered to archive a distinct difference could include:

- Different Rooflines and roof slopes
- Different Windows
- Different siding style and color

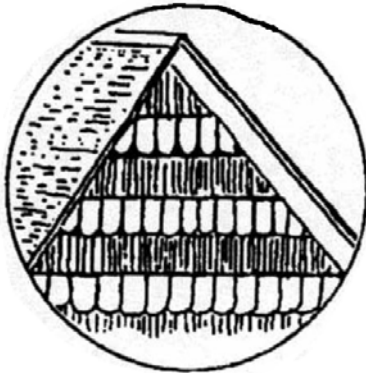
5.34 SCHEDULE ‘A’ – ARCHITECTURAL CONTROLS

SCHEDULE ‘A’

ARCHITECTURAL CONTROLS

The Town of Devon desires that all properties that undergo a significant renovation or complete redevelopment in the defines redevelopment area incorporate at minimum 6 of the following architectural features.

Ornamental Shingles



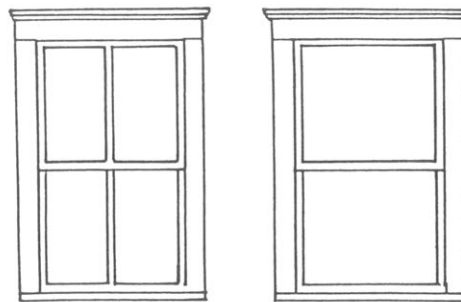
Front Porch



Returned Gables

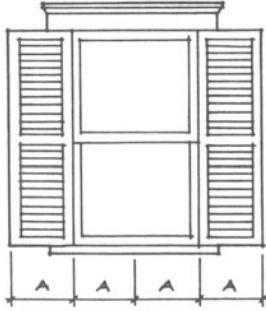


The look of Double Hung Windows

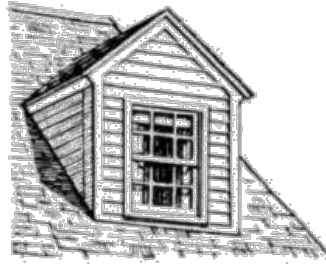


Shutters & Blinds

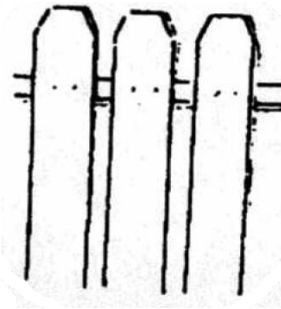
Dormers



**Picket Fence
Balconies**

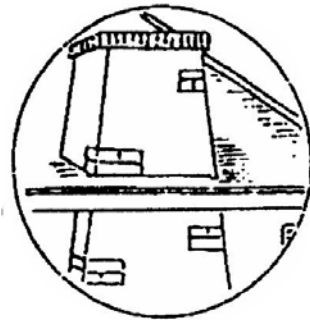


Steep Roof and/or Second Storey



Enclosed Chimney Chase

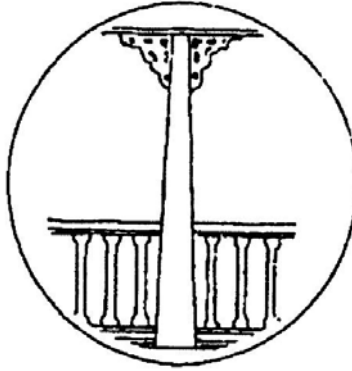
Oversized Buttressed Columns



Soffitt Brackets



Spindles and Rails



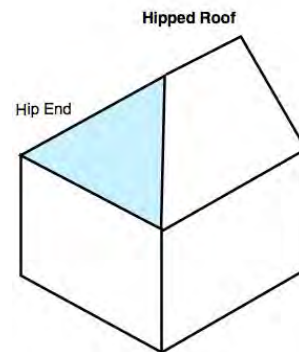
Door Hoods



Sculptured Rafter Ends



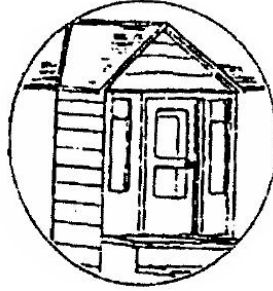
Hipped Gable



Inset Entry



Extended Vestibules



Bay windows



Narrow Lapped Siding

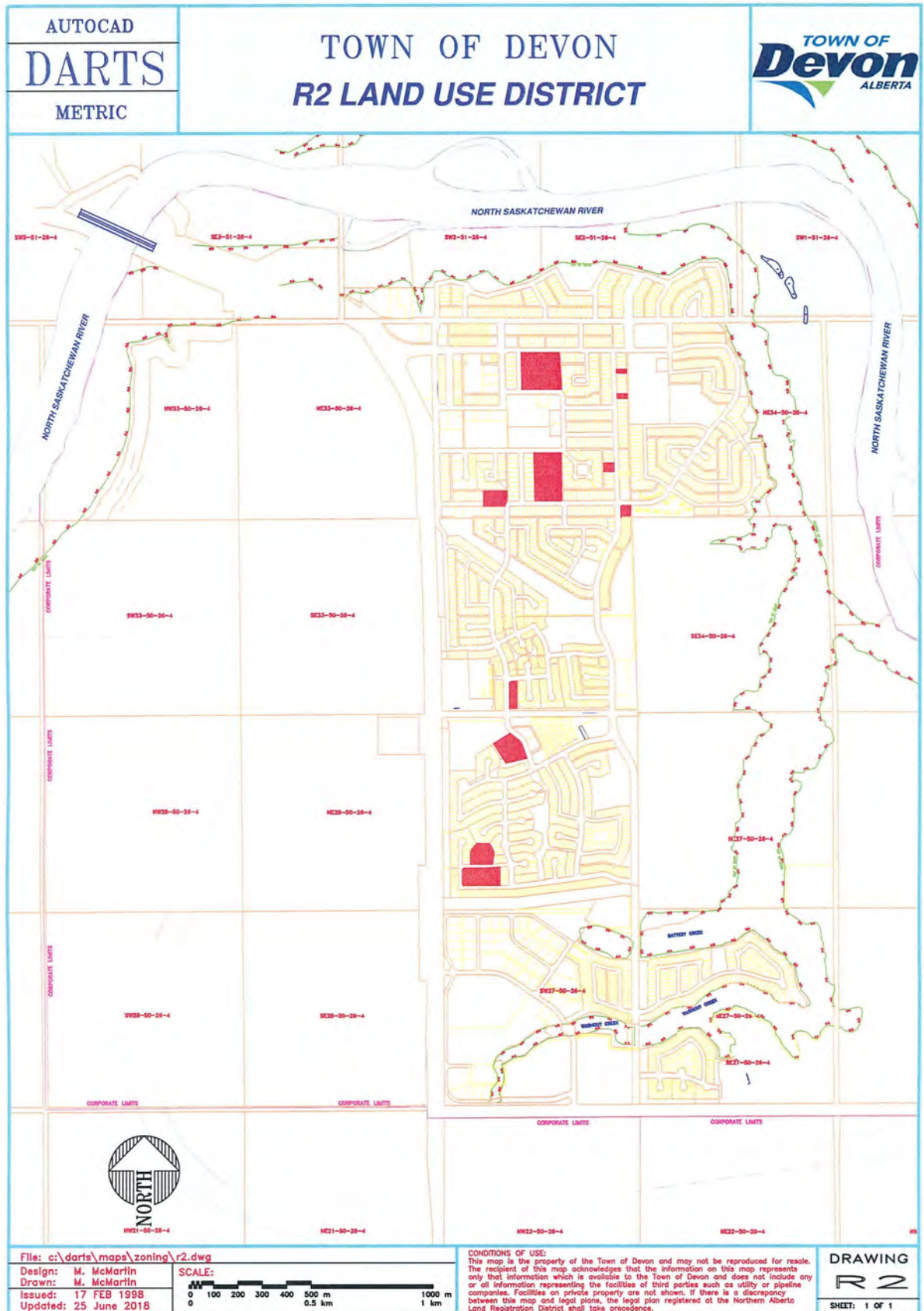
5.35 R2 LAND USE DISTRICT MAP

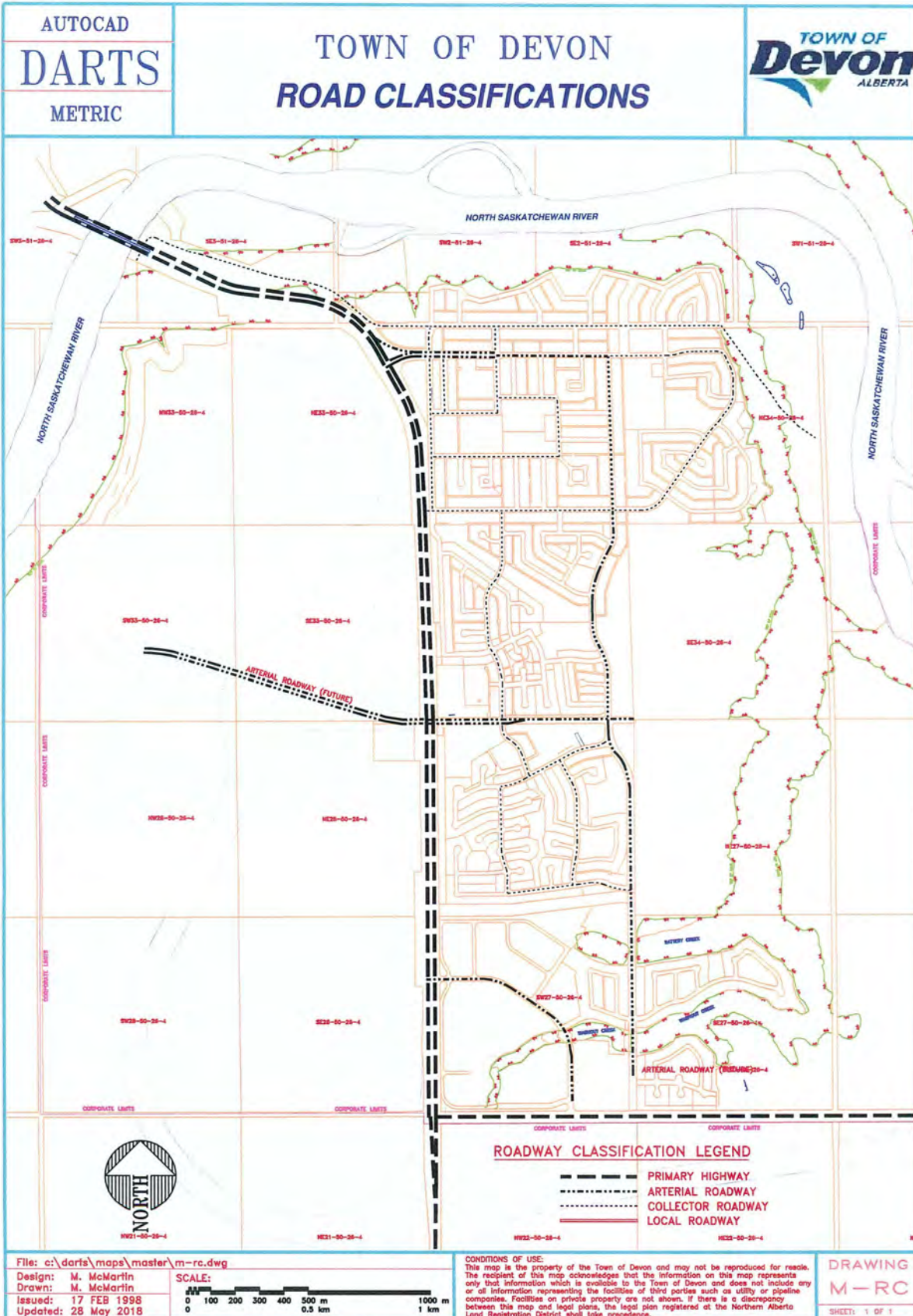
5.35.1 The land use District map following this page shows all of the areas within the corporate limits of the Town that are designated as R2 Residential Low Density (Class 2) for purposes of application of the regulations in this Part (see page 22).

5.36 ROADWAY CLASSIFICATION MAP

5.36.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 23).

End of Part E – Maps Follow







TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'F'

**R3 RESIDENTIAL – MEDIUM
DENSITY DISTRICT REGULATIONS**

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R3 RESIDENTIAL – MEDIUM DENSITY DISTRICT REGULATIONS

6.1 APPLICATION

6.1.1 The regulations in this Part apply to the District designated as R3 Medium Density Residential on the Land Use District Map of this Bylaw.

6.2 PURPOSE

6.2.1 The purpose of this District is to provide an area for townhousing and other Developments compatible with the medium density residential nature of this District. At least one boundary of any site in this District must abut a collector or arterial roadway.

6.3 PERMITTED LAND USES

6.3.1 The following uses are permitted in this District, with the exception of Lots 5 to 8, Block 2, Plan 720 HW: and Lots 10A and 10B, Block 17, Plan 3494 TR:

- (a) cluster housing;
- (b) fourplex;
- (c) townhousing;
- (d) triplex;
- (e) public park;
- (f) family day home;
- (g) accessory development to any permitted use in this District;
- (h) show homes and sales offices;
- (i) private swimming pools; and
- (j) home occupations, except a home occupation described in subsection 6.4.1.

6.3.2 The following uses are permitted, but must encompass all of Lots 5 to 8, Block 2, Plan 720 HW (or any subsequent):

- (a) cluster housing;

- (b) fourplex;
- (c) townhousing;
- (d) triplex;
- (e) public park;
- (f) family day home;
- (g) accessory development to any permitted use in this District;
- (h) show homes and sales offices;
- (i) private swimming pools; and
- (j) home occupations, except a home occupation described in subsection 6.4.1.

6.3.3 The following uses are permitted, but the first Development must encompass and Lots 10A and 10B, Block 17, Plan 3494 TR. Future Developments may then be done on the remainder of the lots which encompass Lots 11 through 16, Block 17, Plan 877 HW:

- (a) cluster housing;
- (b) fourplex;
- (c) townhousing;
- (d) triplex;
- (e) public park;
- (f) family day home;
- (g) accessory development to any permitted use in this District;
- (h) show homes and sales offices;
- (i) private swimming pools; and
- (j) home occupations, except a home occupation described in subsection 6.4.1.

6.4 DISCRETIONARY LAND USES

6.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) day care facility;
- (b) home occupation that uses a garage;

- (c) public utility building;
- (d) accessory development to any discretionary use; and
- (e) 3 season sun rooms where the setback is less than the required 8.0 m.

6.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

6.5 DWELLING UNITS ON A LOT

6.5.1 For a triplex or fourplex where not an integral part of a cluster or townhousing development, the maximum number of dwelling units, in one building, on one site, is three and four, respectively.

6.6 FLOOR AREA

6.6.1 The minimum floor areas for dwelling units in this District shall be 40.0 m².

6.6.2 For all dwellings, the area comprising the gross floor area must be enclosed, and the exterior must be finished.

6.7 LOT WIDTH

6.7.1 The minimum lot width in this District shall be:

- (a) 30.0 m for a cluster housing or townhousing development;
- (b) 30.0 m for a fourplex development;
- (c) 27.0 m for a triplex development;
- (d) 6.0 m for a street oriented townhousing development per unit located on an interior lot; and
- (e) 10.0 m for a street oriented townhousing development per unit located on a corner lot.

6.7.2 For a pie-shaped lot located on a bulb of a cul-de-sac or a partial bulb on the corner or bend of a public roadway, the minimum lot width is measured along a line 9.0 m back from the front property line; as well, the curb frontage must be a minimum of 6.0 m as measured between the points determined by the intersections of the extensions of the side property lines and the line of the curb face. For purposes of this subsection, the side property lines are extended to the curb face.

6.8 SITE DENSITY

6.8.1 The maximum site density for cluster housing and townhousing development is 30 dwelling units per hectare and the maximum lot coverage for all buildings shall not exceed 45% of the total site area.

6.8.2 The coverage of all buildings for triplex and fourplex developments, where independent of cluster housing developments, shall not exceed 45 % of the total site area.

6.9 LOT DEPTH

6.9.1 The minimum lot depth in this District is 34.0 m, or 35.0 m if the lot backs on to a Public Park District, or 36.0 m if the lot backs on to an arterial roadway.

6.10 LOT AREA

6.10.1 The minimum lot area for a triplex development is 900.0 m².

6.10.2 The minimum lot area for a fourplex development is 1,000.0 m².

6.10.3 The minimum lot area per dwelling unit for a street oriented townhousing development on a corner lot is 305.0 m².

6.10.4 The minimum lot area per dwelling unit for a street oriented townhousing development on an interior lot is 183.0 m².

6.10.5 The minimum lot area per dwelling unit for a street oriented townhousing development on an interior lot is 183.0 m².

6.10.6 The minimum lot area for a townhousing development, other than street oriented townhousing, is 2,000.0 m².

6.10.7 The minimum lot area for a cluster housing development is 2,000.0 m².

6.11 BUILDING HEIGHT

6.11.1 The maximum height of any principal building shall be 10.5 m.

6.12 BUILDING SETBACK

6.12.1 The minimum permissible building setback for a cluster housing or townhousing development, excluding street oriented townhousing, is:

- (a) 5.0 m from any property line adjoining a P District;
- (b) 7.5 m from any property line adjacent to an arterial roadway if a dwelling unit faces that roadway;
- (c) 12.0 m from any property line adjacent to an arterial roadway if a dwelling unit contains a private amenity area that faces that roadway; and
- (d) 6.0 m from a property line in all other cases.

6.12.2 The minimum permissible building setback for street oriented townhousing, is:

- (a) 6.0 m from the front property line;
- (b) from side property lines:
 - (i) 0 m for an internal unit;
 - (ii) 1.8 m for an end unit;
 - (iii) 4.0 m on a corner lot; and

- (c) 10.0 m from a rear property line.

6.12.3 A triplex or fourplex must have a minimum building setback as follows:

- (a) 6.0 m from a front property line;
- (b) 1.8 m from a side property line, unless it is the street side of a corner lot, in which case it must be 4.0 m if there is a garage or 6.0 m if there is no garage; and
- (c) 10.0 m from a rear property line.

6.12.4 An attached garage or carport must comply with the building setback and separation distance requirement that apply to a principal building.

6.12.5 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any yard setback and shall not project into an easement.

6.13 LOCATION OF BUILDINGS

6.13.1 The minimum separation distances between the exterior of the front or rear wall of each dwelling unit shall be:

- (a) 12.0 m to the rear or front wall of any other dwelling unit;
- (b) 6.0 m to any separate wall of a residential building located on-site;
- (c) 6.0 m to a common walkway except that portion of the walkway that provides direct access to the dwelling unit located on-site;
- (d) 6.0 m to an on-site roadway located on-site; and
- (e) 6.0 m to a common or visitor parking stall located on-site.

6.13.2 The minimum separation distances between the exterior of the side wall of each dwelling unit shall be:

- (a) 3.0 m to the side wall of any other building located on-site;

- (b) 3.0 m to a common walkway except that portion of the walkway that provides direct access to the dwelling unit located on-site;
- (c) 3.0 m to an on-site roadway located on-site; and
- (d) 3.0 m to a common or visitor parking stall located on-site.

6.13.3 The minimum separation distances shall be 1.5 m between a principal building and an accessory building, except for a common amenity building which will have a separation distance determined by the Development Officer as the circumstances warrant.

6.14 PRIVATE AMENITY AREAS

6.14.1 Each dwelling unit must have a private amenity area, located next to a main floor habitable room.

6.14.2 Private amenity areas located at grade must have a minimum depth of 6.0 m.

6.14.3 A private amenity area in a dwelling unit located above the ground floor must have a minimum area of 4.0 m².

6.14.4 In addition to the private amenity area required for each dwelling unit, a common landscaped area or areas totalling not less than 10 % of the site area shall be provided for recreational purposes for the dwelling occupants on the site.

6.15 LIMITED ACCESS TO MAJOR STREETS

6.15.1 Access for vehicles will be permitted from a roadway to a development in this District only where there is a turning space on the lot or site such that motor vehicles leaving the site do not back into the roadway and the access is located in accordance with the Town of Devon Design Standards.

6.16 ACCESS FROM STREETS AND LANES

6.16.1 All lots must have at least one legal means of vehicle access.

6.16.2 Direct access shall not be permitted from a street or lane to a parking stall in a parking facility, except for parking stalls from a lane for a triplex or fourplex.

6.16.3 For triplex and fourplex developments, access shall not be allowed from a public roadway across a lot to another public roadway or a lane.

6.17 LANDSCAPING

6.17.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is required, including the area between any separate sidewalk and the road carriageway.

6.17.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway. Driveways to sites from lanes shall be hard surfaced, in accordance with the Town of Devon Design and Construction Standards.

6.17.3 A landscaped buffer at least 3.0 m wide must be provided between the exterior wall of any habitable room and the closest edge of an on-site roadway.

6.17.4 A landscaped buffer at least 3.0 m wide must be provided between the property line and the closest edge of an on-site roadway.

6.17.5 A landscaped berm a minimum of 1.5 m high with a fence 2.0 m high, complete with planting of a mix of coniferous and deciduous trees, must be provided on a site adjacent to any arterial roadway or primary highway. Planting and details of design shall be as prescribed by the Town of Devon Design Standards or by the Development Authority as the circumstances warrant.

6.18 FENCING

6.18.1 A person shall not construct on a property line a fence or wall higher than 2.0 m in a yard abutting a public roadway or lane, except a chain link or other open type of fence surrounding an amenity area or recreation facility. This regulation limiting height applies equally to hedges.

6.18.2 Electrification of fences will not be permitted.

6.19 OBJECTIONABLE ITEMS IN YARDS

6.19.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

6.19.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

6.19.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

6.20 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

6.20.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

6.21 UTILITY EASEMENTS

6.21.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

6.22 BUILDING EXTERIORS

6.22.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the development.

6.22.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the district or a part of it.

6.22.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

6.23 SITE GRADING

6.23.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

6.24 CORNER LOTS – TRAFFIC SIGHT LINES

6.24.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

6.24.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

6.25 TEMPORARY BUILDINGS

6.25.1 Temporary buildings in this district shall be limited to residential sales offices and construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

6.26 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

6.26.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.

6.26.2 A garage/accessory building shall not exceed one storey or 6.0 m in height. If the proposed accessory building is a shed the maximum height shall not exceed 4.0 m.

6.26.3 Detached garages and accessory buildings shall be located:

- (a) with separation from a principal building as per the Alberta Building Code.
- (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 4.0 m may be permitted from the flankage boundary or a setback of 7.5 m may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent Developments would not be adversely affected.
- (c) a minimum of 0.6 m from the rear property line, providing there is no encroachment of any part of the buildings onto public property. Where vehicle doors of a garage face a lane abutting the site the garage shall be no closer than 6.0 m from the lane or, alternatively, exactly 1.0 m from the lane except in those cases where an easement has been placed along the rear property line exceeding this distance. Under such circumstances the building shall be located a minimum of 6.0 m from the lane.
- (d) no closer than 1.0 m from the side property boundary.
- (e) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

6.26.4 Uncovered decks shall be located:

- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.

- (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
- (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

6.27 DRIVEWAY CURB CUTS

6.27.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town Design Standards.

6.27.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc.; unless a protection post is installed.

6.27.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

6.28 ON-SITE PARKING REQUIREMENTS

6.28.1 For all residential uses in this District, the following number of parking stalls is to be provided on site:

- (a) a minimum of one parking stall per bachelor or 1-bedroom suite; plus
- (b) a minimum of two parking stalls per suite or dwelling unit with two or more bedrooms; plus
- (c) a minimum of one parking stall per employee per shift for day care facilities plus an unloading area; plus
- (d) a minimum of one parking stall for visitor use for every 5 dwelling units, with signs indicating visitor parking only.

6.28.2 A parking stall for cluster or townhousing developments shall not be located so that it has direct access to a public roadway or lane; all parking stalls on site shall connect to an on-site roadway or driveway.

6.28.3 A parking stall for triplex or fourplex developments shall not be located so that it has direct access to a public roadway; parking stalls are permitted to connect to a public lane.

6.28.4 All parking facilities in this District shall be hard surfaced.

6.29 SIGNS

6.29.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the Development; the surface area shall be no greater than 1.0 m²; a Development permit is not required; and
- (b) one sign indicating the location of a day care facility; the surface area shall be no greater than 1.0 m²; and
- (c) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (d) temporary Development directional signs; a Development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (e) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

6.29.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

6.30 HOME OCCUPATIONS

6.30.1 In addition to the regulations in this district, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.

- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

6.31 PRIVATE SWIMMING POOLS

6.31.1 In addition to the regulations in this district, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.
- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.
- (d) Swimming pools will not be permitted within 75.0 m of the top of the banks of the North Saskatchewan River valley or within 50.0 m of the tops of the banks of Washout Creek or Battery Creek unless the applicant provides a geotechnical report prepared by a

Professional Engineer that indicates that leakage from such a pool will not cause a bank slope instability or failure.

6.32 BARE LAND CONDOMINIUM

6.32.1 In addition to the regulations in this District, the following conditions shall also apply for bare land condominiums:

- (a) Each unit in a bare land condominium must comply with the regulations of this Bylaw and the regulations of the District in which it is located as if the unit was a lot or a site in that District.
- (b) A building on a bare land condominium unit may not encroach on any property line, easement or utility right-of-way.
- (c) The standards for provision of potable water, electrical power, natural gas, sanitary sewer, storm drainage and telecommunications shall be the same as if the lots were created by plan of subdivision and shall meet Town of Devon Design and Construction Standards.
- (d) Interior private roadways shall be provided to provide access to the units and to provide emergency access; minimum internal roadway width is 6.0 m plus any parking lanes desired. Parking prohibited signs to be placed on all internal roadways that do not provide for on-road parking.
- (e) A 'stop' sign and a 'private road - no exit' sign are to be provided at the entrance/egress from a site to a public roadway.

6.33 DAY CARE FACILITY

6.42.1 In addition to the regulations in this District, the following conditions shall also apply for a day care facility:

- (a) The maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) A facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2.0 m in height.
- (c) The Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

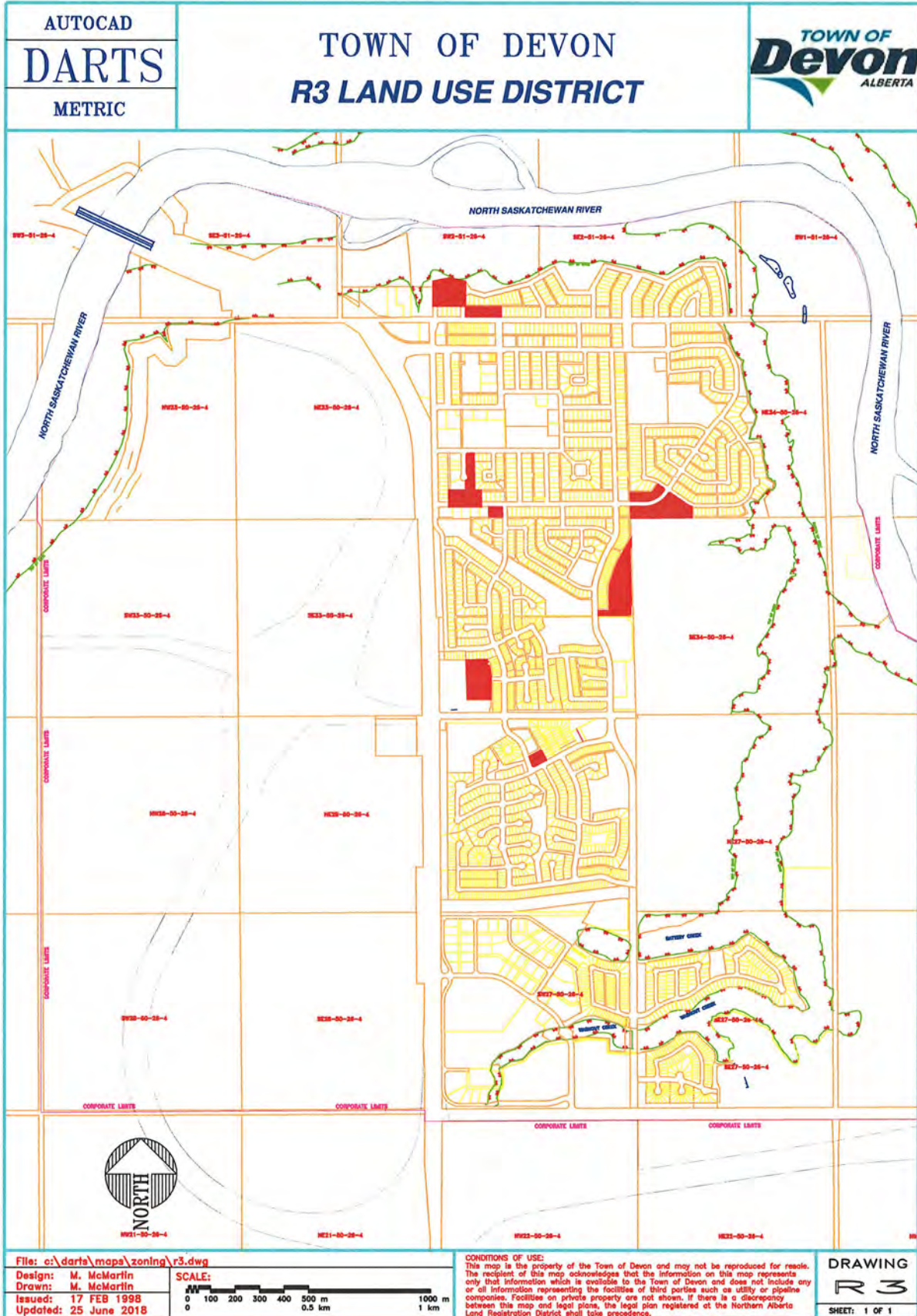
6.34 R3 LAND USE DISTRICT MAP

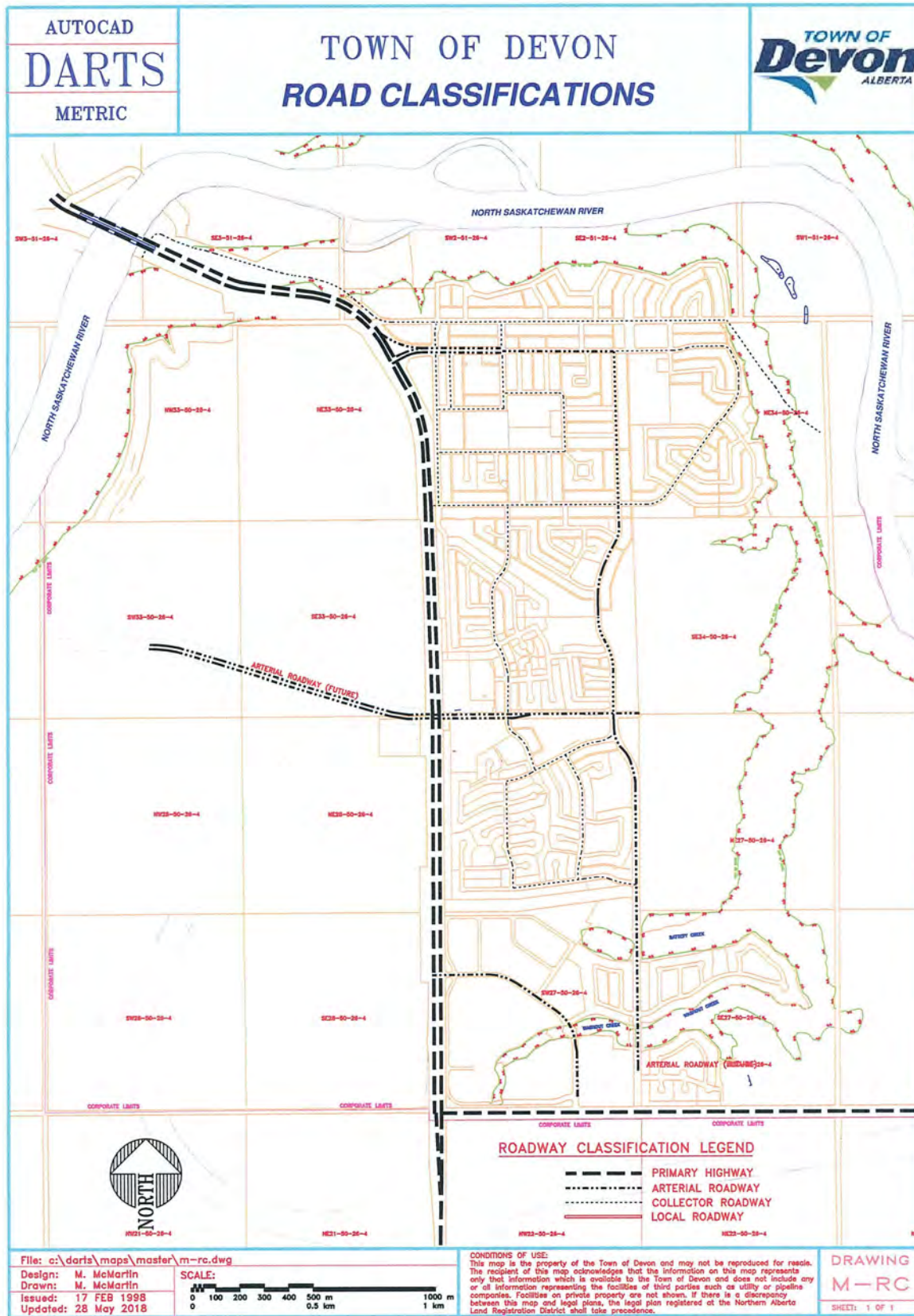
6.34.1 The land use district map following this page shows all of the areas within the corporate limits of the Town that are designated as R3 Medium Density for purposes of application of the regulations in this Part (see page 19).

6.35 ROADWAY CLASSIFICATION MAP

6.35.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 20).

End of Part F – Maps Follow







TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'G'

**R4 RESIDENTIAL – HIGH DENSITY
DISTRICT REGULATIONS**

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R4 RESIDENTIAL – HIGH DENSITY DISTRICT REGULATIONS

7.1 APPLICATION

7.1.1 The regulations in this Part apply to the District designated as R4 High Density Residential on the Land Use District Map of this Bylaw.

7.2 PURPOSE

7.2.1 The purpose of this District is to provide an area for apartments up to 4 storeys in height and cluster housing and other Developments compatible with the high-density residential nature of this District. One boundary of any site in this District must abut a collector or arterial roadway.

7.3 PERMITTED LAND USES

7.3.1 The following uses are permitted in this District:

- (a) apartments;
- (b) cluster housing;
- (c) stacked townhousing;
- (d) public park;
- (e) family day home;
- (f) accessory Development to any permitted use in this District;
- (g) show homes and sales offices;
- (h) private swimming pools;
- (i) home occupations, except a home occupation described in subsection 7.4.1; and
- (j) Lots 1 & 2, Block 22, Plan 877 HW existing Seniors Drop-In Centre. Any additions or renovations to this Centre will be approved as per the Public and Private Service 1 (PS1) District regulations. The Centre may remain and be reconstructed as long as it remains a community institutional type facility.

7.4 DISCRETIONARY LAND USES

7.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

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- (a) day care facility;
- (b) home occupation that uses a garage;
- (c) public utility building;
- (d) accessory development to any discretionary use; and
- (e) 3 season sun rooms where the setback is less than the required 8.0 m.
- (f) Secondary suite where the existing lot has a single family dwelling

7.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

7.5 DWELLING UNITS ON A LOT

7.5.1 In this District, the number of dwelling units on a lot is governed by the regulation for site density.

7.6 FLOOR AREA

7.6.1 The minimum floor areas for dwelling units in this District shall be 40.0 m².

7.6.2 For all dwellings and accessory buildings, the area comprising the gross floor area must be enclosed, and the exterior and interior must be finished.

7.7 LOT WIDTH

7.7.1 The minimum lot width in this District shall be 30.0 m.

7.8 SITE DENSITY

7.8.1 The maximum site density for apartment Development is 160 dwelling units per net hectare.

7.8.2 The minimum site area for cluster housing and stacked townhousing Development is:

- (a) 80.0 m² of lot area per bachelor suite unit;
- (b) 110.0 m² of lot area per 1-bedroom suite; and
- (c) 160.0 m² of lot area per 2 or more-bedroom suite.

7.8.3 The maximum lot coverage for all buildings shall not exceed 50% of the total site area.

7.9 LOT DEPTH

7.9.1 The minimum lot depth in this District is 34.0 m, 35.0 m if the lot backs on to a Public Park District, or 36.0 m if the lot backs on to an arterial roadway.

7.10 LOT AREA

7.10.1 The minimum lot area in this District is 0.2 hectares.

7.11 BUILDING HEIGHT

7.11.1 The maximum height of any principal building shall be not more than 4 storeys.

7.12 BUILDING SETBACK

7.12.1 The minimum permissible front yard building setback is:

- (a) 7.5 m for a 1 and 2 storey building;
- (b) 9.0 m for a 3 storey building; and
- (c) 10.5 m for a four storey building.

7.12.2 The minimum permissible side yard building setback is:

- (a) 5.0 m for apartment buildings;

- (b) 3.0 m for cluster or stacked town housing developments plus 1.0 m for each metre or portion thereof in height that the building exceeds 8.5 m from finished grade, to a maximum of 5.0 m; and
- (c) 5.0 m on at least one side for any lot not serviced by a rear lane, to allow for vehicle access to a rear yard.

7.12.3 The minimum rear yard building setback is 10.0 m.

7.12.4 An attached garage or carport must comply with the building setback and separation distance requirements that apply to a principal building.

7.12.5 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any yard setback and shall not project into an easement. No projections are permitted into any side yard being used for vehicular access to a rear yard.

7.13 LOCATION OF BUILDINGS

7.13.1 The minimum separation distances applicable to an apartment building are:

- (a) 10.0 m between the exterior wall of an apartment building and any other dwelling unit;
- (b) 3.0 m between the exterior wall of each dwelling unit in an apartment building and a common walkway, excluding an entry or exit way, located on-site;
- (c) 6.0 m between the exterior wall of each dwelling unit in an apartment building and a roadway located on-site;
- (d) 6.0 m between the exterior wall of each dwelling unit in an apartment building and a common or visitor parking stall located on-site; and
- (e) 1.5 m between a principal building and an accessory building, except in the case of a common amenity area, where the Development Officer shall determine the separation distance from the principal building as the circumstances warrant.

7.13.2 The minimum separation distances applicable to cluster housing and stacked townhousing are:

- (a) 12.0 m between the exterior of the front or rear wall of each dwelling unit and any other dwelling unit;
- (b) 6.0 m between the exterior of the front or rear wall of each dwelling unit and any separate wall of a residential building located on-site;
- (c) 6.0 m between the exterior of the front or rear wall of each dwelling unit and a common walkway, excluding an entry or exit way, located on-site;
- (d) 6.0 m between the exterior of the front or rear wall of each dwelling and a roadway located on-site;
- (e) 6.0 m between the exterior of the front or rear wall of each dwelling and a common or visitor parking stall located on-site
- (f) 3.0 m from the exterior of the side wall of each dwelling unit to the side wall of any other building located on-site;
- (g) 3.0 m from the exterior of the side wall of each dwelling unit to a common walkway except that portion of the walkway that provides direct access to the dwelling unit located on-site;
- (h) 3.0 m from the exterior of the side wall of each dwelling unit to an on-site roadway located on-site;
- (i) 3.0 m from the exterior of the side wall of each dwelling unit to a common or visitor parking stall located on-site; and
- (j) 1.5 m between a principal building and an accessory building, except for a common amenity area which will have a separation distance determined by the Development Officer as the circumstances warrant.

7.14 PRIVATE AMENITY AREAS

7.14.1 Each dwelling unit must have a private amenity area, either a balcony, a patio, a recessed balcony enclosed with exterior windows or a sun-room enclosed with exterior windows, located next to a main floor habitable room.

7.14.2 A private amenity area that is located at grade must have a minimum depth of 6.0 m.

7.14.3 A private amenity area in a dwelling unit located above the ground floor must have a minimum area of 4.0 m².

7.14.4 In addition to the private amenity area required for each dwelling unit, a common landscaped area or areas totalling not less than 10 % of the site area shall be provided for recreational purposes for the dwelling occupants on the site.

7.15 LIMITED ACCESS TO MAJOR STREETS

7.15.1 Access for vehicles to a site will only be permitted from a collector or arterial roadway or a lane; there must be a turning space on the lot or site such that motor vehicles leaving the site do not back into any roadway or lane. Any access is to be located in accordance with the Town of Devon Design Standards.

7.16 ACCESS FROM STREETS AND LANES

7.16.1 All lots must have at least one legal means of vehicle access.

7.16.2 Direct access shall not be permitted from a street or lane to a parking stall in a parking facility.

7.17 LANDSCAPING

7.17.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is required, including the area between any separate sidewalk and the road carriageway.

7.17.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway. Driveways to sites from lanes shall be hard surfaced, in accordance with the Town of Devon Design and Construction Standards.

7.17.3 A landscaped buffer at least 3.0 m wide must be provided between the exterior wall of any habitable room and the closest edge of an on-site roadway.

7.17.4 A landscaped buffer at least 3.0 m wide must be provided between the property line and the closest edge of an on-site roadway.

7.17.5 A landscaped berm a minimum of 1.5 m high with a fence 2.0 m high, complete with planting of a mix of coniferous and deciduous trees, must be provided on a site adjacent to any arterial roadway or primary highway. Planting and details of design shall be as prescribed by the Town of Devon Design Standards or by the Development Authority as the circumstances warrant.

7.18 FENCING

7.18.1 A person shall not construct on a property line a fence or wall higher than 2.0 m in a yard abutting a public roadway or lane, except a chain link or other open type of fence surrounding an amenity area or recreation facility. This regulation limiting height applies equally to hedges.

7.18.2 Electrification of fences will not be permitted.

7.19 OBJECTIONABLE ITEMS IN YARDS

7.19.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

7.19.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

7.19.3 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

7.20 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

7.20.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person

shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

7.21 UTILITY EASEMENTS

7.21.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

7.22 BUILDING EXTERIORS

7.22.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the development.

7.22.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the district or a part of it.

7.22.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

7.23 SITE GRADING

7.23.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

7.24 CORNER LOTS – TRAFFIC SIGHT LINES

7.24.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

7.24.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

7.25 TEMPORARY BUILDINGS

7.25.1 Temporary buildings in this district shall be limited to residential sales offices and construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

7.26 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

7.26.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.

7.26.2 An accessory building (garage) shall not exceed one storey or 6.0 m in height. If the proposed accessory building is a shed the maximum height shall not exceed 4.0 m.

7.26.3 Detached and attached garages and accessory buildings shall comply with the building setback and separation distance requirements that apply to a principal building in this District.

7.26.4 Underground parking will be considered, however must be properly engineered.

7.27 DRIVEWAY CURB CUTS

- 7.27.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town Design Standards.
- 7.27.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc.; unless a protection post is installed.
- 7.27.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.
- 7.27.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting the requirements of the Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

7.28 ON-SITE PARKING REQUIREMENTS

- 7.28.1 For all residential uses in this District, the following number of parking stalls is to be provided on site:
- (a) a minimum of one parking stall per bachelor or 1-bedroom suite; plus
 - (b) for apartments, a minimum of 1.5 parking stalls per suite or dwelling unit with 2 or more bedrooms; plus
 - (c) for cluster or stacked townhousing, a minimum of two parking stalls per suite or dwelling unit with 2 or more bedrooms; plus
 - (d) a minimum of one parking stall per employee per shift for day care facilities plus an unloading area; plus
 - (e) a minimum of one parking stall for visitor use for every 5 dwelling units, with signs indicating visitor parking only.

7.28.2 A parking stall for Developments in this District shall not be located so that it has direct access to a public roadway or lane; all parking stalls on site shall connect to an on-site roadway or driveway.

7.28.3 All parking facilities in this District shall be hard surfaced.

7.28.4 A parking structure shall not exceed 5.0 m in height above finished grade.

7.29 SIGNS

7.29.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal addresses of the property and the name of the Development; the surface area shall be no greater than 1.0 m²; a Development permit is not required; and
- (b) one sign indicating the location of a day care facility; the surface area shall be no greater than 1.0 m²; and
- (c) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (d) temporary Development directional signs; a Development Permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (e) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

7.29.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

7.30 HOME OCCUPATIONS

7.30.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.

- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Any vehicles parked on-street or on-site as a result of a home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- (i) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

7.31 PRIVATE SWIMMING POOLS

7.31.1 In addition to the regulations in this district, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock, in accordance with the Alberta Building Code.
- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.

- (d) Swimming pools will not be permitted within 75.0 m of the top of the banks of the North Saskatchewan River valley or within 50.0 m of the tops of the banks of Washout Creek or Battery Creek unless the applicant provides a geotechnical report prepared by a Professional Engineer that indicates that leakage from such a pool will not cause a bank slope instability or failure.

7.32 BARE LAND CONDOMINIUM

7.32.1 In addition to the regulations in this District, the following conditions shall also apply for bare land condominiums:

- (a) Each unit in a bare land condominium must comply with the regulations of this Bylaw and the regulations of the District in which it is located as if the unit was a lot or a site in that District.
- (b) A building on a bare land condominium unit may not encroach on any property line, easement or utility right-of-way.
- (c) The standards for provision of potable water, electrical power, natural gas, sanitary sewer, storm drainage and telecommunications shall be the same as if the lots were created by plan of subdivision and shall meet Town of Devon Design and Construction Standards.
- (d) Interior private roadways shall be provided to provide access to the units and to provide emergency access; minimum internal roadway width is 6.0 m plus any parking lanes desired. Parking prohibited signs to be placed on all internal roadways that do not provide for on-road parking.
- (e) A 'stop' sign and a 'private road - no exit' sign are to be provided at the entrance/egress from a site to a public roadway.

7.33 DAY CARE FACILITY

7.33.1 In addition to the regulations in this District, the following conditions shall also apply for a day care facility:

- (a) The maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) A facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed with a fence 2.0 m in height.

- (c) The Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

7.34 SECONDARY SUITE

Bylaw
937/2019
Dec 9, 2019

7.34.1 In addition to the regulations in this District, the following conditions shall also apply for a Secondary suite:

- (a) Secondary suites shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.
- (b) Secondary suites shall only be developed as an Accessory dwelling to a single detached housing (not allowed in conjunction with semi-detached or town or row housing).
- (c) Secondary suites shall provide an addition of one (1) off-street parking stall for each bedroom, in addition to the two (2) off-street parking stalls required for the principal dwelling. A minimum of three (3) on-site parking spaces are required for sites with a Secondary or Garage suite. Where a Secondary or Garage suite is proposed there must be a minimum hard surfaced 6.0 m by 6.0 m driveway for parking which may include parking space within a garage.
- (d) A maximum of one Secondary suite on a lot with a single detached dwelling.
- (e) Secondary suite shall not be developed in combination with a Home-Based Business where customers are coming to the dwelling or where the dwelling is being used as more than an office.
- (f) Occupants living in the suite can have a maximum of three (3) unrelated persons occupying a Secondary suite.
- (g) Minimum site area for a Secondary suite is 450.0 m².
- (h) Minimum suite size shall be 50.0 m².
- (i) Maximum basement not more than the total floor area of the first story of the building. Suites on or above first floor:
-40% of the principal dwelling, or 70.0 m², whichever is less
- (j) Secondary suites must have a separate entryway that is:
-at the side or rear of the dwelling but shall not be located on a front elevation of a building, or
-through a separate entrance within a common landing this is the only option for an entrance at the front of the building so as to appear as a single detached dwelling
- (k) A Secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling

- (1) Driveway, if in front yard, must be hard-surfaced, a minimum of 6.0 m in width (20 ft) and cover no more than 80% of the front yard. Driveway width at the street can be a maximum of 5.0 m. Driveways in the rear can be gravel, but must be a designated area – parking is not allowed on grass areas.

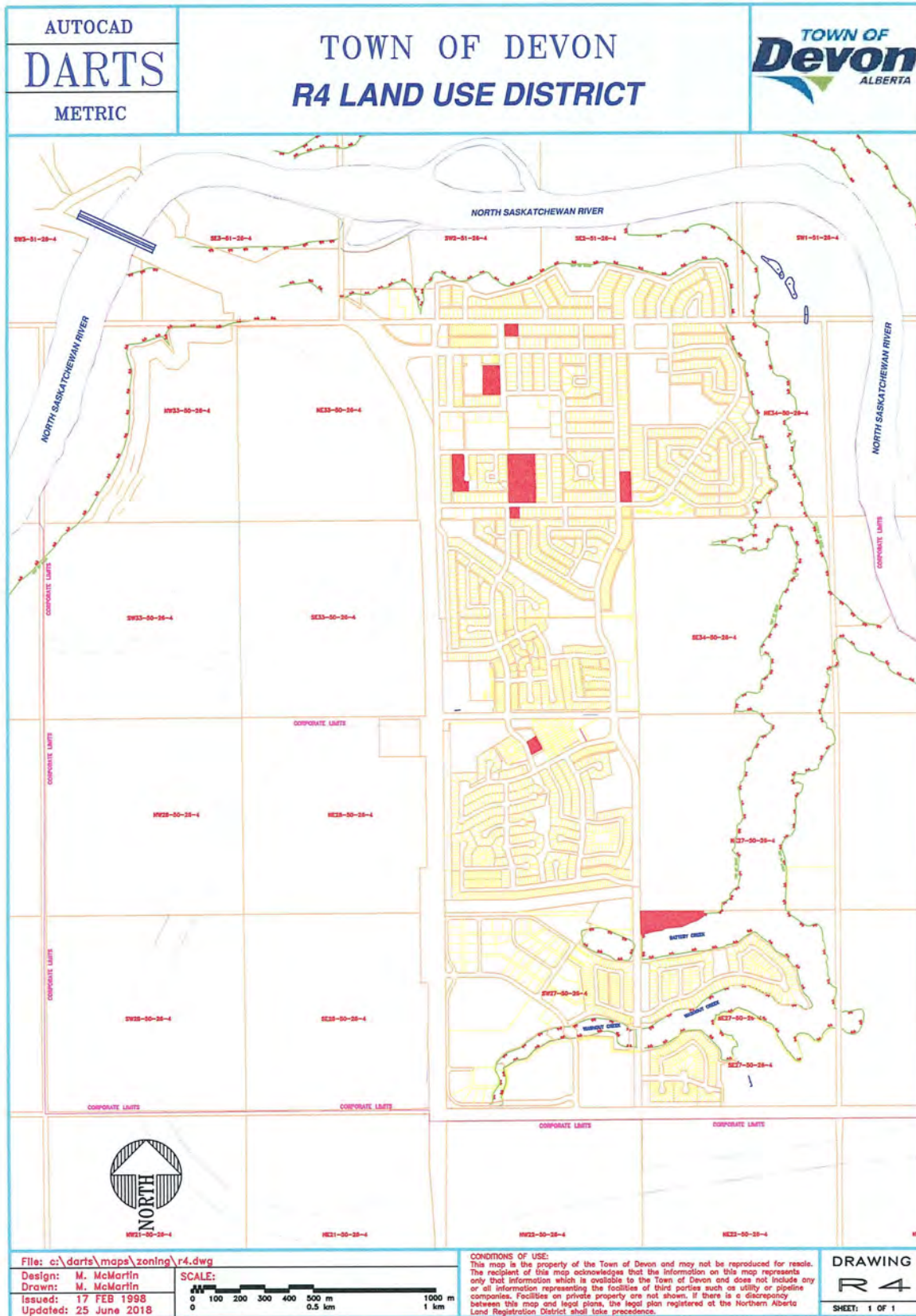
7.35 R4 LAND USE DISTRICT MAP

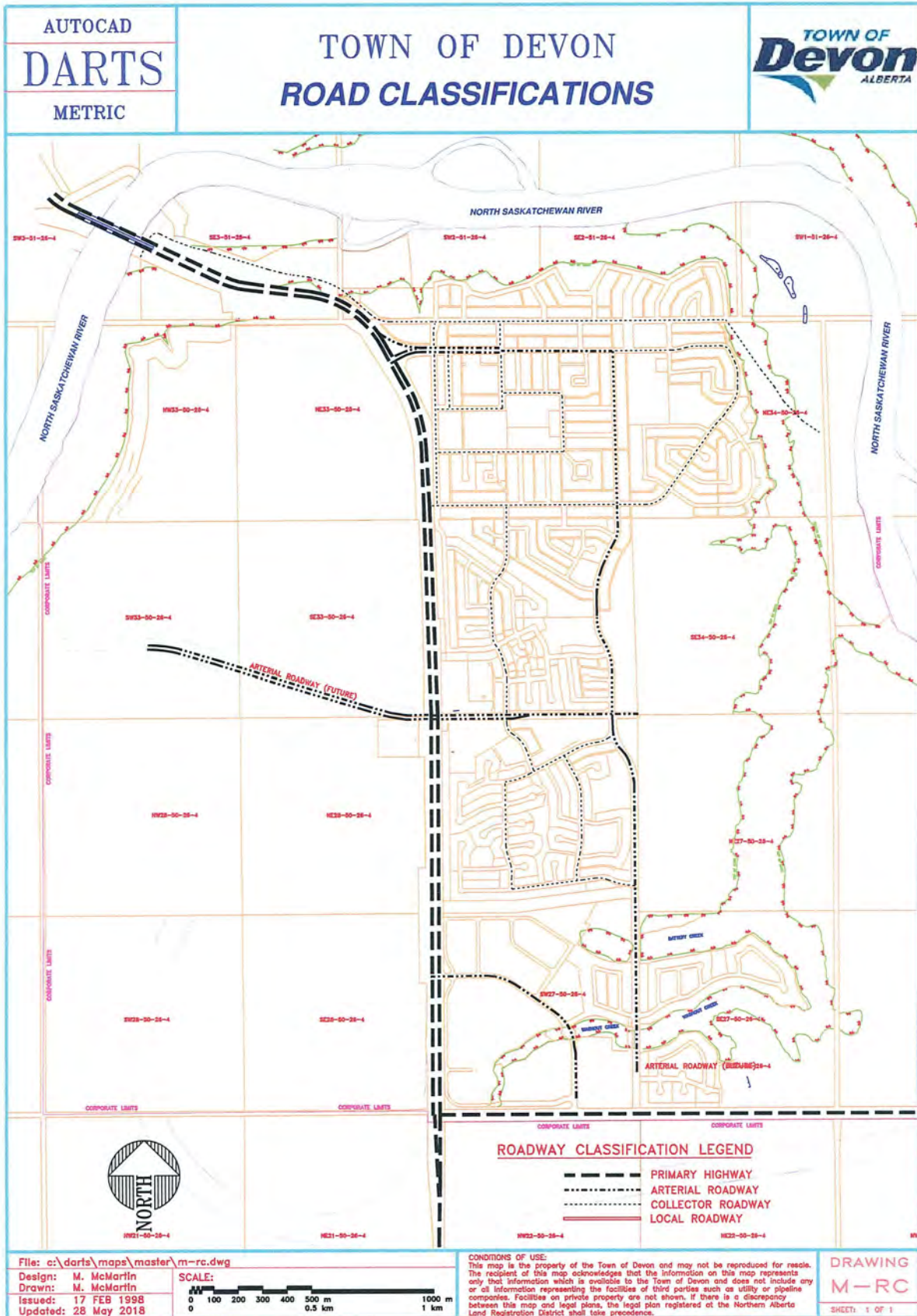
7.35.1 The land use district map following this page shows all of the areas within the corporate limits of the Town that are designated as R4 High Density for purposes of application of the regulations in this Part (see page 17).

7.36 ROADWAY CLASSIFICATION MAP

7.36.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 18).

End of Part G – Maps Follow







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'I'
C1 GENERAL COMMERCIAL
DISTRICT REGULATIONS

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C1 GENERAL COMMERCIAL DISTRICT REGULATIONS

9.1 APPLICATION

9.1.1 The regulations in this Part apply to the District designated as C1 Commercial - General on the Land Use District Map of this Bylaw.

9.2 PURPOSE

9.2.1 The purpose of this District is to:

- (a) provide an area for the sale of goods and services to the whole community; and
- (b) maintain generally continuous storefront retail Development on the ground floor frontage adjoining the sidewalk and other commercial and residential uses away from ground floor frontage.

9.3 PERMITTED LAND USES

9.3.1 The following uses are permitted in this District:

- (a) business support service;
- (b) catering service using up to 3 vehicles;
- (c) convenience store;
- (d) drinking establishment with up to 50 seats;
- (e) financial institution;
- (f) general retail store with a gross floor area up to 400.0 m²;
- (g) government service;
- (h) grocery store with a floor area up to 400.0 m²;
- (i) health service;
- (j) household repair service;
- (k) personal service;
- (l) professional service;
- (m) restaurant with up to 50 seats;
- (n) pool hall without accessory drinking establishment;
- (o) take-out restaurant;
- (p) specialty store; and

- (q) video outlet

9.4 PERMITTED USES AWAY FROM GROUND FLOOR FRONTAGE

9.4.1 The following uses are permitted in this District if located above ground floor frontage:

- (a) apartment building;
- (b) commercial school;
- (c) day care facility;
- (d) dwelling unit;
- (e) family day home; and
- (f) home occupation.

9.5 DISCRETIONARY LAND USES

9.5.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- amusement arcade;
- animal service;
- automotive rentals;
- automotive body & paint shop;
- automotive sales and service;
- automotive specialty;
- bus depot;
- car wash;
- catering service using more than 3 vehicles;
- church;
- cinema;
- commercial school;
- community hall;
- day care facility;
- drinking establishment with 50 seats or more;
- funeral home;
- gas bar;
- general retail store with a gross floor area over 400.0 m².;
- grocery store with a floor area over 400.0 m².;
- hotel;
- indoor recreation service;
- liquor stores – see 9.43
- pool hall with accessory drinking establishment;
- private club and lodge;
- public utility building;
- recycling depot;
- restaurant with over 50 seats;

- shopping centre;
- drive-through business;
- theatre;
- equipment rental;
- tourist attraction;
- wall mural;
- veterinary clinic;
- Cannabis Retail Sales where the location is 100.0 m from any school or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or Bill C-45 as amended by the government of Canada – see Section 9.42)
- accessory Development to any use in Sections 9.3.1 and 9.5.1.;
- any uses in this District, except residential, that do not provide the required on-site parking or loading requirements specified for that use; and
- any other use that the Municipal Planning Commission considers compatible with the purpose of this District.

9.6 DISCRETIONARY LAND USES AWAY FROM GROUND FLOOR FRONTAGE

9.6.1 The following are discretionary uses that may be approved by the Municipal Planning Commission if located away from ground floor frontage:

- (a) parking structure; and
- (b) accessory Developments to any uses in Section 9.4.1 and 9.6.1.

9.7 FLOOR AREA

9.7.1 The maximum gross floor area for commercial use is 3 times the area of the site.

9.7.2 The maximum gross floor area for mixed commercial - residential use is 4 times the area of the site with the commercial component not exceeding 3 times the area of the site.

9.7.3 The area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

9.8 LOT WIDTH

9.8.1 The minimum lot width in this District shall be 5.0 m.

9.9 LOT DEPTH

9.9.1 The minimum lot depth in this District shall be 30.0 m.

9.10 LOT AREA AND COVERAGE

9.10.1 The minimum site area in this District shall be 150.0 m² :

9.10.2 Coverage of all buildings shall not exceed 100 % of the total site area, less any provision for on-site parking facilities, loading facilities and garbage facilities.

9.11 BUILDING HEIGHT

9.11.1 The maximum height of any building shall be 12.0 m.

9.12 FRONT YARD SETBACK

9.12.1 The minimum permissible front yard setback is:

- (a) 6.0 m to any part of a principal building if there is no lane at the side or rear of the site; or
- (b) 0 m to any part of a principal building if there is no lane at the side or rear of the site, but a side yard setback is provided as per Section 9.13.1(b); and
- (c) 0 m for all other sites.

9.12.2 The Development Authority may require that a principal building be developed to the front property line to maintain the continuity of the street frontage with adjoining Developments, making such allowances as may be appropriate for a recessed entrance, rest area, courtyard, outdoor café, building recess or similar amenity.

9.12.3 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this

District except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply.

9.12.4 The Development Authority may approve a minor projection into a required front yard setback if it would not adversely affect traffic circulation or adjoining Development.

9.13 SIDE YARD SETBACK

9.13.1 The minimum permissible side yard setback is:

- (a) 0 m to the principal building.
- (b) notwithstanding the above, where a site does not have a lane on the side or rear of the site, the Development Authority may require that one or both side yard setbacks be a minimum of 4.0 m to accommodate a driveway for vehicular access to the rear of the site.

9.13.2 A minor projection into a required side yard setback is permitted unless it would adversely affect traffic circulation.

9.14 REAR YARD SETBACK

9.14.1 The minimum rear yard setback to the principal building is 0 m, except as required for on-site parking, garbage bins or loading areas.

9.14.2 The Development Authority may approve a minor projection into rear yard setback if it would not adversely affect parking, loading or garbage requirements.

9.15 LIMITED ACCESS TO STREETS

9.15.1 A pedestrian walkway or vehicle access driveway in a side yard adjacent to a building that is within 3.0 m of the front property line shall meet the following criteria:

- (a) the continuity of the streetscape must be maintained where the walkway or driveway meets the public right-of-way through an extension of the building façade, landscaped areas, or both.

9.16 ACCESS FROM STREETS AND LANES

9.16.1 All lots must have at least one legal means of vehicle access.

9.16.2 Direct access shall not be permitted from a street to an on-site parking stall.

9.16.3 Direct access will be permitted from a lane to a parking stall in a parking facility, but not a stall in a parking structure.

9.17 LANDSCAPING

9.17.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer, including the area between any separate sidewalk and the road carriageway must be completed to meet the Town of Devon Design Standards and/or completed to satisfaction of Development Officer.

9.17.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

9.17.3 The front yard of all sites in this District must be landscaped; the Development Authority may also require that the area between a public sidewalk or curb and the front of a building be hard-surfaced to maintain the pedestrian continuity and amenity of a streetscape.

9.18 FENCING

9.18.1 A person shall not construct a fence or wall (or allow a hedge) higher than 1.0 m in a front yard or 2.4 m in a side, flankage or rear yard.

9.18.2 For the purposes of the previous provision/regulation only, the depth of the front yard shall be the distance from the property line to the foremost portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

9.18.3 Electrification of fences will not be permitted.

9.19 OBJECTIONABLE ITEMS IN YARDS

- 9.19.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.
- 9.19.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.
- 9.19.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

9.20 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 9.20.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

9.21 UTILITY EASEMENTS

- 9.21.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

9.22 BUILDING EXTERIORS

- 9.22.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the Development.
- 9.22.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the

building is setting a new standard of design, character and appearance for the District or a part of it.

9.22.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

9.23 SITE GRADING

9.23.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

9.24 CORNER LOTS – TRAFFIC SIGHT LINES

9.24.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

9.24.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

9.25 TEMPORARY BUILDINGS

9.25.1 Temporary buildings in this district shall be limited to construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development. The trailers shall be removed immediately upon completion of construction.

9.26 ACCESSORY BUILDINGS

9.26.1 Unless otherwise specified in this Bylaw, accessory building setbacks and heights shall be as determined by the Development Authority.

9.26.2 Accessory buildings shall be located no closer to the street than the front of the principal building.

9.27 DRIVEWAY CURB CUTS

9.27.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town Design Standards.

9.27.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc.; unless a protection post is installed.

9.27.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

9.27.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting the requirements of the Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

9.28 ON-SITE PARKING AND LOADING REQUIREMENTS

9.28.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.

9.28.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use; parking on an other site may be permitted provided the owner of the Development has control of the site where the parking is proposed and that site is dedicated to the benefit of the Development being proposed, and there is a pedestrian walkway connecting the two sites.

9.28.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the Development.

9.28.4 The Municipal Planning Commission may waive any parking requirements in this District and/or may require a developer to enter into an agreement to make a contribution to the Town to pay for construction of an off-street parking facility on another site as provided in Article 650(1)(d) of the Act. The contribution required would be equivalent to the construction cost and land acquisition cost of any parking requirement shortfall from that required to be provided under provision/regulation 9.28.6 of this land use District. Contributions received by the Town for this purpose shall only be used for the Development of off-street parking facilities. The municipality will determine the time at which the municipal parking facility will be provided.

9.28.5 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.

9.28.6 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.

9.28.7 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Amusement arcade	☐ 1 stall per 45.0 m ² of gross floor area
Animal service	☐ 1 stall per 45.0 m ² of gross floor area
Apartment building and other above ground floor residential dwelling unit	☐ 1 stall per bachelor suite, plus ☐ 1 stall per 1-bedroom suite, plus ☐ 1.5 stalls per 2-bedroom suite, plus ☐ 2 stalls per 3-bedroom suite or greater, plus ☐ 1 stall per 3 suites for visitor parking
Automotive sales and service	☐ 1 stall per 45.0 m ² of gross floor area
Automotive specialty	☐ 1 stall per 45.0 m ² of gross floor area
Business support service	☐ 1 stall per 45.0 m ² of gross floor area
Car wash	☐ 1 stall per employee on maximum shift
Catering service	☐ 1 stall per 45.0 m ² of gross floor area
Church	☐ 1 stall per 5 seating spaces, reduced to 1 stall per 7.5 seats if parking stalls are available, with permission, on an adjacent public parking lot

Land Use	Minimum On-site Parking Requirement
Cinema	<input type="checkbox"/> 1 stall per 10 seats
Commercial school	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Community hall	<input type="checkbox"/> 1 stall per 5 seats or 1 stall per 20.0 m ² of gross floor area, whichever is greater
Convenience store	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Day care facility	<input type="checkbox"/> 1 stall per employee required during the maximum working shift plus 1 visitor stall
Drinking establishment	<input type="checkbox"/> 1 stall per 6 seats
Drive-through business	<input type="checkbox"/> 1 stall per employee on maximum working shift
Equipment rental	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Financial institution	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Funeral home	<input type="checkbox"/> 1 stall per 5 seats plus 1 stall per funeral home vehicle
Gas bar	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
General retail store	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Government service	<input type="checkbox"/> 1 stall per 8 seats or 1 stall per 45.0 m ² of gross floor area, whichever is greater
Grocery store	<input type="checkbox"/> 1 stall per 20.0 m ² of gross floor area
Health service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Hotel	<input type="checkbox"/> 1 stall per guest room plus additional stalls in accordance with this section for the other uses that form part of the hotel
Household repair service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Indoor recreation service	<input type="checkbox"/> As required by the Municipal Planning Commission
Liquor store	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Personal service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Pool hall	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Private club and lodge	<input type="checkbox"/> 1 stall per 5 seats or 1 stall per 20.0 m ² of gross floor area, whichever is greater
Professional service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Public utility building	<input type="checkbox"/> None required, no parking permitted
Recycling depot	<input type="checkbox"/> 1 stall per employee on maximum shift

Land Use	Minimum On-site Parking Requirement
Restaurant	☐ 1 stall per 6 seats
Shopping centre	☐ 1 stall per 55.0 m ² of gross floor area
Cinema, theatre, community hall, drinking establishment, in a shopping centre	☐ the parking requirements for those uses in addition to the requirement for the remainder of the shopping centre at 1 stall per 45.0 m ² of gross floor area
Take-out restaurant	☐ 1 stall per 13.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift
Theatre	☐ 1 stall per 10 seats
Specialty store	☐ 1 stall per 45.0 m ² of gross floor area
Veterinary clinic	☐ 1 stall per 45.0 m ² of gross floor area
Video outlet	☐ 1 stall per 45.0 m ² of gross floor area

9.28.8 One on-site loading space per loading door shall be provided.

9.28.9 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

9.28.10 The Development Officer may waive any on-site parking and/or loading requirements for commercial land uses in this District, but not residential parking requirements, for any existing Development, provided that the Development application does not increase the area or volume of the existing building, provided that the proposed use is not a higher intensity land use than the present land use and provided that the application is not for reconstruction after demolition of an existing building.

9.29 SIGNS

9.29.1 Except for billboard signs, signs are permitted in this District provided they are located and constructed in accordance with the regulations in this section. All unit and/or building number signs shall be visible from the street.

9.29.2 A Development Permit is not required for signs in this District.

9.29.3 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way, on a public sidewalk or walkway, on a traffic island, on a median, on a boulevard, on public property, on a traffic control device, on a municipal street name sign or on a traffic sign in this District; the Town of Devon may, without notice, remove and destroy any sign so located.

9.29.4 Signs shall not be constructed or located such that they interfere with the safe and orderly movement of pedestrians or motor vehicles or the traffic sight lines described in the District regulations.

9.29.5 Signs must not be higher than the maximum height of a building allowed in this District.

9.29.6 Electrical wiring for signs must be located underground.

9.29.7 Where a sign on a site is abandoned or in poor repair, or contravenes the provisions of this Bylaw, a Development Officer may, by notice in writing to the property owner, order the property owner to:

- (a) remove the sign within 14 days of the date of the notice; or
- (b) take such measures as are specified in the notice to refurbish or alter the sign.

Failure by the property owner to comply with a notice given under this section is a violation of this Bylaw and the Development Officer may have the sign removed and destroyed without further notice.

9.29.8 **VEHICLES SIGNS** will not be permitted in this District.

9.29.9 **A-BOARD SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 1.0 m in height; and
- (b) do not exceed 0.75 m in width; and
- (c) are not held down by any weights protruding from the sign;

Notwithstanding Section 9.36.3, an A-Board sign is permitted on a public sidewalk in this District provided it does not impede pedestrian traffic, is

not located within 8.0 m of the intersection of any roadways or pedestrian crosswalk, is placed on a public sidewalk only during the operating hours of the business and advertises only the businesses on the site adjacent to the sidewalk.

9.29.10 **AWNING AND CANOPY SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the awning or canopy; and
- (d) do not encroach on public property without the written consent of the Development Officer and the sign is a minimum of 0.75 m from a road curb line.

9.29.11 **BALLOON SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed the maximum building heights in the District; and
- (b) do not protrude outside of the site boundaries; and
- (c) are roof mounted only.

9.29.12 **BANNER SIGNS** are permitted on sites in this District provided the signs:

- (a) are used to advertise a non-profit or charity event for a period not exceeding 96 hours in a calendar month; and
- (b) do not protrude outside of the site boundaries; and
- (c) have a minimum vertical clearance of 2.5 m to the bottom of the banner.

9.29.13 **CONSTRUCTION SITE SIGNS** are permitted on sites in this District provided the signs:

- (a) are free-standing or fascia signs; and
- (b) do not exceed 3.5 m in height;; and

- (c) do not exceed 5.0 m² in sign area; and
- (d) are removed within 1 month of construction completion.

9.29.14 **ELECTRONIC MESSAGE OR FLASHING SIGNS** are permitted on sites in this District provided the signs:

- (a) are located in a window inside the building.

9.29.15 **FASCIA SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (d) do not extend more than 40.0 cm perpendicularly from a supporting building frontage; and
- (e) do not encroach on public property.

9.29.16 **FREESTANDING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 8.0 m² in sign area; and
- (b) do not exceed the height of the building on the site; and
- (c) do not project beyond the boundaries of the site; and
- (d) are located a minimum of 25 m from any other free-standing sign on the same or any other site.
- (e) are limited to 1 sign per site for sites up to 1 hectare and 2 per site for sites over 1 hectare, plus 1 additional sign on corner lots.

9.29.17 **PORTABLE SIGNS** are permitted with written permission given by the Development Authority on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 2.5 m; and
- (b) do not exceed 5.0 m² in sign areas; and
- (c) do not project outside of the site boundaries; and

- (d) are limited to one sign per 30 lineal metres of frontage and must be sited a minimum of 30.0 m from each other.
- (e) must be located on the property to which the sign refers
- (f) portable signs may be approved for a maximum of six (6) month or one (1) year terms conditional on approved site plan and location.
- (g) signs for community events, community groups or organizations or departments of other governments other than the Town may with permission from the Development Authority place a portable sign on public right of way for a maximum of two (2) weeks prior to an event, registration or course date and must be removed within two (2) working days after the event date.
- (h) all portable signs must display a sticker stating when the sign expires. This sticker must be easily visible to an enforcement officer. If no sticker is in place, the sign will be removed at the expense of the advertiser and or owner of the sign. Sign must have sign owners name and phone number visible. Signs must be removed on or before expiry date.
- (i) any signage adjacent to Highway 60 or Highway 19 must make application through Alberta Transportation. Applications are available on their website - www.transportation.alberta.ca
- (j) where multi tenants are on a site the landowner must request permission for the sign(s).
- (k) permission for a portable sign will only be given to businesses located in Devon that hold a valid Business License.

9.29.18 **PROJECTING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 1.0 m² in sign area; and
- (b) do not have a clearance between the building and nearest edge of the sign of more than 0.3 m; and
- (c) do not extend more than 30.0 cm in height above the roof or parapet of the first storey; and
- (d) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (e) do not encroach on public property without the written consent of the Development Officer and the sign is a minimum of 0.75 m from a road curb line.

9.29.19 **ROOF SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 3.0 m² in sign area; and
- (b) do not overhang the edges of a building; and
- (c) are limited to one sign per building; and
- (d) are not flashing signs, but may be illuminated.

9.29.20 **OTHER SIGNS** are permitted on sites in this District provided the signs:

- (a) are signs posted or exhibited in a building window; or
- (b) are signs or posters on a community message board; or
- (c) are signs displayed on bus shelters or benches located on public property erected under an agreement with the Town of Devon; or
- (d) are municipal signs; or
- (e) are signs erected pursuant to a development agreement or to give notice of a re-districting; or
- (f) are signs placed on a building or site for emergency or warning purposes; or
- (g) are advertising signs mounted on the permanently fixed frames on the medians of Athabaska Avenue and Erie Street or such other locations where the Town of Devon erects or permits to be erected such frames.

9.30 HOME OCCUPATIONS

9.30.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.

- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) No employee of the business other than the residents of the dwelling shall work at the site of the home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Any vehicles parked on-street or on-site as a result of a home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- (i) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

9.31 DRIVE-THROUGH BUSINESS

9.31.1 In addition to the regulations in this District, the following conditions shall also apply for a drive-through business:

9.31.2 A drive-through business must be located:

- (a) at the intersection of two or more public roadways; or
- (b) between intersections only if there is an adjoining service road without on street parking or a traffic median on the adjacent public roadway; or
- (c) in a shopping centre.

9.31.3 The minimum site area for a drive-through business is:

- (a) 930.0 m² for a drive-in restaurant or drive-through restaurant;
- (b) 1200.0 m² for a drive-through automotive specialty;
- (c) 360.0 m² for a gas bar with up to 3 gas pumps plus 65.0 m² per each additional gas pump;

- (d) 1000.0 m² for a drive-through financial institution;
- (e) 1175.0 m² for a car wash;
- (f) as determined by the Development Authority for all other drive-through businesses taking into account the site constraints and nature of the business; and
- (g) the sum of the minimum site areas required for each use listed under (a) through (f) for 2 or more drive-through uses on one site.

9.31.4 The minimum building setback for a drive-through business is:

- (a) 9.5 m from any property line of the site to any part of the principal building used for the drive-through; and
- (b) 6.0 m from any property line of the site to any on-site parking area for all pump islands; and
- (c) 10.0 m from the nearest residential property line; and
- (d) 25.0 m from the nearest residential property line in the case of a car wash.

9.31.5 Vehicle queuing spaces must be provided for drive-through businesses as follows:

- (a) for every drive-up service window there must be a minimum of 3 in-bound and 1 out-bound space; and
- (b) a drive-through automotive service or automotive specialty must provide a minimum of 4 in-bound and 1 out-bound queuing space per service bay; and
- (c) a full-service car wash must provide a minimum of 8 in-bound and 2 out-bound queuing spaces; and
- (d) pump islands must be located to provide a minimum 6.0 m wide through traffic lane.

9.31.6 The following screening shall be provided for a drive-through business:

- (a) a 1.0 m high berm topped by a fence or wall 1.0 m high shall be erected around the perimeter of a drive-through business, unless the business is located within a shopping centre or where the Development Authority rules that there is no negative impact on an adjoining use or site.

- (b) if a car wash is located on a site adjacent to a residential use or District, noise attenuation shall be provided to the satisfaction of the Development Authority.

9.32 ANIMAL SERVICE, PET SHOPS & VETERINARY CLINICS

9.32.1 The design of an animal service, pet shop or veterinary clinic facility shall be such that any adjoining property would not be affected by noise or odour associated with the facility.

9.33 OUTDOOR DISPLAY

9.33.1 An area used for outdoor display must be hard surfaced or paved.

9.34 PEDESTRIAN WALKWAY ACCESS

9.34.1 All Developments must provide on-site exterior pedestrian walkways or sidewalks that connect on-site uses to each other and to the public right-of-way and any walkways adjoining the Development.

9.35 AUTOMOTIVE & RECREATION VEHICLE SALES & SERVICES

9.35.1 Any automotive or recreation vehicle or equipment sales and service Development must:

- (a) include a building with a permanent foundation with a gross floor area of at least 5% of the site area; and
- (b) have exclusive use of an outdoor display area of at least 200.0 m²; and
- (c) pave or hard-surface all outdoor display and service areas.

9.36 CHURCHES

9.36.1 In addition to the regulations in this District, the following conditions shall also apply for churches:

- (a) the site on which a church is situated shall have a frontage of not less than 30.0 m and an area of not less than 900.0 m² except where a building for a minister's residence is to be erected on the

same site. The combined area of the site in this case shall be not less than 1440.0 m².

- (b) if the maximum height restriction of this District is exceeded, the minimum yard setback requirements shall be increased by the Development Authority as the Authority deems appropriate considering the adjacent uses or buildings.
- (c) churches shall have at least two accesses to the property, with one of those accesses being from a collector or higher class of roadway.
- (d) on-site parking lots shall be hard surfaced, and the perimeter areas landscaped.

9.37 BARE LAND CONDOMINIUM

9.37.1 In addition to the regulations in this District, the following conditions shall also apply for bare land condominiums:

- (a) each unit in a bare land condominium must comply with the regulations of this Bylaw and the regulations of the District in which it is located as if the unit was a lot or a site in that District.
- (b) a building on a bare land condominium unit may not encroach on any property line, easement or utility right-of-way.
- (c) the standards for provision of potable water, electrical power, natural gas, sanitary sewer, storm drainage and telecommunications shall be the same as if the lots were created by plan of subdivision and shall meet Town of Devon Design and Construction Standards.

9.38 RESIDENTIAL DEVELOPMENT ABOVE GROUND FLOOR

9.38.1 In addition to the regulations in this District, a site containing an above ground floor residential dwelling or Development must comply with the following conditions:

- (a) for residential dwelling units or suites above ground floor commercial Developments, the Development Authority may apply any of the applicable conditions for high density residential Developments pursuant to the District regulations for the R4 Land Use District in this Bylaw.
- (b) for dwelling units or suites above ground floor commercial, the minimum floor area per dwelling unit is 40.0 m².

- (c) for dwelling units or suites above ground floor commercial, the front yard setback to the principal building is 0 m, the side yard setback is 0 m and the rear yard setback is 7.5 m.
- (d) for residential uses above ground floor commercial, on-site parking requirements shall be added to the requirements for the commercial Development.
- (e) for residential uses above ground floor commercial, private amenity areas shall be provided on the same storey as the residential Development and may project in to a front or rear yard setback.

9.39 DAY CARE FACILITY

9.39.1 In addition to the regulations in this District, the following conditions shall also apply for a day care facility:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) a facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2.0 m in height.
- (c) the required on-site parking is to be added to the parking requirement for any other commercial use on the site
- (d) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

9.40 COMMERCIAL SCHOOL

9.40.1 In addition to the regulations in this District, the following conditions shall also apply for a commercial school:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) a facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2.0 m in height.
- (c) the required on-site parking is to be added to the parking requirement for any other commercial use on the site.

- (d) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

9.41 SHOPPING CENTRES

9.41.1 In addition to the regulations in this District, the following conditions shall also apply for a shopping centre in this District:

- (a) all accesses to shopping centres in this District shall be from an arterial or collector roadway.

9.42 CANNABIS RETAIL SALES

9.42.1 The location must be 100.0 m from any public or private education schools or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or the Bill C-45 as amended by the Government of Canada).

- a) the separation distance between a Cannabis Store and other uses shall be measured from the exterior wall of the Cannabis Store to lot line;
- b) the term public or private schools is limited to early childhood education, elementary through to high school exclusively only and does not include dance schools, driving schools or other commercial schools.

9.42.2 The location must be 100.0 m from any public playground at the time of the application or the Development permit for Cannabis Retail Sales. For the purpose of this section only:

- a) the 100.0 m setback shall be measured from the edges of the playground structures to the closest point of any other site boundary and shall not be measured from the District boundary.
- b) the term public playground structures is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations or recreation facilities i.e. arena, pool, etc..

9.42.3 The location must be 100.0 m from a daycare that is already in place. The setback will be from the front door of the daycare. If future daycare

applies for a permit after the approval of the cannabis store, it will not affect the approved cannabis retail sales location.

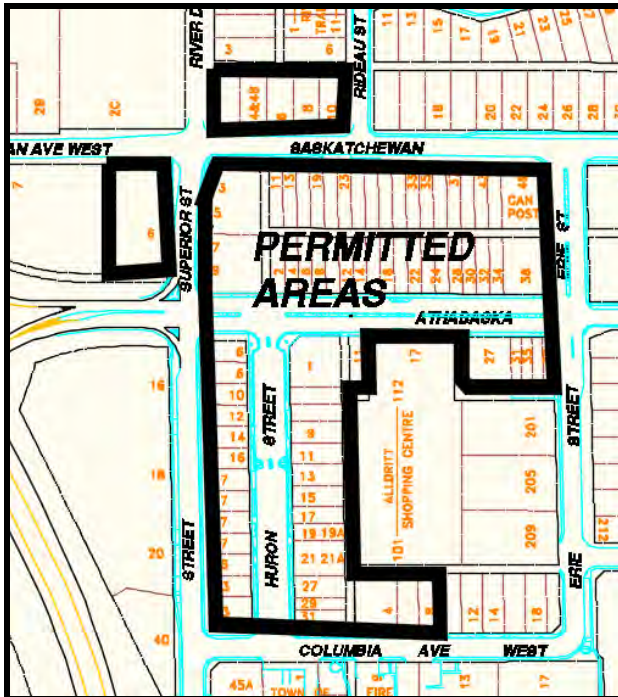
9.42.4 Only cannabis and cannabis related accessories can be sold at the business.

9.42.5 There is no right to appeal any variations of the distances listed above.

9.42.6 The owner shall obtain and any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation.

9.42.7 The Development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved Development permit and the Bylaws of the Town of Devon.

9.42.8 Map showing areas in C1 Commercial where cannabis sales can be located.



**BLACK AREAS ARE C-1
COMMERCIAL GENERAL
LOCATIONS WHERE
CANNABIS SALES**

9.43 RETAIL LIQUOR SALES

9.43.1 The location must be 100.0 m from any public or private education schools or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis

Act – Bill 26 or the Bill C-45 as amended by the Government of Canada), for the purpose of subsection only:

- a) the 100.0 m separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary and shall not be measured from the District boundaries or from the edge of the structures.
- b) the term public or private schools is limited to early childhood education, elementary through to high school exclusively only and does not include dance schools, driving schools or other commercial schools.
- c) the term public playground structures is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations or recreation facilities i.e. arena, pool, etc..

9.43.2 The location must be 50.0 m from a daycare that is already in place. The setback will be from the front door of the daycare. If future day care applies for a permit after the approval of the liquor store, it will not affect the approved liquor retail sales location.

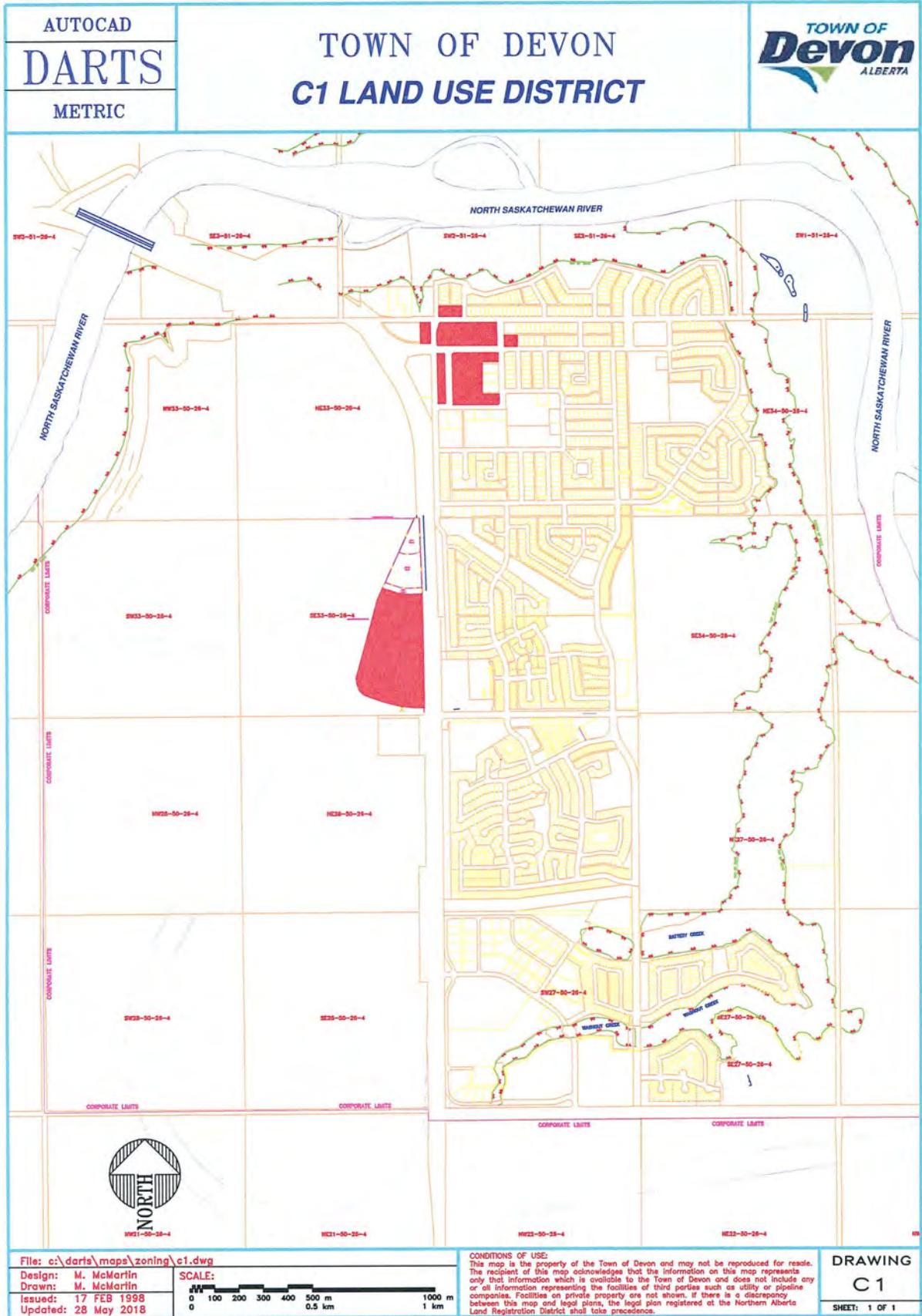
9.44 C1 LAND USE DISTRICT MAP

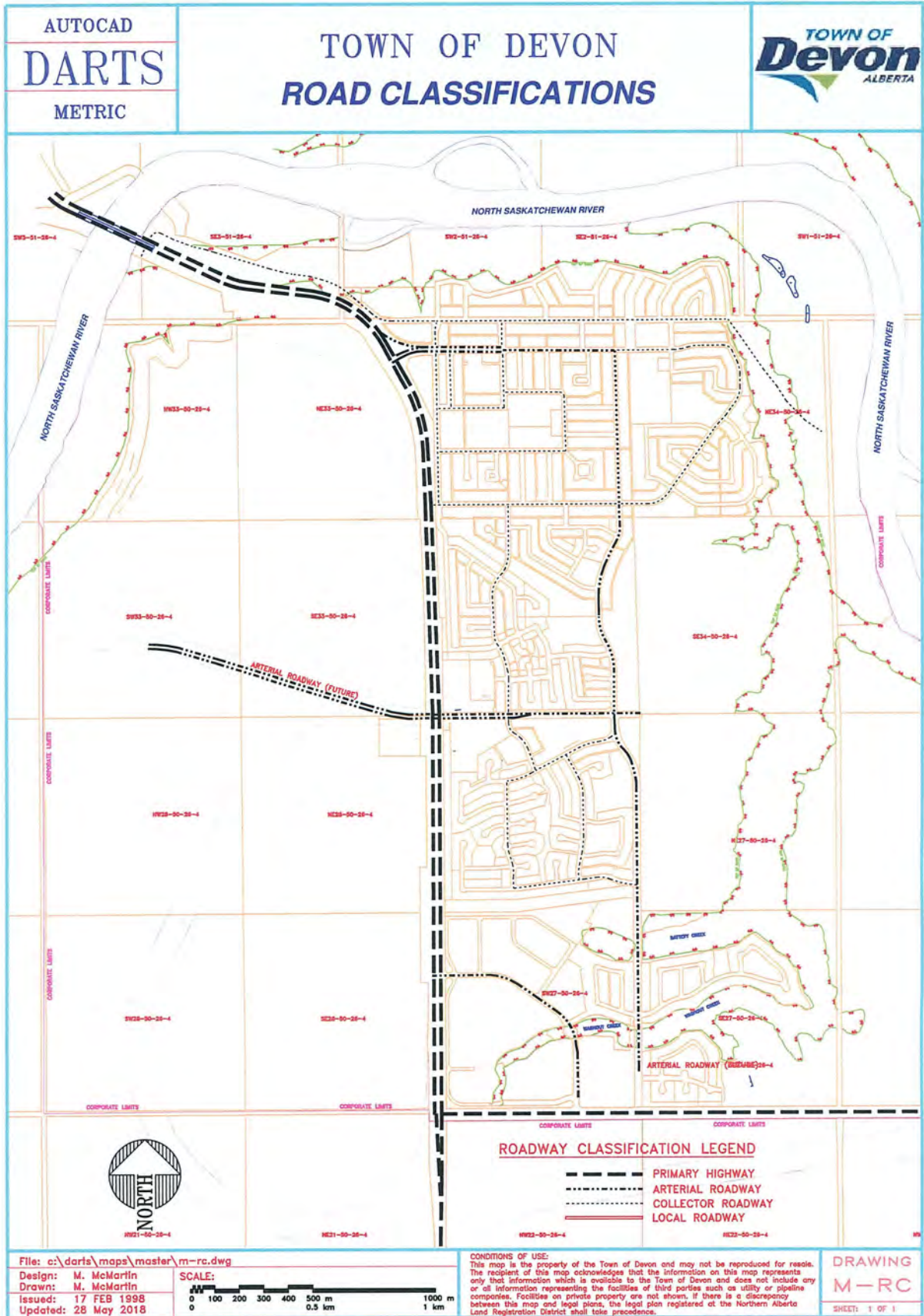
9.44.1 The land use district map following this page shows all of the areas within the corporate limits of the Town that are designated as C1 Commercial - General for purposes of application of the regulations in this Part (see page 29).

9.45 ROADWAY CLASSIFICATION MAP

9.45.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 30).

End of Part I – Maps Follow







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'H'

**RCD RESIDENTIAL
COMPREHENSIVE DEVELOPMENT
DISTRICT REGULATIONS**

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RCD RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT REGULATIONS

8.1 APPLICATION

- 8.1.1 The regulations in this Part apply to the District designated as RCD Residential Comprehensive Development on the Land Use District Map of this Bylaw.

8.2 PURPOSE

- 8.2.1 The purpose of this District is to accommodate residential Developments that do not conform to the provisions of any one particular existing residential District described in this Bylaw, but which comply with the principles and objectives of a comprehensive plan of development. Areas

are to be designated for this District only after acceptance of the plan by Council where it has been decided that the plan offers a comprehensive outlook, and a high quality of design deemed acceptable to the Town of Devon.

8.3 PERMITTED LAND USES

8.3.1 The following uses are permitted in this District if previously approved by Council in a comprehensive plan for that site:

- (a) single detached house;
- (b) modular homes – single detached;
- (c) duplex;
- (d) semi-detached houses;
- (e) single mobile homes on subdivided lots;
- (f) multiple single mobile homes on a single lot;
- (g) public utility buildings;
- (h) public park;
- (i) family day home;
- (j) accessory development to any permitted use in this District;
- (k) show homes and sales offices; and
- (l) home occupations, except a home occupation described in subsection 8.4.1.

8.4 DISCRETIONARY LAND USES

8.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) home occupation that uses a garage;
- (b) accessory developments to any discretionary use; and
- (c) 3 season sunrooms where the setback is less than the required 8.0 m.

8.4.2 The following uses are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

8.5 LAND USE RE-DISTRICTING APPLICATION

8.5.1 A comprehensive plan of development for a site shall accompany all applications for a land use District change to R-CD and shall contain the following information:

- (a) location of all proposed buildings;
- (b) elevations and architectural treatment of all buildings and structures;
- (c) number and type of residential suites;
- (d) amount of non-residential space and description of proposed non-residential uses, including public parks;
- (e) location of all accesses: vehicular, pedestrian and emergency, to site and buildings;
- (f) a plan of the internal vehicular and pedestrian circulation systems, and the integration of this with the local area circulation system, including, if requested, an estimate of traffic generation and distribution patterns outside the project area;
- (g) location, capacity and treatment of all parking areas;
- (h) a plan of the location of all existing trees, with an explanation of which trees are to be removed and why it is necessary to remove them;
- (i) location and function of all open space and identification of open space outside the actual Development that it is anticipated the residents of the project will use;
- (j) all yard setbacks, site coverage, site areas, floor areas, sizes of lots, number of parking stalls per lot;
- (k) location and extent of all services;
- (l) landscaping of public areas; and
- (m) a plan showing the proposed Development and its relationship to surrounding Developments.

8.5.2 A detailed narrative statement shall be submitted with the application for re-designation of a land use District. Such narrative shall contain the following:

- (a) an explanation of the intent of the project;
- (b) the features and details of the project Development;
- (c) the features of the project which make it desirable to the general public and the surrounding areas, including an evaluation of how the project will help to meet the present and projected needs of the community as a whole;
- (d) anticipated scheduling and sequence of Development for the plan;
- (e) an economic analysis of the proposal's anticipated impact on the community;
- (f) the forms of ownership involved in the Development and a breakdown of same by area and number of units;
- (g) where the project proposal includes non-traditional and/or innovative housing, estimated market price of the units is to be given, including a statement of any government programs under which this project is being carried out, if any;
- (h) all elements of the plan considered innovative will be clearly identified and sufficient supportive material provided to establish the characteristics and extent of those innovations;
- (i) each innovation so identified must be justified in terms of its importance to the total concept, the benefits to be derived from its implementation, its impact on the provision of services and amenities and its desirability to the general public;
- (j) those sections of municipal and provincial regulations, statutes and Bylaws which will have to be waived to allow for the innovations, should be specifically quoted;
- (k) delineation of the areas of immediate and ongoing responsibility in the Development. The elements of the proposed project to be developed and maintained by the developer/applicant, homeowner, and/or municipal authorities are to be outlined. This would include the initial servicing and roadway construction and the subsequent maintenance of the site after it is fully developed;
- (l) mechanisms by which conformance to the plan, as submitted, will be ensured. This would normally be done through a combination of caveats, easements, service agreements and performance bonds. In particular, easements must be provided to allow the residents and municipal authorities free access to those structures, open spaces and roadways for which they are responsible. The costs arising from such items will be borne by the developer/applicant;

- (m) legal interest of applicant in the proposal and in the subject properties;
- (n) present land use of the subject properties and existing land uses or District designation, if any; and
- (o) school pupil generation and population density statistics for the area.

8.5.3 The Development Authority may request any additional information, which it deems necessary to be included and may waive or postpone the requirement of any of the above items where circumstances warrant. Each provision so waived or postponed must be documented before Council prior to third reading of an amendment to the Land Use Bylaw or an Area Structure Plan Bylaw.

8.5.4 In deciding the acceptability of such comprehensive plan of development, the Development Authority shall evaluate each case on its own merits, but take into account, among other things, the following factors in advising Council of the re-designation of the land use District.

- (a) the degree to which the project fulfils the stated intent of the comprehensive plan and its overall value to the general public;
- (b) any innovation that will compromise safety standards will not be acceptable;
- (c) the relationships of buildings, structures and open spaces related to the residential Development;
- (d) relationship of type and siting of structures to maximize the utilization of private amenity spaces;
- (e) utilization of and integration with natural features (trees, elevations, etc.);
- (f) the provision of a choice of housing types;
- (g) the provision of community-oriented facilities;
- (h) the provision of adequate parking and vehicular circulation;
- (i) the provision and subsequent effectiveness of landscaped passive and active open space;
- (j) the heights and architectural treatment of all buildings and structures;
- (k) the relationship of the building to the present and proposed circulation patterns;

- (l) the relationship of the Development to surrounding Development (schools etc.);
- (m) the feasibility of servicing the proposed project; and
- (n) the requirements of any statutory plans for the area, including a Municipal Development Plan, Area Structure Plan, Neighbourhood Outline Plan and Area Redevelopment Plan.

8.6 LEGAL AGREEMENT

8.6.1 Prior to the adoption of an RCD Land Use District the land owner(s) shall enter into an agreement with the Town of Devon. The agreement shall run as a restrictive covenant against the title of the land to ensure that the Development complies with the comprehensive plan of Development following approval of zoning by the Town. This agreement shall serve to restrict the Development of land in accordance with the terms of the approved comprehensive plan of Development.

8.6.2 Such agreement shall also provide that the applicant/owners shall post security in such form and amount as may be approved by Council to ensure performance by the applicant/owner of the terms of the agreement.

8.7 PLAN COMPLIANCE

8.7.1 The Development Authority shall not permit any Development, other than that for routine maintenance or for a Development of a temporary or minor nature, in RCD Districts when either of the following is apparent:

- (a) the absence of an approved comprehensive plan of Development;
- (b) non-compliance with an approved comprehensive plan of Development.

8.8 FLOOR AREA

8.8.1 The minimum gross floor area per principal dwelling in this District shall be as outlined in the comprehensive Development plan for the site; and

8.8.2 For all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

8.9 LOT WIDTH

8.9.1 The minimum lot width in this District shall be as outlined in the comprehensive development plan for the site.

8.10 LOT WIDTH DISTRIBUTION

8.10.1 The lot width distribution in this District shall be as outlined in the comprehensive development plan for the site.

8.11 LOT DEPTH

8.11.1 The minimum lot depth in this District shall be as outlined in the comprehensive development plan for the site.

8.12 LOT AREA AND COVERAGE

8.12.1 The minimum lot area in this District shall be as outlined in the comprehensive development plan for the site.

8.12.2 Coverage of all buildings shall be as outlined in the comprehensive development plan for the site.

8.13 BUILDING HEIGHT

8.13.1 The maximum height of any principal shall be as outlined in the comprehensive Development plan for the site.

8.14 FRONT YARD SETBACK

8.14.1 The minimum permissible front yard setback shall be as outlined in the comprehensive development plan for the site.

8.15 SIDE YARD SETBACK

8.15.1 Side yard setbacks to the principal building shall be as outlined in the comprehensive development plan for the site.

8.16 REAR YARD SETBACK

4.14.1 The rear yard setback to the principal shall be as outlined in the comprehensive development plan for the site.

8.17 LIMITED ACCESS TO STREETS

8.17.1 No access for vehicles will be permitted from any arterial roadway to any residential lot or parcel in this District.

8.18 ACCESS FROM STREETS AND LANES

8.18.1 All lots in this District must have at least one legal means of vehicle access. The number of vehicle driveways per lot shall be as outlined in the comprehensive development plan for the site.

8.19 LANDSCAPING

8.19.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway.

8.19.2 Driveways for vehicular access from roads to sites in this District shall be hard surfaced; driveways from hard surfaced lanes shall be hard surfaced; driveways from gravel lanes shall be hard surfaced, in accordance with the Town of Devon Design and Construction Standards.

8.20 FENCING

8.20.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard or if in a single detached or semi-detached 1.5 m. in a side, flankage or rear yard. This regulation limiting heights applies equally to hedges.

8.20.2 For the purposes of the previous District only, the depth of the front yard shall be the distance from the property line to the foremost portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

8.20.3 Electrification of fences will not be permitted.

8.21 OBJECTIONABLE ITEMS IN YARDS

8.21.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

8.21.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

8.21.3 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

8.22 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

8.22.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

8.23 UTILITY EASEMENTS

8.23.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

8.24 BUILDING EXTERIORS

8.24.1 The exterior finish of a building must be completed within 1 year of the date of issuance of the building permit for the development on a site.

8.24.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the district or a part of it.

8.24.3 The design of a building must comply with any provision of a statutory plan or legal agreement applicable to the design, character and appearance of the building.

8.25 SITE GRADING

8.25.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

8.26 CORNER LOTS – TRAFFIC SIGHT LINES

8.26.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

8.26.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

8.27 TEMPORARY BUILDINGS

8.27.1 Temporary buildings in this District shall be limited to residential sales centres and construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the Development.

8.28 GARAGES, ACCESSORY BUILDINGS AND UNCOVERED DECKS

8.28.1 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.

8.28.2 A garage or carport may not be located in a front or side yard and may not be attached to the front of the principal building.

8.28.3 An accessory building other than a garage shall not exceed one storey or 3.0 m in height; a garage shall not exceed one storey or 6.0 m in height.

8.28.4 Detached garages and accessory buildings shall be located:

- (a) with separation from a principal building as per the Alberta Building Code.
- (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 4.0 m may be permitted from the flankage boundary or a setback of 7.5 m may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent Developments would not be adversely affected.
- (c) a minimum of 0.6 m from the rear property line, providing there is no encroachment of any part of the buildings onto public property. Where vehicle doors of a garage face a lane abutting the site the garage shall be no closer than 6.0 m from the lane or, alternatively, exactly 1.0 m from the lane except in those cases where an easement has been placed along the rear property line exceeding this distance. Under such circumstances the building shall be located a minimum of 6.0 m from the lane.
- (d) no closer than 1.0 m from the side property boundary.
- (e) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

8.28.5 Uncovered decks shall be located:

- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.

- (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
- (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

8.29 DRIVEWAY CURB CUTS

8.29.1 Driveways shall be located as outlined in the comprehensive development plan for the site.

8.29.2 Driveway curb cuts in existing curbs, where applicable, shall be installed by the developer to Town of Devon Design and Construction Standards prior to the issuance of a development permit for the site.

8.30 ON-SITE PARKING REQUIREMENTS

8.30.1 The minimum number of parking stalls per lot shall be as outlined in the comprehensive development plan for the site.

8.31 SIGNS

8.31.1 Except as otherwise permitted in this Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a Development Permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (c) temporary Development directional signs; a Development Permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

8.31.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

8.32 HOME OCCUPATIONS

8.32.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

8.33 PRIVATE SWIMMING POOLS

8.33.1 In addition to the regulations in this district, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.
- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.
- (d) Swimming pools will not be permitted within 75.0 m of the top of the banks of the North Saskatchewan River valley or within 50.0 m of the tops of the banks of Washout Creek or Battery Creek unless the applicant provides a geotechnical report prepared by a Professional Engineer that indicates that leakage from such a pool will not cause a bank slope instability or failure.

8.34 RCD LAND USE DISTRICT MAP

8.34.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as RCD Comprehensive Development for purposes of application of the regulations in this Part (see page 18).

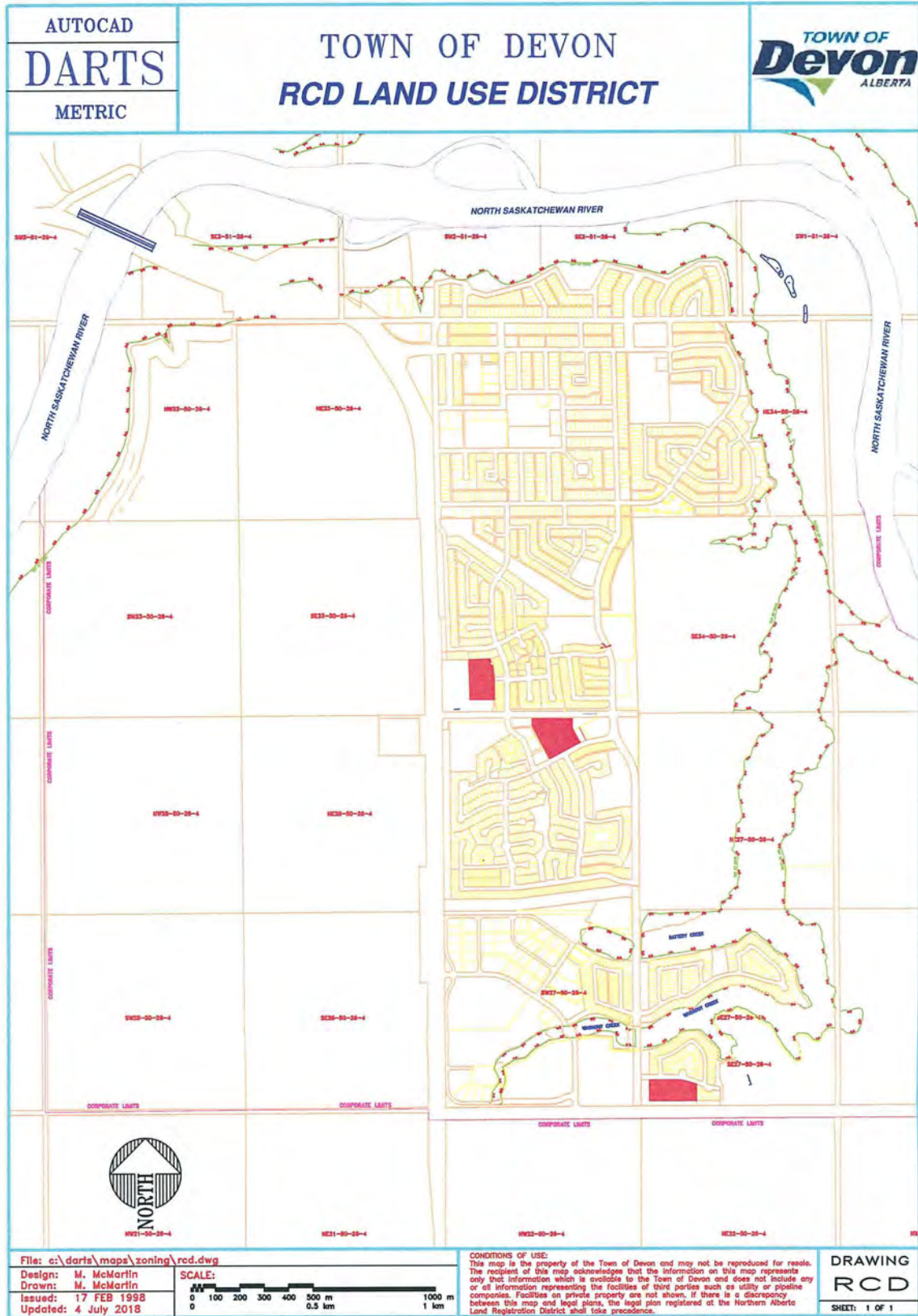
8.35 ROADWAY CLASSIFICATION MAP

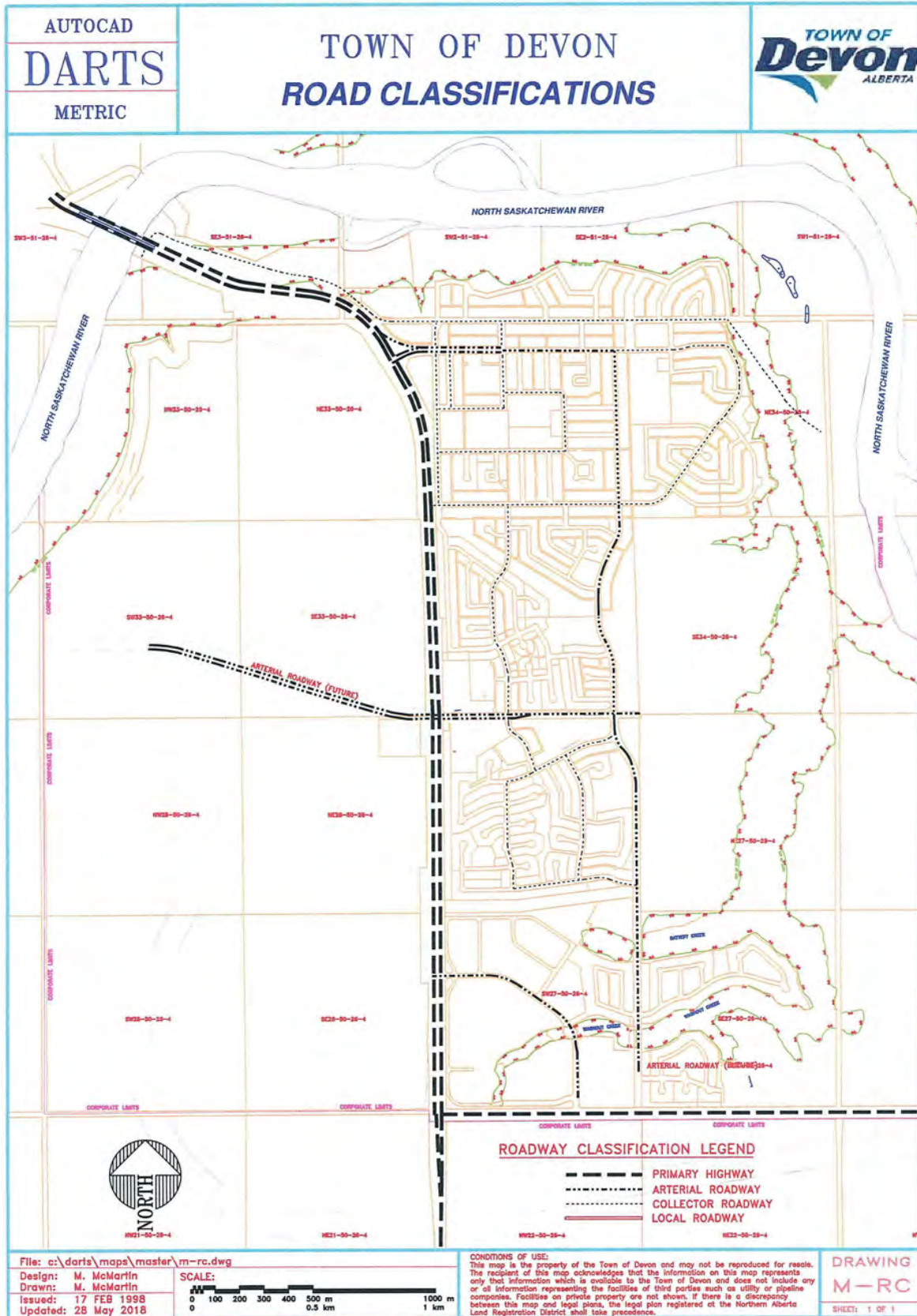
8.35.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 19).

APPROVED RCD DISTRICTS

- 2015 Ravines South (see page 20)
- 2013 Ravines South – Astoria Crescent and small bulb on South Ravines Drive (see page 32)
- 2010 Fairfax Lane (see page 44)
- 2007 Fairfax Lane (see page 55)
- 2003 High Pointe Gardens in Highwood (see page 67)

End of Part H – Maps Follow





2015 RAIVINES SOUTH (RCD) RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT REGULATIONS

1. APPLICATION

- 1.1 The regulations in this Part apply to the district designed as Residential Comprehensive Development on the Land Use District Map of this Bylaw. This district shall apply to a portion of S.E. ¼ Sec 27-50-26-W4M, located immediately north of Highway 19 and immediately east of Michigan Street, in the Municipality of Devon, Alberta (see attached Schedule ‘A’).

2. PURPOSE

- 2.1 To establish a site-specific Comprehensive Development District, compliant with the Town of Devon Municipal Development Plan and Ravines of Devon Area Structure Plan that defines development guidelines for semi-detached residential homes.

3. PERMITTED LAND USES

- 3.1 The following uses are permitted in this District:

- (a) semi-detached house;
- (b) public park;
- (c) show homes and sales offices;
- (d) family day home;
- (e) accessory development to any permitted use in this district; and
- (f) home occupations, except a home occupation described under Discretionary Land Uses below.

4. DISCRETIONARY LAND USES

- 4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) home occupation that uses a garage;
- (b) home occupation that has more than two patrons or customers visit the premises in a 7-day period; and
- (c) accessory development to any discretionary use.

5. DWELLING UNITS ON A LOT

5.1 The maximum allowable number of dwelling units on one site is one.

6. FLOOR AREA

6.1 The minimum gross floor area per principal dwelling in this district, excluding the area of an attached garage, shall be as follows:

- (a) One storey 70.0 m²

6.2 For all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

7. LOT WIDTH

7.1 The minimum lot width in this district shall be:

- (a) 7.5 m for internal sites
(b) 8.5 m for corner or double fronting sites

8. LOT WIDTH DISTRIBUTION

8.1 An application for subdivision shall not be approved unless the lot width distribution for semi-detached houses within the subdivision conforms to the following:

- (a) 100% of the semi-detached lots in this District shall have a width equal to or greater than 7.5 m.

9. LOT DEPTH

9.1 The minimum lot depth in this district shall be 30.0 m.

10. LOT AREA AND COVERAGE

10.1 For an interior lot, the minimum lot area in this district shall be 225.0 m² for each side of a semi-detached.

- 10.2 Coverage of all buildings shall not exceed 45% of the total site area.
- 10.3 An additional 5% coverage may be allowed for decks, porches, verandas, or similar projections.

11. BUILDING HEIGHT

- 11.1 The maximum height of any principal building shall be 10.0 m and shall not consist of more than 2 ½ storeys.

12. FRONT YARD SETBACK

- 12.1 The minimum permissible front yard setback for lots in this District shall not be less than 5.5 m from the front property line and 7.0 m from the back of the sidewalk or curb.
- 12.2 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply to the flanking side.
- 12.3 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

13. SIDE YARD SETBACK

- 13.1 Side yard setbacks shall be established on the following basis:
- (a) side yard setbacks shall be a minimum of 1.2 m;
 - (b) where there is no Lane abutting the Site, one Side Setback shall be at least 3.0 m for vehicular access, unless there is an attached Garage or a Garage that is an integral part of the Dwelling;

- (c) on a corner Site where the building fronts on the Front Yard, the minimum Side Setback abutting a flanking public roadway other than a Lane, shall be 20% of the Site Width, to a maximum requirement of 4.5 m; and
 - (d) on a corner Site where the building fronts on a flanking public roadway, other than a Lane, the minimum Side Setback abutting the flanking public roadway shall be 4.5 m.
- 13.2 In all cases the determination of whether the yard setback on the buildings on corner sites shall be frontage on two sides or one yard being considered frontage and the other being considered flankage shall rest with the Development Authority. The Development Authority shall take into account the location of existing buildings on adjacent sites or the permitted setback on adjacent sites, where a building does not exist, in making a ruling.
- 13.3 Canopies, eaves and cornices shall not project beyond any permissible building lines into any side yard setback by more than 0.6 m; verandas, balconies, chimneys, cantilevered wall sections, bay or oval windows, porches shall be located at least 0.5 m from the side property line; unenclosed steps not more than 3.0 m above finished grade shall not project more than 1.0 m into one side yard only.

14. REAR YARD SETBACK

- 14.1 A rear yard setback to the principal building on an interior lot shall be 7.5 m.
- 14.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more 3.0 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

15. ACCESS FROM STREETS AND LANES

- 15.1 All lots must have at least one legal means of vehicle access.
- 15.2 Only one driveway per lot is permitted in this District.

16. EMERGENCY ACCESS TO BUILDINGS

- 16.1 Sites shall be so designed that appropriate access for fire fighting equipment is afforded to all buildings as prescribed by the Alberta Building Code.

17. POLLUTION CONTROL

- 17.1 No storage or activity may be undertaken that would materially interfere with or affect the use, enjoyment or value of neighbouring properties, or constitute undue danger or annoyance to persons on the site or any other site, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, water or steam or other noxious emissions or containment of hazardous materials.
- 17.2 Sites and buildings in this District shall be maintained in a condition free from all rubbish and debris.

18. LANDSCAPING

- 18.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway, in accordance with the Town of Devon Design and Construction Standards.

19. FENCING

- 19.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This regulation applies equally to hedges.
- 19.2 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the nearest portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.
- 19.3 Electrification of fences will not be permitted.

20. OBJECTIONABLE ITEMS IN YARDS

- 20.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

- 20.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.
- 20.3 The storage of dismantled or wrecked vehicles in residential districts is governed by the Nuisance Bylaw of the Town of Devon.
- 20.4 Parking of commercial vehicles is limited as per the Nuisance Bylaw of the Town of Devon.
- 20.5 No person shall keep or permit to be kept in any part of a yard any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavation must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- 20.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

21. ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 21.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

22. UTILITY EASEMENTS

- 22.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

23. BUILDING EXTERIORS

- 23.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit.
- 23.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.
- 23.3 The design, character and appearance of a building must be compatible with any other buildings existing in this District.

24. SITE GRADING

- 24.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan.

25. CORNER LOTS – TRAFFIC SIGHT LINES

- 25.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 5.5 m back along these property lines measured from their intersection.
- 25.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 5.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

26. RELOCATION OF BUILDINGS

- 26.1 No person shall place on a lot a building that has previously been erected or placed on a different lot or alter the location on a lot of a building that has already been constructed on that lot, unless a development permit has been issued for that placement or alteration.
- 26.2 An approval will only be granted under the previous Article if the proposed placement or re-location of the building meets the requirements of this by-law, and the building and the lot meet the requirements of this by-law and the regulations of this Land Use District.

27. TEMPORARY BUILDINGS

- 27.1 Temporary buildings in this District shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

28. GARAGES AND ACCESSORY BUILDINGS

- 28.1 All lots in this District are to have a front attached garage.
- 28.2 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.
- 28.3 An accessory building shall not exceed one storey or 5.0 m in height.
- 28.4 Accessory buildings shall be located:
- (a) with separation from a principal building as per the Alberta Building Code.
 - (b) at the rear of the lot in this District.
 - (c) no closer than 1.0 m from the side property
 - (d) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.
- 28.5 Uncovered decks shall be located:
- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
 - (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
 - (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

29. SATELLITE DISH ANTENNA & COMMUNICATIONS TOWERS

- 29.1 Satellite dish antenna and/or radio antenna, larger than 1.0 m in diameter, and communication towers, shall not be permitted within a front, flanking or side yard in or abutting any residential district and shall meet the district regulations for accessory buildings in the district in which they are located.

30. ON-SITE PARKING REQUIREMENTS

- 30.1 On-site parking areas shall be sufficient for a minimum of two vehicles and must be hard-surfaced.

31. SIGNS

- 31.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
- (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

- 31.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

32. HOME OCCUPATIONS

- 32.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.

- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

33. SHOW HOMES AND SALES OFFICES

33.1 In addition to the regulations in this District, the following conditions shall also apply for the use of show homes and sales offices:

- (a) A person wishing to use a site for a show home and sales office shall, in addition to the development permit for the house, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating the location and area intended as a show home site, parking provisions, any exterior lighting and any signs.
- (b) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

34. PRIVATE SWIMMING POOLS

34.1 In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.

- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.

35. PRIVATE AMENITY AREA

- 35.1 A private outdoor amenity area of at least 30.0 m² shall be provided for each dwelling.

36. DESIGN THEME

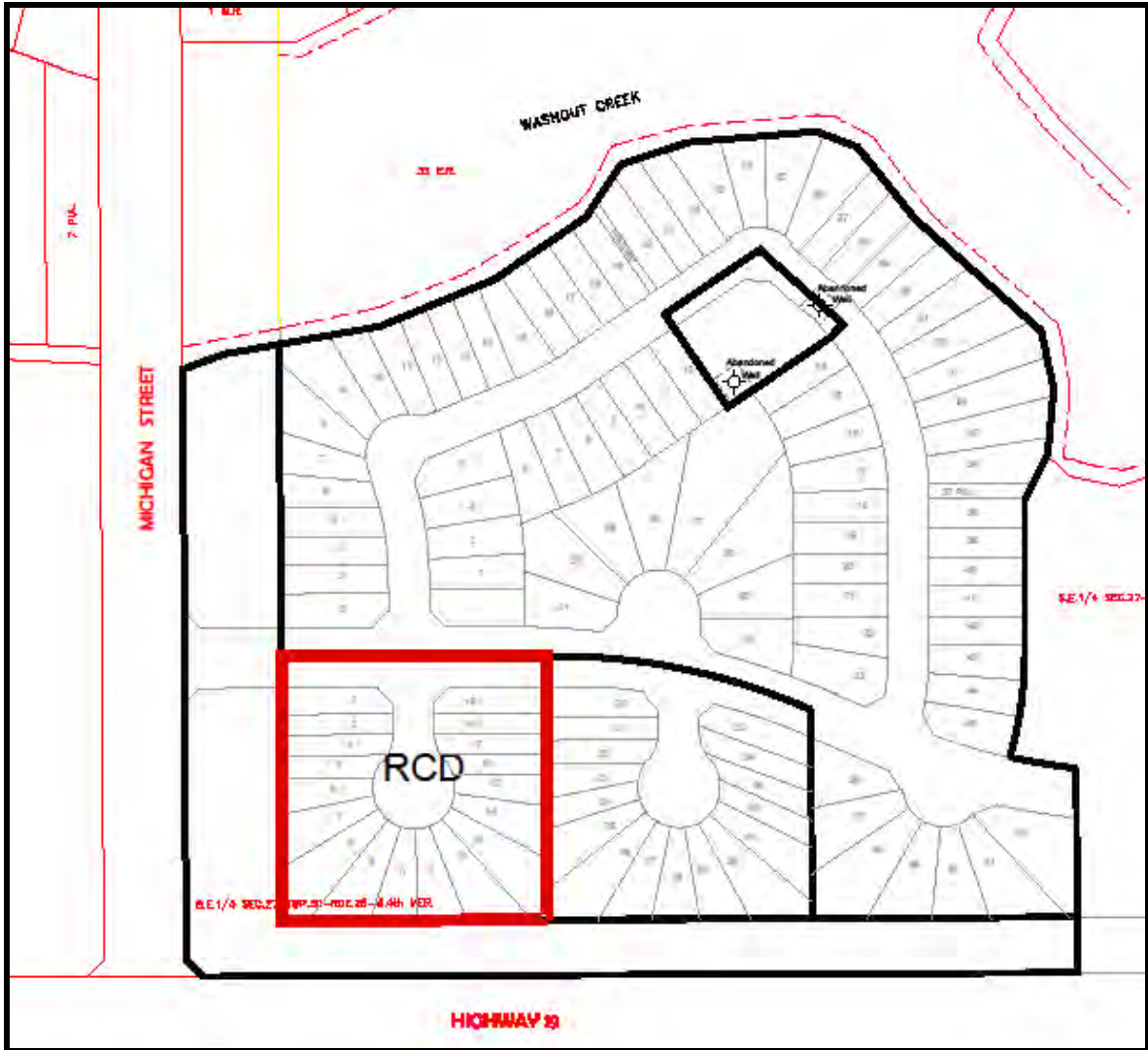
- 36.1 The general architectural theme of this community will encourage homes that are in keeping with a style as indicated by the sample front elevation shown in Figure1 below:



FIGURE 1 - SAMPLE FRONT ELEVATION

The judgement as to a proposed home's adherence to the design theme and the compatibility of the proposed house to other houses on either side in terms of design, colour, elevation and architectural treatment rests solely with the developer of the subdivision. All plans for proposed homes in the District are to be approved by the developer and/or his designated consultants prior to submission to the Town of Devon for a development permit.

37. SCHEDULE 'A' TO RAVINES SOUTH (RCD) REGULATIONS



**2013 RCD RESIDENTIAL COMPREHENSIVE DEVELOPMENT
REGULATIONS FOR RAVINES SOUTH SEMI DETACHED (LOCATED IN
ASTORIA CRESCENT AND SMALL BULB ON SOUTH RAVINES DRIVE)**

1. APPLICATION

- 1.1 The regulations in this Part apply to the District designed as Residential Comprehensive Development on the Land Use District Map of this Bylaw. This District shall apply to a portion of S.E. ¼ Sec 27-50-26-W4M, located immediately north of Highway 19 and immediately east of Michigan Street, in the Municipality of Devon, Alberta (see attached Schedule ‘A’).

2. PURPOSE

- 2.1 To establish a site-specific Comprehensive Development District, compliant with the Town of Devon Municipal Development Plan and Ravines of Devon Area Structure Plan that defines development guidelines for semi-detached residential homes.

3. PERMITTED LAND USES

- 3.1 The following uses are permitted in this District:
- (a) semi-detached house;
 - (b) public park;
 - (c) show homes and sales offices;
 - (d) family day home;
 - (e) accessory development to any permitted use in this District; and
 - (f) home occupations, except a home occupation described under Discretionary Land Uses below.

4. DISCRETIONARY LAND USES

- 4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:
- (a) home occupation that uses a garage;
 - (b) home occupation that has more than two patrons or customers visit the premises in a 7-day period; and
 - (c) accessory development to any discretionary use.

5. DWELLING UNITS ON A LOT

- 5.1 The maximum allowable number of dwelling units on one site is one.

6. FLOOR AREA

- 6.1 The minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

(a) One storey 70.0 m²

- 6.2 For all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

7. LOT WIDTH

- 7.1 The minimum lot width in this District shall be:

(a) 7.5 m for internal sites

(b) 8.5 m for corner or double fronting sites

8. LOT WIDTH DISTRIBUTION

- 8.1 An application for subdivision shall not be approved unless the lot width distribution for semi-detached houses within the subdivision conforms to the following:

(a) 100% of the semi-detached lots in this District shall have a width equal to or greater than 7.5m.

9. LOT DEPTH

- 9.1 The minimum lot depth in this District shall be 30.0 m.

10. LOT AREA AND COVERAGE

- 10.1 For an interior lot, the minimum lot area in this District shall be 225.0 m² for each side of a semi-detached.

- 10.2 Coverage of all buildings shall not exceed 45% of the total site area.
- 10.3 An additional 5% coverage may be allowed for decks, porches, verandas, or similar projections.

11. BUILDING HEIGHT

- 11.1 The maximum height of any principal building shall be 10.0 m and shall not consist of more than 2 ½ storeys.

12. FRONT YARD SETBACK

- 12.1 The minimum permissible front yard setback for lots in this District shall not be less than 5.5 m from the front property line.
- 12.2 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply to the flanking side.
- 12.3 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

13. SIDE YARD SETBACK

- 13.1 Side Setbacks shall be established on the following basis:
- (a) Side Setbacks shall be a minimum of 1.2 m;
 - (b) where there is no Lane abutting the Site, one Side Setback shall be at least 3.0 m for vehicular access, unless there is an attached Garage or a Garage that is an integral part of the Dwelling;
 - (c) on a corner Site where the building fronts on the Front Yard, the minimum Side Setback abutting a flanking public roadway other than a Lane, shall be 20% of the Site Width, to a maximum requirement of 4.5 m; and

(d) on a corner Site where the building fronts on a flanking public roadway, other than a Lane, the minimum Side Setback abutting the flanking public roadway shall be 4.5 m.

13.2 In all cases the determination of whether the yard setback on the buildings on corner sites shall be frontage on two sides or one yard being considered frontage and the other being considered flankage shall rest with the Development Authority. The Development Authority shall take into account the location of existing buildings on adjacent sites or the permitted setback on adjacent sites, where a building does not exist, in making a ruling.

13.3 Canopies, eaves and cornices shall not project beyond any permissible building lines into any side yard setback by more than 0.6 m; verandas, balconies, chimneys, cantilevered wall sections, bay or oval windows, porches shall be located at least 0.5 m from the side property line; unenclosed steps not more than 3.0 m above finished grade shall not project more than 1.0 m into one side yard only.

14. REAR YARD SETBACK

14.1 A rear yard setback to the principal building on an interior lot shall be 7.5 m, except in the case of a corner Site where it shall be 4.5 m.

14.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more 3.0 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

15. ACCESS FROM STREETS AND LANES

15.1 All lots must have at least one legal means of vehicle access.

15.2 Only one driveway per lot is permitted in this District.

16. EMERGENCY ACCESS TO BUILDINGS

16.1 Sites shall be so designed that appropriate access for fire fighting equipment is afforded to all buildings as prescribed by the Alberta Building Code.

17. POLLUTION CONTROL

- 17.1 No storage or activity may be undertaken that would materially interfere with or affect the use, enjoyment or value of neighbouring properties, or constitute undue danger or annoyance to persons on the site or any other site, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, water or steam or other noxious emissions or containment of hazardous materials.
- 17.2 Sites and buildings in this District shall be maintained in a condition free from all rubbish and debris.

18. LANDSCAPING

- 18.1 The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is the responsibility of the property owner, including the area between any separate sidewalk and the road carriageway, in accordance with the Town of Devon Design and Construction Standards.

19. FENCING

- 19.1 A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This regulation applies equally to hedges.
- 19.2 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the nearest portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.
- 19.3 Electrification of fences will not be permitted.

20. OBJECTIONABLE ITEMS IN YARDS

- 20.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

- 20.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.
- 20.3 The storage of dismantled or wrecked vehicles in residential districts is governed by the Nuisance Bylaw of the Town of Devon.
- 20.4 Parking of commercial vehicles is limited as per the Nuisance Bylaw of the Town of Devon.
- 20.5 No person shall keep or permit to be kept in any part of a yard any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavation must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- 20.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

21. ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 21.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

22. UTILITY EASEMENTS

- 22.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

23. BUILDING EXTERIORS

- 23.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit.
- 23.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.
- 23.3 The design, character and appearance of a building must be compatible with any other buildings existing in this District.

24. SITE GRADING

- 24.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan.

25. CORNER LOTS – TRAFFIC SIGHT LINES

- 25.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 5.5 m back along these property lines measured from their intersection. If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 5.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

26. RELOCATION OF BUILDINGS

- 26.1 No person shall place on a lot a building that has previously been erected or placed on a different lot, or alter the location on a lot of a building that has already been constructed on that lot, unless a development permit has been issued for that placement or alteration.
- 26.2 An approval will only be granted under the previous Article if the proposed placement or re-location of the building meets the requirements of this by-law, and the building and the lot meet the requirements of this by-law and the regulations of this Land Use District.

27. TEMPORARY BUILDINGS

- 27.1 Temporary buildings in this District shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the

labour, equipment and material of the contractor and trades engaged in constructing the development.

28. GARAGES AND ACCESSORY BUILDINGS

- 28.1 All lots in this District are to have a front attached garage.
- 28.2 Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.
- 28.3 An accessory building shall not exceed one storey or 5.0 m in height.
- 28.4 Accessory buildings shall be located:
- (a) with separation from a principal building as per the Alberta Building Code.
 - (b) at the rear of the lot in this District.
 - (c) no closer than 1.0 m from the side property
 - (d) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.
- 28.5 Uncovered decks shall be located:
- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
 - (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
 - (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

29. SATELLITE DISH ANTENNA & COMMUNICATIONS TOWERS

- 29.1 Satellite dish antenna and/or radio antenna, larger than 1.0 m in diameter, and communication towers shall not be permitted within a front, flanking or side yard in or abutting any residential district and shall meet the

district regulations for accessory buildings in the district in which they are located.

30. ON-SITE PARKING REQUIREMENTS

- 30.1 On-site parking areas shall be sufficient for a minimum of two vehicles.

31. SIGNS

- 31.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
- (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

- 31.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

32. HOME OCCUPATIONS

- 32.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.

- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

33. SHOW HOMES AND SALES OFFICES

33.1 In addition to the regulations in this District, the following conditions shall also apply for the use of show homes and sales offices:

- (a) A person wishing to use a site for a show home and sales office shall, in addition to the development permit for the house, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating the location and area intended as a show home site, parking provisions, any exterior lighting and any signs.
- (b) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

34. PRIVATE SWIMMING POOLS

34.1 In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.

- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.

35. PRIVATE AMENITY AREA

- 35.1 A private outdoor amenity area of at least 30.0 m² shall be provided for each dwelling.

36. DESIGN THEME

- 36.1 The general architectural theme of this community will encourage homes that are in keeping with a style as indicated by the sample front elevation shown in Figure 1 below:

FIGURE 1 - SAMPLE FRONT ELEVATION



The judgement as to a proposed home's adherence to the design theme and the compatibility of the proposed house to other houses on either side in terms of design, colour, elevation and architectural treatment rests solely with the developer of the subdivision. All plans for proposed homes in the District are to be approved by the developer and/or his designated consultants prior to submission to the Town of Devon for a development permit.

37. SCHEDULE 'A' TO RAVINES SOUTH (RCD) REGULATIONS

 **APPLICABLE AREA FOR RCD REGULATIONS - RAVINES SOUTH (ASTORIA CRESCENT AND SMALL BULB ON SOUTH RAVINES DRIVE)**



2010 FAIRFAX LANE (RCD) RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT REGULATIONS

1. PURPOSE

- 1.1 To establish a site-specific Comprehensive Development District, compliant with the Town of Devon Municipal Development Plan and that defines development guidelines for a bare land condominium town house development.

2. PERMITTED LAND USES

- 2.1 The following are the permitted uses in this District:

- (a) town homes;
- (b) semi detached homes
- (c) single family homes
- (d) family day home;
- (e) show homes and sales offices;
- (f) home occupations, except a home occupation described under Discretionary Land Uses below

3. DISCRETIONARY LAND USES

- 3.1 The Municipal Planning Commission may approve the following discretionary uses:

- (a) home occupation that uses a garage;
- (b) home occupation that has more than two patrons or customers visit the premises in a 7-day period, providing no objection is received by the development officer

4. DWELLING UNITS ON A BARE LAND CONDOMINIUM UNIT

- 4.1 The maximum allowable number of dwelling units on a bare land condominium unit is one.

5. FLOOR AREA

5.1 For single detached dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

- | | |
|----------------|----------------------|
| (a) One storey | 105.0 m ² |
| (b) Two storey | 105.0 m ² |

5.2 For semi-detached or cluster type dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

- | | |
|----------------|---------------------|
| (a) One storey | 70.0 m ² |
|----------------|---------------------|

5.3 For all principal dwellings, the area comprising the gross floor area must be enclosed and the exterior must be finished.

6. LOT AREA AND COVERAGE

6.1 The lot area in this bare land condominium District shall be 7,850 m² more or less.

6.2 Coverage of all buildings shall not exceed 45% of the total site area.

6.3 An additional 5% coverage may be allowed for decks, porches, verandas, or similar projections.

7. BUILDING HEIGHT

7.1 The maximum height of any principal building shall be 10.5 m and shall not consist of more than 3 storeys.

8. FRONT YARD SETBACK

8.1 The minimum permissible front yard setback for lots in this District shall not be less than 6.0 m from the front property line.

- 8.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 2.5 m and shall not project into an easement. Chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

9. SIDE YARD SETBACK

- 9.1 Side yard setbacks to a principal building shall be a minimum of 1.2 m for end units.

10. REAR YARD SETBACK

- 10.1 A rear yard setback to the principal building shall be provided of not less than 3.0 m.

- 10.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement. Chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

11. ACCESS FROM STREETS AND LANES

- 11.1 All lots must have at least one legal means of vehicle access. Only one driveway per lot is permitted in this District.

12. EMERGENCY ACCESS TO BUILDINGS

- 12.1 Sites shall be designed so that appropriate access for fire fighting equipment is afforded to all buildings as prescribed by the Alberta Building Code.

13. POLLUTION CONTROL

- 13.1 No storage or activity may be undertaken that would materially interfere with or affect the use, enjoyment or value of neighbouring properties, or constitute undue danger or annoyance to persons on the site or any other site, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, water or steam or other noxious emissions or containment of hazardous materials.

13.2 Sites and buildings in this District shall be maintained in a condition free from all rubbish and debris.

14. LANDSCAPING AND AMENITY AREA

14.1 All landscaping will be completed by the builder based on the landscape architects' drawings. Provide above grade front and rear amenity areas with a minimum area of 6.0 m² for each unit, in accordance with the Town of Devon Design and Construction Standards.

15. FENCING

15.1 The perimeter of property will be completely fenced to a maximum height of 2.4 m.

15.2 Individual unit fences shall not exceed 1.8 m in height.

16. OBJECTIONABLE ITEMS IN YARDS

16.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. Outside storage areas shall be screened from view from adjacent sites and thoroughfares. The Nuisance Bylaw of the Town of Devon governs the storage of dismantled or wrecked vehicles in residential districts. Parking of commercial vehicles is limited as per the Nuisance Bylaw of the Town of Devon. No person shall keep or permit to be kept in any part of a yard any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavation must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

16.2 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

17. ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

17.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

18. UTILITY EASEMENTS

- 18.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

19. BUILDING EXTERIORS

- 19.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit.
- 19.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.
- 19.3 The design, character and appearance of a building must be compatible with the design theme established for the project.

20. SITE GRADING

- 20.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan.
- 20.2 An Alberta Land Surveyor, Professional Engineer or Architect shall prepare all Ground Elevation Certificates. The certificates shall contain, but is not limited to, the following information:
- (a) A scale drawing of the lot in metric units
 - (b) All proposed surface elevations and grades shown on the approved Subdivision/Lot Grading Design Plan.
 - (c) Existing surface elevations and grades at the same points and locations as the proposed surface elevations and grades
 - (d) Existing surface elevations adjacent to the foundation walls
 - (e) The property address and legal description
- 20.3 If an applicant for a development permit fails to comply with the requirements of a subdivision or lot grading design plan as evidenced by a lot grading certificate, the Development Authority will issue a notice to comply within a given time period and require the applicant to submit

another lot grading certificate to show compliance. As a last resort, the Town of Devon may, upon written notice to the applicant, remedy the grading deficiency and charge the cost of such remedial work to the applicant, or withhold the cost of such work from any performance deposit given by the applicant for that property.

21. TEMPORARY BUILDINGS

21.1 Temporary buildings in this District shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

22. GARAGES AND ACCESSORY BUILDINGS

22.1 All lots in this District are to have a front attached garage.

22.2 Accessory buildings shall be located:

- (a) Within the separation from a principal building as per the Alberta Building Code.
- (b) At the rear of the lot in this District.
- (c) No closer than 1.0 m from the side property line
- (d) Such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

22.3 All decks shall be located:

- (a) As shown on the proposed design drawings for the condominium project.
- (b) Natural gas metres and/or gas shut off valves shall not be located under a deck.

23. SATELLITE DISH ANTENNA & COMMUNICATIONS TOWERS

23.1 Satellite dish antenna and/or radio antenna, larger than 1.0 m in diameter, and communication towers, shall not be permitted within a front, flanking or side yard in or abutting any residential district and shall meet the district regulations for accessory buildings in the district in which they are located.

24. ON-SITE PARKING REQUIREMENTS

- 24.1 A hard-surfaced parking area with a minimum width of 2.75 m. shall be provided at the front of the dwelling from the curb line on the roadway to the attached front garage.
- 24.2 On-site parking areas shall be sufficient for two vehicles per unit.
- 24.3 Visitor parking is required at a minimum ratio of 1 stall for every five units.
- 24.4 No parking on internal streets.

25. SIGNS

- 25.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:
- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
 - (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
 - (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
 - (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.
- 25.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

26. HOME OCCUPATIONS

- 26.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:
- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
 - (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to

result in a fire hazard.

- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

27. SHOW HOMES AND SALES OFFICES

5.2 In addition to the regulations in this District, the following conditions shall also apply for the use of show homes and sales offices:

- (a) A person wishing to use a site for a show home and sales office shall, in addition to the development permit for the house, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating the location and area intended as a show home site, parking provisions, any exterior lighting and any signs.
- (b) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

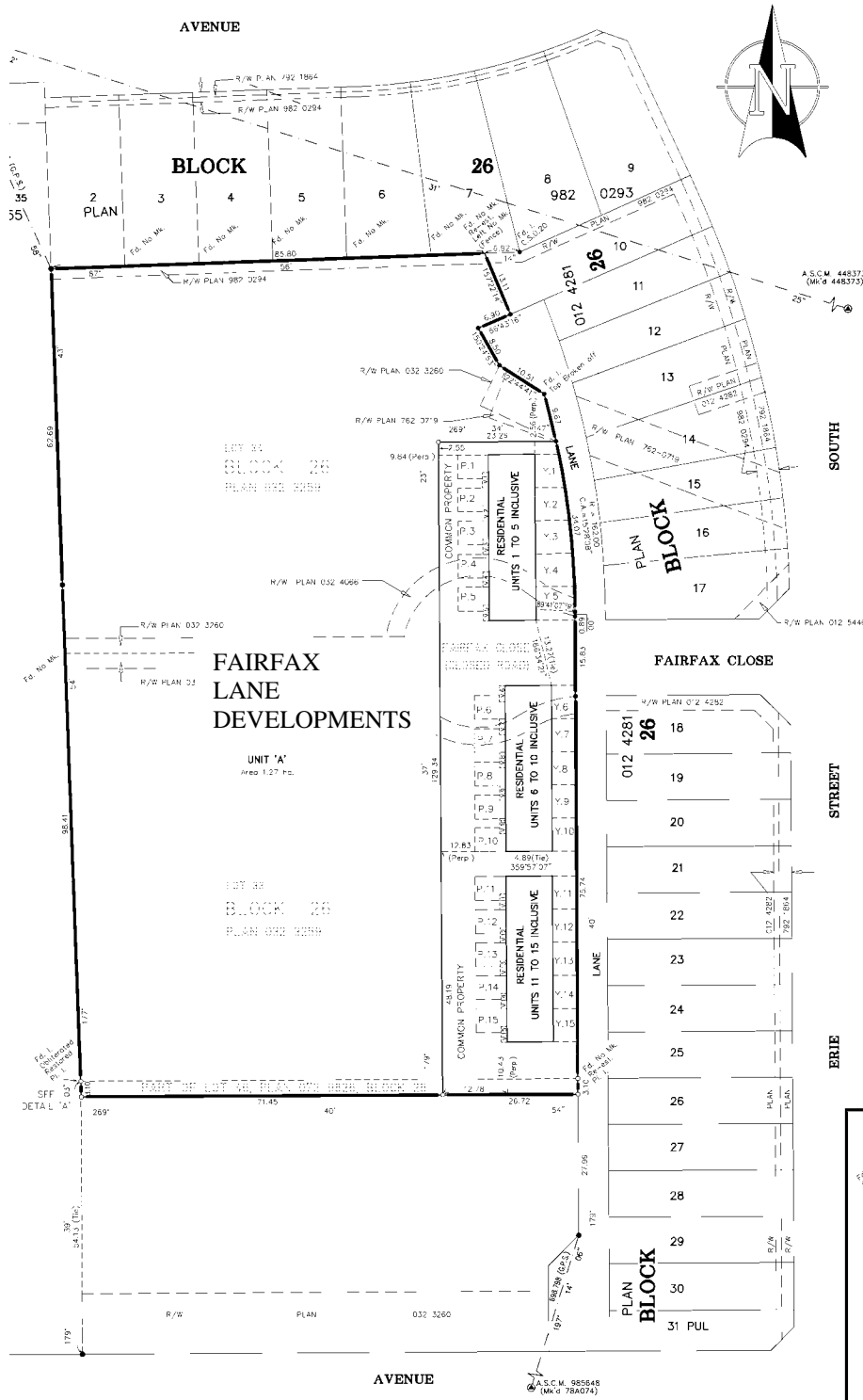
28. DESIGN THEME

28.1 The judgment as to a proposed home's adherence to the design theme and the compatibility of the proposed house to other houses on either side in terms of design, colour, elevation and architectural treatment rests solely with the developer of the subdivision. All plans for proposed homes in the District are to be approved by the developer and/or his designated

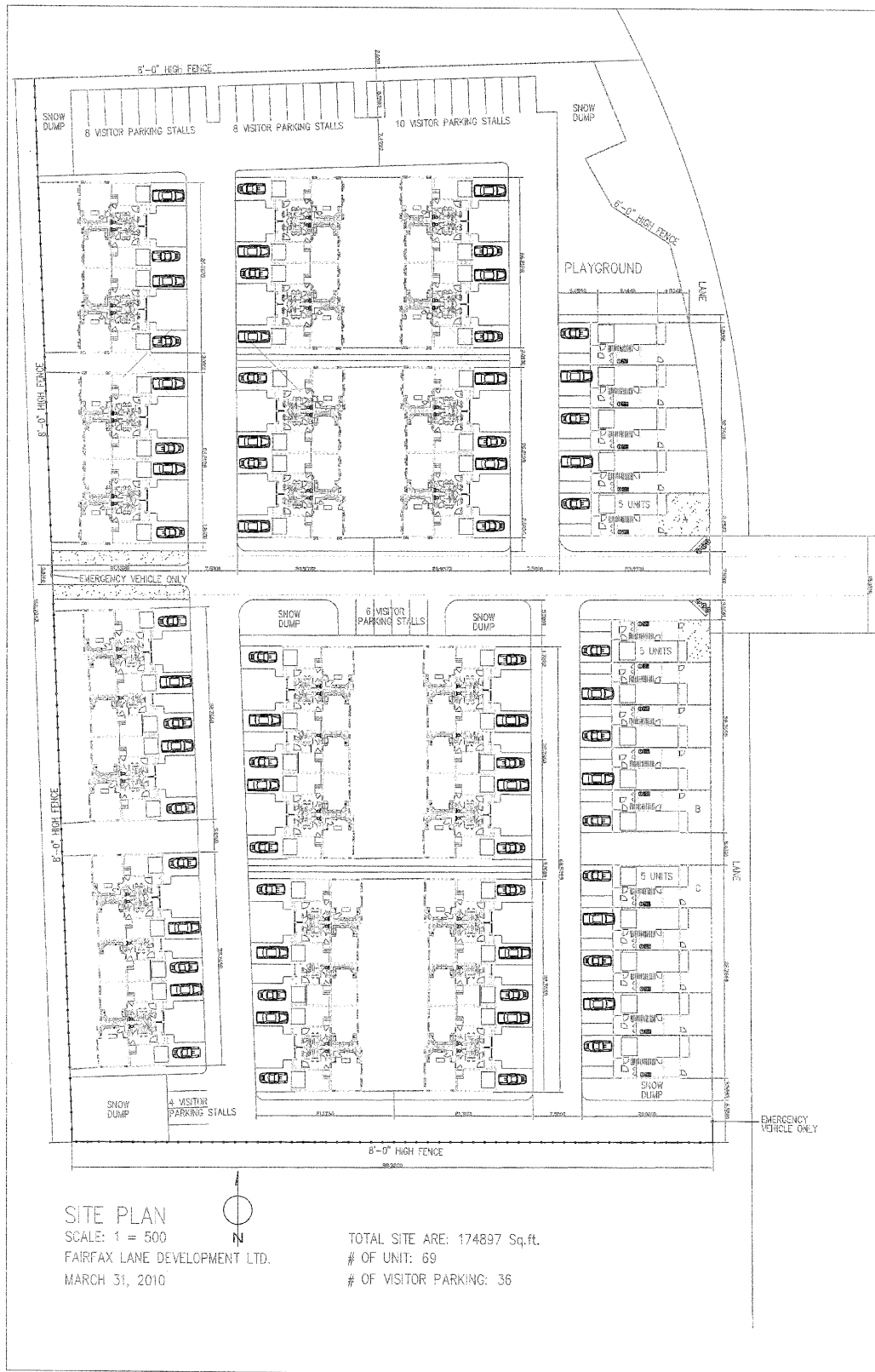
consultants prior to submission to the Town of Devon for a development permit.



29. SCHEDULE 'A' TO FAIRFAX LANE (RCD) REGULATIONS



30. SITE PLAN TO FAIRFAX LANE (RCD)



2007 FAIRFAX LANE (RCD) RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT REGULATIONS

1. PURPOSE

- 1.1 To establish a site-specific Comprehensive Development District, compliant with the Town of Devon Municipal Development Plan and that defines development guidelines for a bare land condominium town house development.

2. PERMITTED LAND USES

- 2.1 The following are the permitted uses in this District:

- (a) townhomes;
- (b) semi-detached homes
- (c) single family homes
- (d) family day home;
- (e) show homes and sales offices; and
- (f) home occupations, except a home occupation described under Discretionary Land Uses below

3. DISCRETIONARY LAND USES

- 3.1 The Municipal Planning Commission may approve the following discretionary uses:

- (a) home occupation that uses a garage; and
- (b) home occupation that has more than two patrons or customers visit the premises in a 7-day period, providing no objection is received by the development officer.

4. DWELLING UNITS ON A BARE LAND CONDOMINIUM UNIT

- 4.1 The maximum allowable number of dwelling units on a bare land condominium unit is one.

5. FLOOR AREA

5.1 For single detached dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

- | | | |
|-----|------------|----------------------|
| (a) | One storey | 105.0 m ² |
| (b) | Two storey | 105.0 m ² |

5.2 For semi-detached or cluster type dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

- | | | |
|-----|------------|----------------------|
| (a) | One storey | 70.0 m ² |
| (b) | Two storey | 105.0 m ² |

5.3 For all principal dwellings, the area comprising the gross floor area must be enclosed and the exterior must be finished.

6. LOT AREA AND COVERAGE

6.1 The lot area in this bare land condominium District shall be 7,850 m² more or less.

6.2 Coverage of all buildings shall not exceed 45% of the total site area.

6.3 An additional 5% coverage may be allowed for decks, porches, verandas, or similar projections.

7. BUILDING HEIGHT

7.1 The maximum height of any principal building shall be 10.5 m and shall not consist of more than 3 storeys.

8. FRONT YARD SETBACK

8.1 The minimum permissible front yard setback for lots in this District shall not be less than 6.0 m from the front property line.

- 8.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 2.5 m and shall not project into an easement. Chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

9. SIDE YARD SETBACK

- 9.1 Side yard setbacks to a principal building shall be a minimum of 1.2 m for end units.

10. REAR YARD SETBACK

- 10.1 A rear yard setback to the principal building shall be provided of not less than 3.0 m.
- 10.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement. Chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

11. ACCESS FROM STREETS AND LANES

- 11.1 All lots must have at least one legal means of vehicle access. Only one driveway per lot is permitted in this District.

12. EMERGENCY ACCESS TO BUILDINGS

- 12.1 Sites shall be designed so that appropriate access for fire fighting equipment is afforded to all buildings as prescribed by the Alberta Building Code.

13. POLLUTION CONTROL

- 13.1 No storage or activity may be undertaken that would materially interfere with or affect the use, enjoyment or value of neighbouring properties, or constitute undue danger or annoyance to persons on the site or any other site, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards,

heat, humidity and glare, refuse matter, waste or waterborne waste, water or steam or other noxious emissions or containment of hazardous materials.

- 13.2 Sites and buildings in this District shall be maintained in a condition free from all rubbish and debris.

14. LANDSCAPING AND AMENITY AREA

- 14.1 All landscaping will be completed by the builder based on the landscape architects' drawings. Provide above grade front and rear amenity areas with a minimum area of 6.0 m² for each unit, in accordance with the Town of Devon Design and Construction Standards.

15. FENCING

- 15.1 The perimeter of property will be completely fenced to a maximum height of 2.4 m.
- 15.2 Individual unit fences shall not exceed 1.8 m in height.

16. OBJECTIONABLE ITEMS IN YARDS

- 16.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.
- 16.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.
- 16.3 The Nuisance Bylaw of the Town of Devon governs the storage of dismantled or wrecked vehicles in residential districts.
- 16.4 Parking of commercial vehicles is limited as per the Nuisance Bylaw of the Town of Devon.
- 16.5 No person shall keep or permit to be kept in any part of a yard any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavation must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

- 16.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

17. ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 17.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

18. UTILITY EASEMENTS

- 18.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

19. BUILDING EXTERIORS

- 19.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit.
- 19.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.
- 19.3 The design, character and appearance of a building must be compatible with the design theme established for the project.

20. SITE GRADING

- 20.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan.

20.2 An Alberta Land Surveyor, Professional Engineer or Architect shall prepare all Ground Elevation Certificates. The certificates shall contain, but is not limited to, the following information:

- (a) A scale drawing of the lot in metric units
- (b) All proposed surface elevations and grades shown on the approved Subdivision/Lot Grading Design Plan.
- (c) Existing surface elevations and grades at the same points and locations as the proposed surface elevations and grades
- (d) Existing surface elevations adjacent to the foundation walls
- (e) The property address and legal description

20.3 If an applicant for a development permit fails to comply with the requirements of a subdivision or lot grading design plan as evidenced by a lot grading certificate, the Development Authority will issue a notice to comply within a given time period and require the applicant to submit another lot grading certificate to show compliance. As a last resort, the Town of Devon may, upon written notice to the applicant, remedy the grading deficiency and charge the cost of such remedial work to the applicant, or withhold the cost of such work from any performance deposit given by the applicant for that property.

21. TEMPORARY BUILDINGS

21.1 Temporary buildings in this District shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

22. GARAGES AND ACCESSORY BUILDINGS

22.1 All lots in this District are to have a front attached garage.

22.2 Accessory buildings shall be located:

- (a) Within the separation from a principal building as per the Alberta Building Code.
- (b) At the rear of the lot in this District.
- (c) No closer than 1.0 m from the side property line

- (d) Such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

22.3 All decks shall be located:

- (a) As shown on the proposed design drawings for the condominium project
- (b) Natural gas metres and/or gas shut off valves shall not be located under a deck.

23. SATELLITE DISH ANTENNA & COMMUNICATIONS TOWERS

23.1 Satellite dish antenna and/or radio antenna, larger than 1.0 m in diameter, and communication towers, shall not be permitted within a front, flanking or side yard in or abutting any residential district and shall meet the district regulations for accessory buildings in the district in which they are located.

24. ON-SITE PARKING REQUIREMENTS

24.1 A hard-surfaced parking area with a minimum width of 2.75 m. shall be provided at the front of the dwelling from the curb line on the roadway to the attached front garage.

24.2 On-site parking areas shall be sufficient for two vehicles per unit.

24.3 Visitor parking is required at a minimum ratio of 1 stall for every five units.

24.4 No parking on internal streets.

25. SIGNS

25.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and

- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
- (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

25.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

26. HOME OCCUPATIONS

26.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking

on the front yard or side yard shall be prohibited except on a driveway.

- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

27. SHOW HOMES AND SALES OFFICES

27.1 In addition to the regulations in this District, the following conditions shall also apply for the use of show homes and sales offices:

- (a) A person wishing to use a site for a show home and sales office shall, in addition to the development permit for the house, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating the location and area intended as a show home site, parking provisions, any exterior lighting and any signs.
- (b) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

28. DESIGN THEME

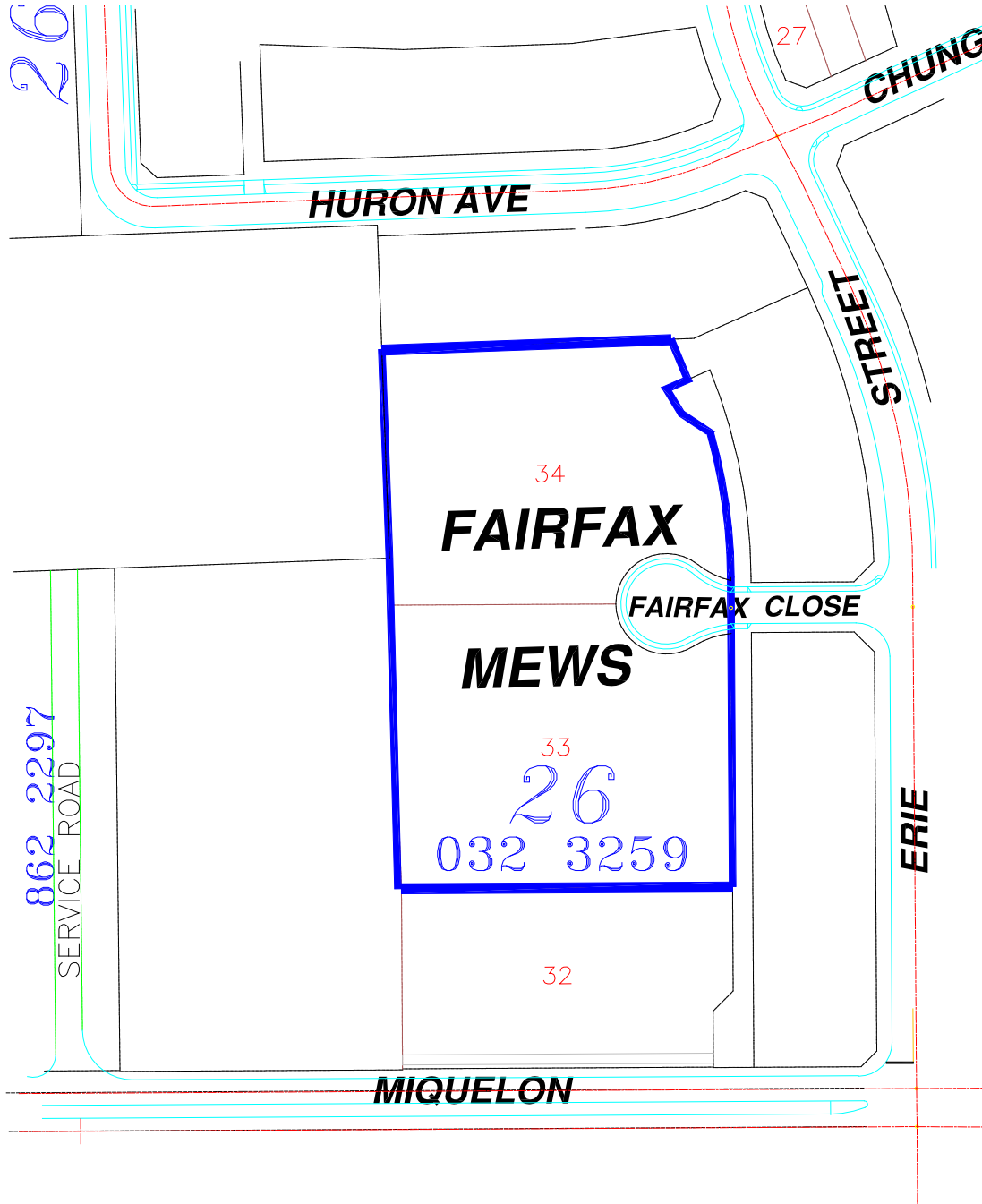
28.1 The judgment as to a proposed home's adherence to the design theme and the compatibility of the proposed house to other houses on either side in terms of design, colour, elevation and architectural treatment rests solely with the developer of the subdivision. All plans for proposed homes in the District are to be approved by the developer and/or his designated consultants prior to submission to the Town of Devon for a development permit.

FIGURE 1 - SAMPLE FRONT ELEVATION

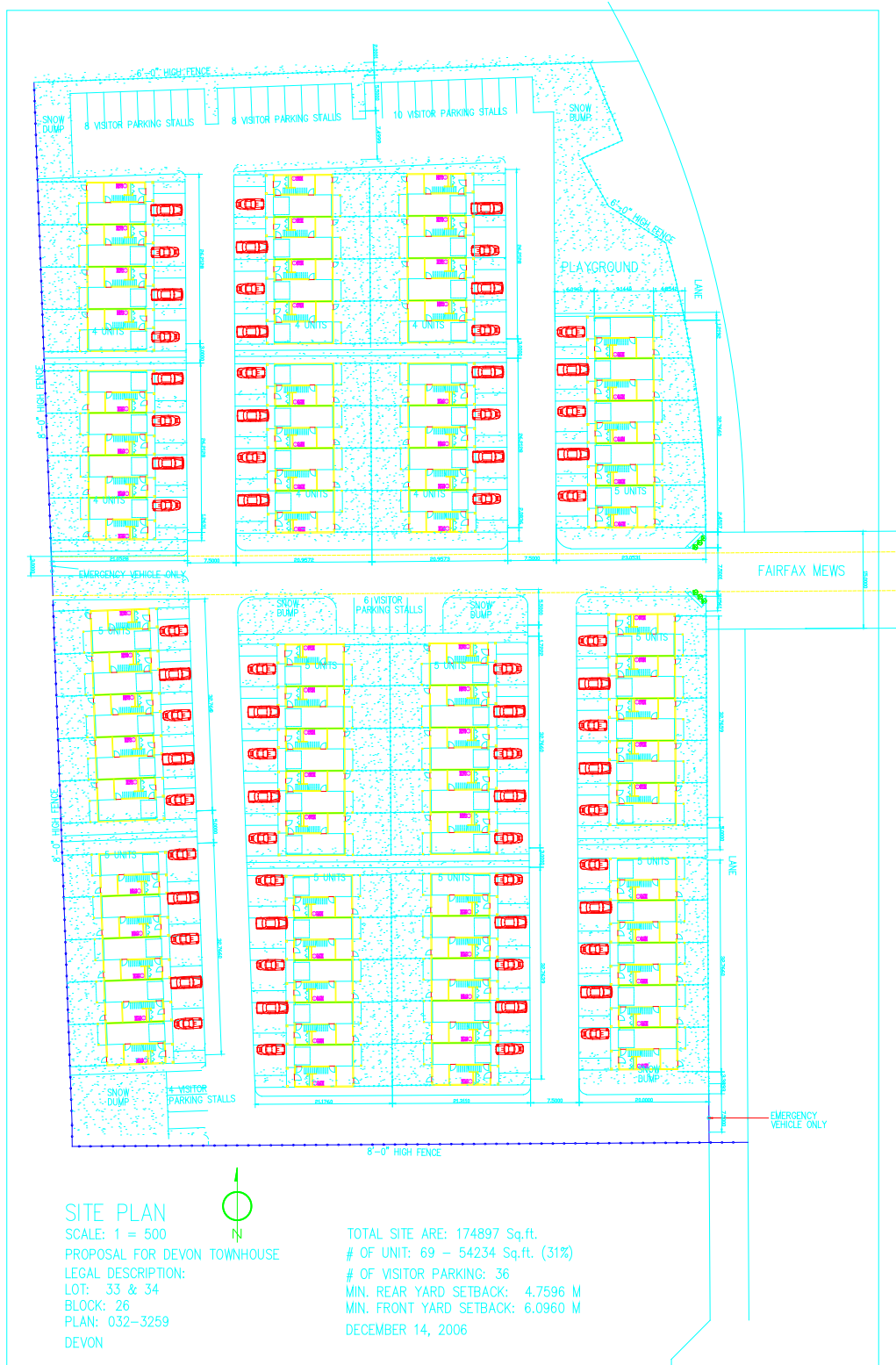


FRONT ELEVATION

29. SCHEDULE 'A' TO FAIRFAX LANE (RCD) REGULATIONS



30. SITE PLAN TO FAIRFAX LANE (RCD) REGULATIONS



2003 HIGHPOINTE GARDENS IN HIGHWOOD (RCD) RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT REGULATIONS

1. PURPOSE

- 1.1 To establish a site-specific Comprehensive Development District, compliant with the Town of Devon Municipal Development Plan and Highwood Area Structure Plan that defines development guidelines for single and semi-detached condominium housing development.

2. PERMITTED LAND USES

- 2.1 The following uses are permitted in this District:

- (a) single-detached house;
- (b) semi-detached house
- (c) family day home;
- (d) accessory development to any permitted use in this District;
- (e) show homes and sales offices; and
- (f) home occupations, except a home occupation described under Discretionary Land Uses below.

3. DISCRETIONARY LAND USES

- 3.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) home occupation that uses a garage;
- (b) home occupation that has more than two patrons or customers visit the premises in a 7-day period; and
- (c) accessory development to any discretionary use.

4. DWELLING UNITS ON A LOT

- 4.1 The maximum allowable number of dwelling units on one site is one.

5. FLOOR AREA

5.1 For single detached dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

- | | | |
|-----|------------|----------------------|
| (a) | One storey | 105.0 m ² |
|-----|------------|----------------------|

5.2 For semi-detached dwellings, the minimum gross floor area per principal dwelling in this District, excluding the area of an attached garage, shall be as follows:

- | | | |
|-----|------------|----------------------|
| (a) | One storey | 105.0 m ² |
|-----|------------|----------------------|

5.3 For all principal dwellings, the area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

6. LOT WIDTH

6.1 The minimum lot width in this District shall be:

- | | | |
|-----|---------------|--------|
| (a) | Internal Lots | 12.8 m |
|-----|---------------|--------|

7. LOT DEPTH

7.1 The minimum lot depth in this District shall be 31.7 m.

8. LOT AREA AND COVERAGE

8.1 The minimum lot area in this condominium District shall be 7,850.1 m².

8.2 Coverage of all buildings shall not exceed 45% of the total site area.

8.3 Coverage of the principal building shall not exceed 35% of the total site area; where a garage is attached to or is part of a principal building, that building shall not exceed 45% of the total site area.

8.4 An additional 5% coverage may be allowed for decks, porches, verandas, or similar projections.

9. BUILDING HEIGHT

9.1 The maximum height of any principal building shall be 6.0 m and shall not consist of more than 1 storey.

10. FRONT YARD SETBACK

10.1 The minimum permissible front yard setback for lots in this District shall not be less than 7.0 m from the front property line.

10.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

11. SIDE YARD SETBACK

11.1 Side yard setbacks to the principal building shall be a minimum of 4.5 m.

11.2 Decks may be covered to a maximum of 3.2 m.

12. REAR YARD SETBACK

12.1 A rear yard setback to the principal building shall be provided of not less than 4.5 m.

12.2 Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any rear yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 1.2 m into any rear yard setback and shall not project into an easement.

13. ACCESS FROM STREETS AND LANES

13.1 All lots must have at least one legal means of vehicle access. Only one driveway per lot is permitted in this District.

14. EMERGENCY ACCESS TO BUILDINGS

14.1 Sites shall be so designed that appropriate access for fire fighting equipment is afforded to all buildings as prescribed by the Alberta Building Code.

15. POLLUTION CONTROL

15.1 No storage or activity may be undertaken that would materially interfere with or affect the use, enjoyment or value of neighbouring properties, or constitute undue danger or annoyance to persons on the site or any other site, by reason of the generation of noise, vibration, dust, smoke, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, water or steam or other noxious emissions or containment of hazardous materials.

15.2 Sites and buildings in this District shall be maintained in a condition free from all rubbish and debris.

16. LANDSCAPING AND AMENITY AREA

16.1 All landscaping will be completed by the condominium association. Small landscaped garden areas at the entrances to the site and one small garden area will be provided, in accordance with the Town of Devon Design and Construction Standards.

17. FENCING

17.1 The property will be completely fenced to a maximum height of 1.5 m.

18. OBJECTIONABLE ITEMS IN YARDS

18.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.

- 18.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.
- 18.3 The storage of dismantled or wrecked vehicles in residential districts is governed by the Nuisance Bylaw of the Town of Devon.
- 18.4 Parking of commercial vehicles is limited as per the Nuisance Bylaw of the Town of Devon.
- 18.5 No person shall keep or permit to be kept in any part of a yard any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavation must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- 18.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

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

- 19.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

20. UTILITY EASEMENTS

- 20.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

21. BUILDING EXTERIORS

- 21.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit.
- 21.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.
- 21.3 The design, character and appearance of a building must be compatible with any other buildings existing in this District.

22. SITE GRADING

- 22.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan.
- 22.2 An Alberta Land Surveyor, Professional Engineer or Architect shall prepare all Ground Elevation Certificates. The certificates shall contain, but is not limited to, the following information:
- (a) A scale drawing of the lot in metric units
 - (b) All proposed surface elevations and grades shown on the approved Subdivision/Lot Grading Design Plan.
 - (c) Existing surface elevations and grades at the same points and locations as the proposed surface elevations and grades
 - (d) Existing surface elevations adjacent to the foundation walls
 - (e) The property address and legal description
- 22.3 If an applicant for a development permit fails to comply with the requirements of a subdivision or lot grading design plan as evidenced by a lot grading certificate, the Development Authority will issue a notice to comply within a given time period and require the applicant to submit another lot grading certificate to show compliance. As a last resort, the Town of Devon may, upon written notice to the applicant, remedy the grading deficiency and charge the cost of such remedial work to the applicant, or withhold the cost of such work from any performance deposit given by the applicant for that property.

23. TEMPORARY BUILDINGS

23.1 Temporary buildings in this District shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

24. GARAGES AND ACCESSORY BUILDINGS

24.1 All lots in this District are to have a front attached garage.

24.2 An accessory building shall not exceed one storey or 5.0 m in height.

24.3 Accessory buildings shall be located:

- (a) with separation from a principal building as per the Alberta Building Code.
- (b) At the rear of the lot in this District.
- (c) no closer than 1.0 m from the side property
- (d) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.

24.4 All decks shall be located:

- (a) in accordance with the design of the condominium project
- (b) natural gas meters and/or gas shut off valves shall not be located under a deck.

25. SATELLITE DISH ANTENNA & COMMUNICATIONS TOWERS

25.1 Satellite dish antenna and/or radio antenna, larger than 1.0 m in diameter, and communication towers, shall not be permitted within a front, flanking or side yard in or abutting any residential district and shall meet the district regulations for accessory buildings in the district in which they are located.

26. ON-SITE PARKING REQUIREMENTS

26.1 A hard-surfaced parking area with a minimum width of 2.75 m. shall be provided at the front of the dwelling from the curb line on the roadway to the attached front garage.

26.2 On-site parking areas shall be sufficient for two vehicles.

27. SIGNS

27.1 Except as otherwise permitted in this Part, the only permitted signs in this District are those which are visible from the street, including:

- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
- (c) temporary development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.

27.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

28. HOME OCCUPATIONS

28.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory

building provided that such materials or equipment are not likely to result in a fire hazard.

- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
- (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

29. SHOW HOMES AND SALES OFFICES

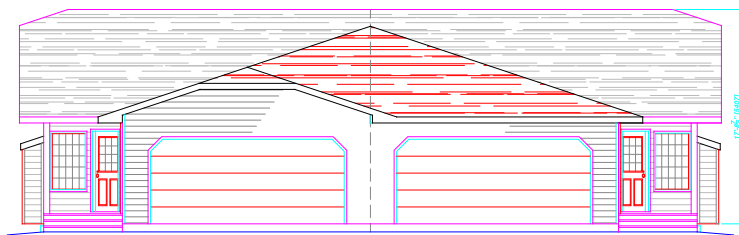
29.1 In addition to the regulations in this District, the following conditions shall also apply for the use of show homes and sales offices:

- (a) A person wishing to use a site for a show home and sales office shall, in addition to the development permit for the house, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating the location and area intended as a show home site, parking provisions, any exterior lighting and any signs.
- (b) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

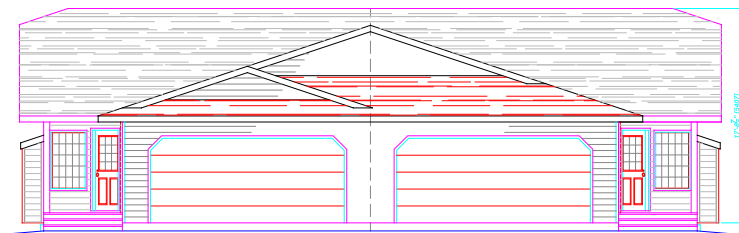
30. DESIGN THEME

30.1 The judgement as to a proposed home's adherence to the design theme and the compatibility of the proposed house to other houses on either side in terms of design, colour, elevation and architectural treatment rests solely with the developer of the subdivision. All plans for proposed homes in the District are to be approved by the developer and/or his designated consultants prior to submission to the Town of Devon for a development permit.

FIGURE 1 - SAMPLE FRONT ELEVATION

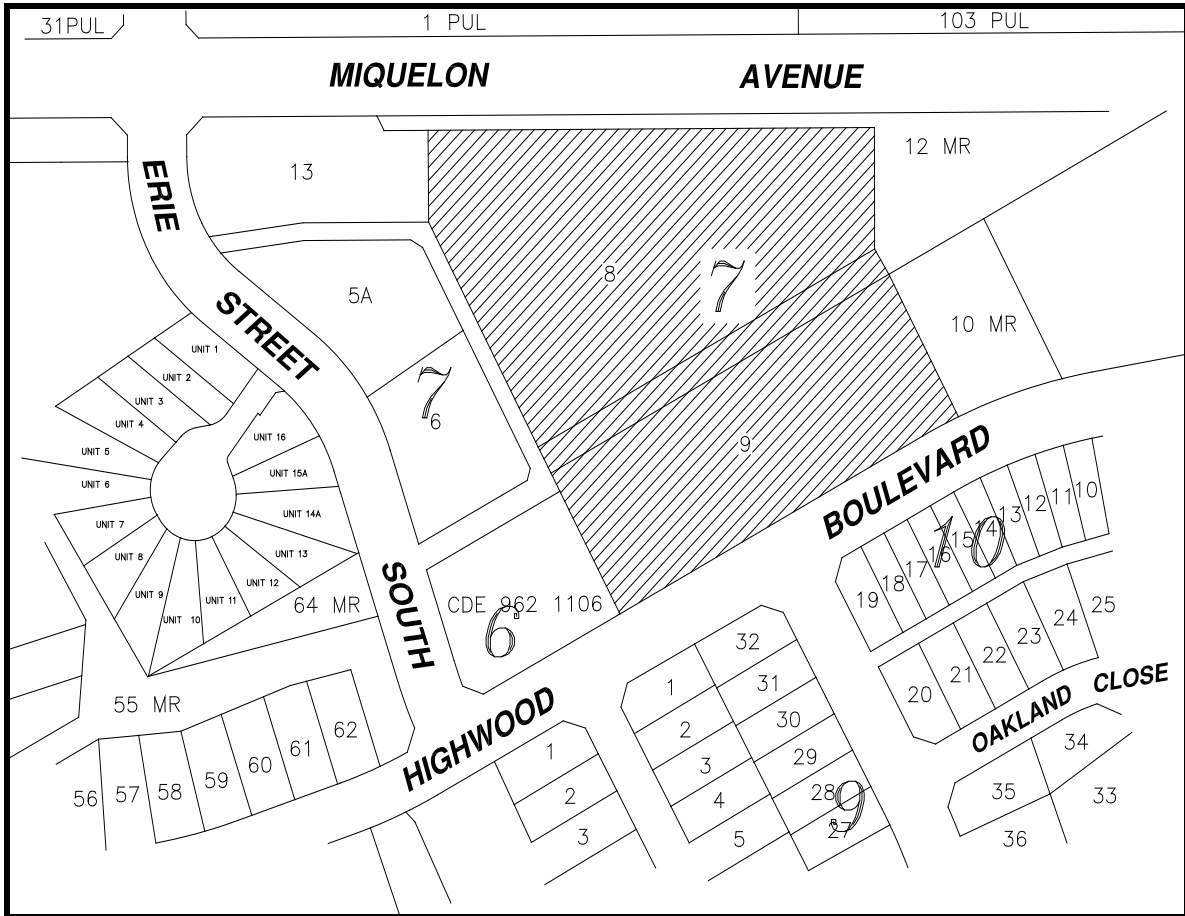


ELEVATION #1



ELEVATION #2

31. SCHEDULE 'A' TO HIGHPOINTE GARDENS (RCD) REGULATIONS



2024 SOUTH RAVINES (RCD) RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT REGULATIONS

1. APPLICATION

The regulations in this schedule apply to the district designed as Residential Comprehensive Development on the Land Use District Map of this bylaw. This district shall apply to portions of S.E. ¼ Sec 27-50-26-W4M, located north of Devon Trail, in the Municipality of Devon, Alberta (see area identified Schedule ‘A’)

2. PURPOSE

To establish a site-specific Comprehensive Development District, compliant with the Town of Devon Municipal Development Plan and Ravines of Devon Area Structure Plan that defines development guidelines for semi-detached and townhousing residential homes.

3. PERMITTED LAND USES

3.1 The following uses are permitted in this district:

- (a) semi-detached house;
- (b) townhousing;
- (c) public park;
- (d) family day home;
- (e) accessory development to any permitted use in this district;
- (f) show homes and sales offices;
- (g) private swimming pools; and
- (h) home occupations, except a home occupation described under Discretionary Land Uses below.

4. DISCRETIONARY LAND USES

4.1. The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) home occupation that uses a garage;
- (b) public utility building;
- (c) accessory development to any discretionary use; and
- (d) 3 season sun rooms where the setback is less than the required 8.0 m.

4.2. The following are discretionary uses that may be approved by the Development Officer in this District:

- (a) home occupations where 2 or more patrons or customers visit the premises on a 7-day period after letters are sent to adjoining landowners and when no objections or concerns are received by the Development Officer within 1 week.

5. DWELLING UNITS ON A LOT

5.1. The maximum allowable number of dwelling units on one lot is one.

5.2. The maximum allowable dwelling units that may be attached is four, provided they are on individual lots.

6. FLOOR AREA

- 6.1. The minimum gross floor area per principal dwelling in this district, shall be 40.0 m².
- 6.2. For all principal dwellings, the area comprising the gross floor area must be enclosed, and the exterior must be finished.

7. LOT WIDTH

- 7.1. The minimum lot width in this district shall be:
- (a) 3.66m for a street oriented townhousing development interior unit, per unit, located on an interior lot;
 - (b) 4.86m for a street oriented townhousing development end unit or semi-detached house, per unit, located on an interior lot;
 - (c) 6.06m for a street oriented townhousing development end unit or semi-detached house, per unit, located on a corner lot;

8. SITE DENSITY

- 8.1. The maximum coverage for all buildings shall not exceed 60% of the total site area.

9. LOT DEPTH

- 9.1. The minimum lot depth in this district shall be 26.0 metres.

10. LOT AREA

- 10.1. The minimum lot area per dwelling unit for a street oriented townhousing development interior unit on an interior lot is 95m².
- 10.2. The minimum lot area per dwelling unit for a street oriented townhousing development end unit or a semi-detached house on an interior lot is 126 m².
- 10.3. The minimum lot area per dwelling unit for a street oriented townhousing development end unit or a semi-detached house on a corner lot is 150 m².

11. BUILDING HEIGHT

- 11.1. The maximum height of any principal building shall be 13.0 m.

12. BUILDING SETBACK

- 12.1.1. The minimum permissible front yard setback for street oriented townhousing and semi-detached houses is:
- (a) 6.0 m from the front property line, where lot is not serviced with an alley;
 - (b) 3.5 m from the front property line, where lot is serviced with an alley;
 - (c) From the side property lines:
 - (i) 0 m for an internal unit on an internal lot;
 - (ii) 1.2 m for an end unit on an internal lot;
 - (iii) 2.4 m for a corner lot; and
 - (d) 6.5 m from a rear property line.

- 12.2. An attached garage or carport must comply with the building setback and separation distance requirement that apply to a principal building.
- 12.3. Canopies, eaves, cornices, unenclosed steps, balconies and unenclosed verandahs shall not project beyond any permissible building lines into any front yard setback by more than 1.5 m and shall not project into an easement; chimneys, cantilevered wall sections, bay or oval windows and porches shall project not more than 0.6 m into any front yard setback and shall not project into an easement.

13. PRIVATE AMENITY AREA

A private outdoor amenity area of at least 19 sq. m. shall be provided for each dwelling.

14. ACCESS FROM STREETS AND LANES

- 14.1. All lots must have at least one legal means of vehicle access.
- 14.2. Only one driveway per lot is permitted in this district.

15. LANDSCAPING

- 15.1. The landscaping of the public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway is required, including the area between any separate sidewalk and the road carriageway.
- 15.2. Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway. Driveways to sites from lanes shall be hard surfaced, in accordance with the Town of Devon Design and Construction Standards.

16. FENCING

- 16.1. A person shall not construct on a property line a fence or wall higher than 1.0 m in front yards or 1.8 m in a side, flankage or rear yard. This regulation applies equally to hedges. Privacy screen maximum 0.6 m in height can be installed above the fence with written permission from the Development Authority.
- 16.2. For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the nearest portion of the onsite principal building or to the principal building on the lot adjacent to the fence, whichever is greater.
- 16.3. Electrification of fences will not be permitted.
- 16.4. No fence is permitted between driveways, parking pads or detached garages.

17. OBJECTIONABLE ITEMS IN YARDS

- 17.1. Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw.
- 17.2. Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

- 17.3. The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

18. ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 18.1. Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

19. UTILITY EASEMENTS

- 19.1. Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

20. BUILDING EXTERIORS

- 20.1. The exterior finish of a building must be completed within 1 year of the date of the building foundation completion for the development.
- 20.2. The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.
- 20.3. The design, character and appearance of a building must be compatible with any other buildings existing in this district.

21. SITE GRADING

- 21.1. The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan.

22. CORNER LOTS – TRAFFIC SIGHT LINES

- 22.1. On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 5.5m back along these property lines measured from their intersection. For purposes of the Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.
- 22.2. If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 5.5m m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

23. TEMPORARY BUILDINGS

- 23.1. Temporary buildings in this district shall be limited to residential sales offices or construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development.

24. GARAGES AND ACCESSORY BUILDINGS

- 24.1. Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.
- 24.2. A garage/accessory building shall not exceed one storey or 6.0 m in height. If the proposed accessory building is a shed the maximum height shall not exceed 4.0 m.
- 24.3. Detached garage and accessory buildings shall be located:
- (a) with separation from a principal building as per the Alberta Building Code.
 - (b) no closer to the street than the front of the principal building. In the case of double fronting or corner sites a setback of 2.4 m may be permitted from the flankage boundary or a setback of 5.9 m may be permitted from the back of sidewalk or curb on the flankage boundary when any permitted adjacent Developments would not be adversely affected.
 - (c) a minimum of 0.6 m and a maximum of 1.2m from the rear property line.
 - (d) no closer than 0.6 m from the side property
 - (e) such that no roof overhang shall be within 0.3 m of the side and rear property boundary, excepting that a roof overhang shall not encroach on to an easement.
- 24.4. Uncovered decks shall be located:
- (a) in accordance with the side yard setback regulations of the dwelling unit, provided the deck is more than 0.6 m in height and does not encroach upon any easement or right-of-way.
 - (b) where a deck is less than 0.6 m in height, it may extend to the side property line.
 - (c) natural gas meters and/or gas shut off valves shall not be located under a deck.

25. DRIVEWAY CURB CUTS

- 25.1. The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town Design Standards.
- 25.2. A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc.; unless a protection post is installed.
- 25.3. The width, materials, slope and taper treatments for curb cuts shall be in accordance with Town of Devon Design and Construction Standards.

26. ON-SITE PARKING REQUIREMENTS

- 26.1. On-site parking areas shall be sufficient for a minimum of two vehicles and must be hard-surfaced.

- 26.2. Notwithstanding Section 26.1, on-site parking areas for two-storey townhousing developments and semi-detached houses serviced by a lane shall be sufficient for a minimum of one vehicle and must be hard-surfaced.

27. SIGNS

- 27.1. Except as otherwise permitted in this schedule, the only permitted signs in this District are those which are visible from the street, including:
- (a) number signs indicating the municipal address of the property and the name of the owner/occupant; the surface area shall be no greater than 0.3 m²; a development permit is not required; and
 - (b) one sign indicating the location of a day care facility; the surface shall be on greater than 1.0 m²; and
 - (c) temporary developer marketing signs on lots owned by the developer or an associated builder; a development permit is not required; and
 - (d) temporary Development directional signs; a development permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
 - (e) municipal identification signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves.
- 27.2. No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

28. HOME OCCUPATIONS

- 28.1. In addition to the regulations in this district, the following conditions shall also apply for the accessory use of home occupations:
- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
 - (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
 - (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
 - (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
 - (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.
 - (f) Not more than one employee of a business other than a resident of the dwelling shall work on the site of a home occupation.
 - (g) Retail and personal service business shall operate by appointment only. Parking on the front yard or side yard shall be prohibited except on a driveway.

- (h) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

29. SHOW HOMES AND SALES OFFICES

29.1. In addition to the regulations in this district, the following conditions shall also apply for the use of show homes and sales offices:

- (a) A person wishing to use a site for a show home and sales office shall, in addition to the development permit for the house, make application to the Development Authority for a second development permit allowing the use of the building as a show home. Such an application shall be accompanied by information indicating the location and area intended as a show home site, parking provisions, any exterior lighting and any signs.
- (b) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the permit.

30. PRIVATE SWIMMING POOLS

30.1. In addition to the regulations in this District, the following conditions shall also apply for the use of private swimming pools:

- (a) The owner of every swimming pool shall secure it against entry by the public, other than by owners, tenants or their guests.
- (b) An outdoor swimming pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code.
- (c) Swimming pools and associated equipment buildings shall not be located within any required front yard and must be sited as per accessory buildings.

31. DESIGN THEME

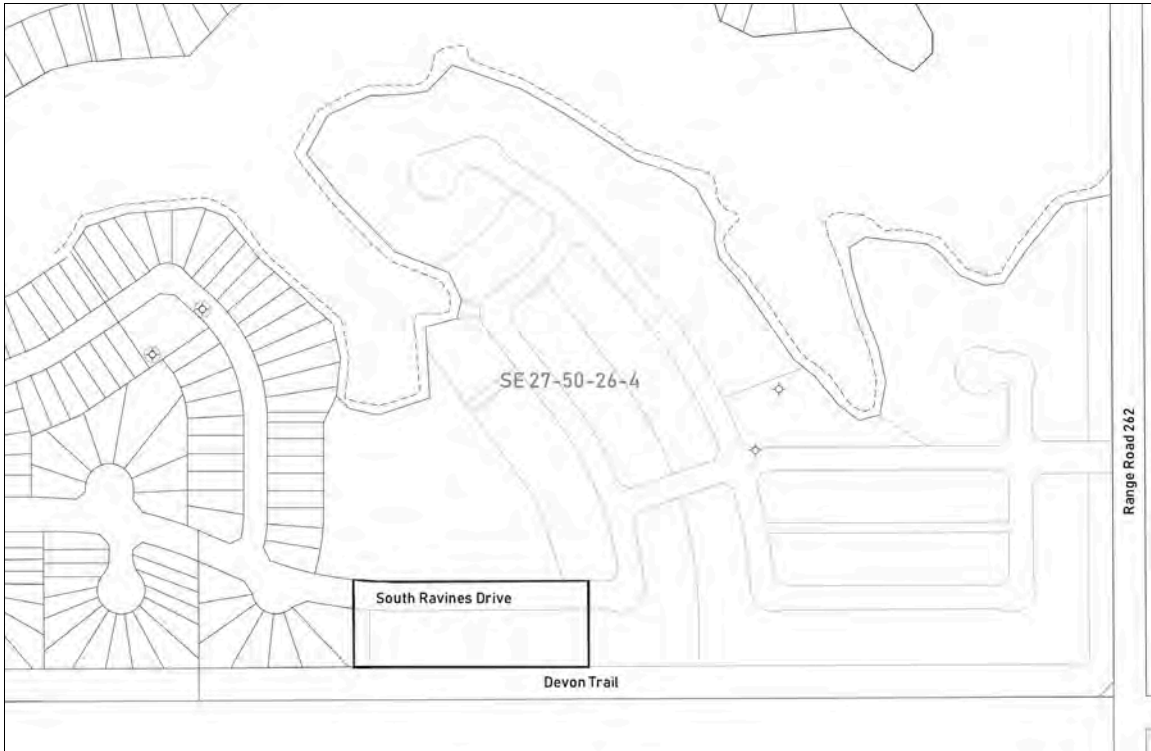
The general architectural theme of this community will encourage homes that are in keeping with a style as indicated by the sample front elevation shown in Figure 1 below:



FIGURE 1 - SAMPLE FRONT ELEVATION

The judgement as to a proposed home's adherence to the design theme and the compatibility of the proposed house to other houses on either side in terms of design, colour, elevation and architectural treatment rests solely with the developer of the subdivision. All plans for proposed homes in the district are to be approved by the developer and/or his designated consultants prior to submission to the Town of Devon for a development permit.

SCHEDULE 'A' TO RCD REGULATIONS





TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'J'

**C2 NEIGHBOURHOOD COMMERCIAL
DISTRICT REGULATIONS**

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C2 NEIGHBOURHOOD COMMERCIAL DISTRICT REGULATIONS

10.1 APPLICATION

10.1.1 The regulations in this Part apply to the District designated as C2 Commercial - Neighbourhood on the Land Use District Map of this Bylaw.

10.2 PURPOSE

10.2.1 The purpose of this District is to provide an area for the sale of goods and services to the immediate neighbourhood.

10.3 PERMITTED LAND USES

10.3.1 The following uses are permitted in this District:

- (a) convenience store with a gross floor area up to 200.0 m²;
- (b) financial institution;
- (c) gas bar;
- (d) general retail store with a gross floor area up to 400.0 m²;
- (e) grocery store with a floor area up to 400.0 m²;
- (f) health service;
- (g) home occupation;
- (h) personal service;
- (i) professional service;
- (j) public utility building;
- (k) restaurant with up to 20 seats with accessory drinking establishment;
- (l) one single dwelling unit above each ground floor commercial use;
- (m) take-out restaurant;
- (n) specialty store with a gross floor area up to 80.0 m²; and
- (o) video outlet with a gross floor area up to 80.0 m².

10.4 DISCRETIONARY LAND USES

10.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) amusement arcade;
- (b) animal service;
- (c) day care facility;
- (d) drinking establishment with 50 seats or more;
- (e) drive-through business for uses listed in Section 10.3.1;
- (f) general retail store with a gross floor area over 400.0 m²;
- (g) restaurant with up to 50 seats with accessory drinking establishment;
- (h) signs other than those permitted under Section 10.34;
- (i) shopping centre with a maximum of 4 separate commercial uses;
- (j) veterinary clinic;
- (k) wall mural;
- (l) liquor stores – see section 10.36
- (m) residential development above ground
- (n) accessory development to any uses in Section 10.3.1 and 10.4.1.; and
- (o) any other use that the Municipal Planning Commission considers compatible with the purpose of this District.

10.5 FLOOR AREA

10.5.1 The maximum gross floor area for all uses combined is 2 times the area of the site.

10.5.2 The area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

10.6 LOT WIDTH

10.6.1 The minimum lot width in this District shall be 30.0 m.

10.7 LOT DEPTH

10.7.1 The minimum lot depth in this District shall be 30.0 m.

10.8 LOT AREA AND COVERAGE

10.8.1 The minimum site area in this District shall be 1020.0 m².

10.8.2 Coverage of all buildings shall not exceed 50% of the total site area.

10.9 BUILDING HEIGHT

10.9.1 The maximum height of any building shall be 6.0 m.

10.10 FRONT YARD SETBACK

10.10.1 The minimum permissible front yard setback is 7.0 m to any part of a principal building.

10.10.2 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply.

10.10.3 The Development Authority may approve a minor projection into a required front yard setback if it would not adversely affect traffic circulation or adjoining Development.

10.11 SIDE YARD SETBACK

10.11.1 The minimum permissible side yard setback is:

- (a) 0 m to the principal building; or
- (b) 3.5 m where a site is adjacent to a non-residential site or District;
or
- (c) 6.5 m where a site is adjacent to a residential site or District.

10.11.2 A minor projection into a required side yard setback is permitted unless it would adversely affect traffic circulation.

10.12 REAR YARD SETBACK

10.12.1 The minimum rear yard setback to the principal building is:

- (a) 3.5 m adjacent to a non-residential District or use; or
- (b) 6.5 m adjacent to a residential District or use.

10.12.2 The Development Authority may approve a minor projection into rear yard setback if it would not adversely affect parking, loading or garbage requirements.

10.13 LIMITED ACCESS TO STREETS

10.13.1 No access for vehicles will be permitted from any roadway to any site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

10.14 ACCESS FROM STREETS AND LANES

10.14.1 All lots must have at least one legal means of vehicle access.

10.14.2 Direct access shall not be permitted from a street to an on-site parking stall.

10.14.3 Direct access will be permitted from a lane to a parking stall in a parking facility.

10.15 LANDSCAPING

10.15.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer, including the area between any separate sidewalk and the road carriageway.

10.15.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road

carriageway, in accordance with the Town of Devon Design and Construction Standards.

10.15.3 All front, side and rear yards of all sites in this District must be paved, hard-surfaced or landscaped.

10.15.4 A landscaped buffer on-site at least 3.0 m wide must be provided adjacent to all public roadways other than lanes and adjacent to any residential use or public park use and must consist of at least the following:

- (a) deciduous trees, 2.0 m initial height, 6.0 m maximum height at maturity, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (b) coniferous trees, 2.0 m initial height, in clusters of two or three, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (c) a combination of (a) and (b).

10.15.5 All traffic islands in parking lots must be landscaped with a minimum rate of 1 tree per 5 parking stalls and finished with tree grates, ground cover or hard landscaping.

10.16 FENCING

10.16.1 A berm 1.0 m in height topped by a fence or wall 1.4 m in height or a fence 2.4 m in height shall be constructed between a site in this District and any adjacent residential site.

10.16.2 A person shall not construct a fence or wall (or allow a hedge to grow) higher than 1.0 m in a front yard or 2.4 m in a side, flankage or rear yard, except where adjacent to a residential site.

10.16.3 For the purposes of the previous provision/regulation only, the depth of the front yard shall be the distance from the property line to the foremost portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

10.16.4 Electrification of fences will not be permitted.

10.17 OBJECTIONABLE ITEMS IN YARDS

10.17.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.

10.17.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

10.17.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

10.18 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

10.18.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed Development, a person shall not begin the excavation for the foundation or commence the Development until the Development Authority has received confirmation that such services or improvements will be undertaken.

10.19 UTILITY EASEMENTS

10.19.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

10.20 BUILDING EXTERIORS

10.20.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the Development.

10.20.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the

building is setting a new standard of design, character and appearance for the District or a part of it.

10.20.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

10.21 SITE GRADING

10.21.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

10.22 CORNER LOTS – TRAFFIC SIGHT LINES

10.22.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

10.22.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

10.23 TEMPORARY BUILDINGS

10.29.1 Temporary buildings in this District shall be limited to construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development. The trailers shall be removed immediately upon completion of construction.

10.24 ACCESSORY BUILDINGS

10.24.1 Unless otherwise specified in this Bylaw, accessory building setbacks and heights shall be as determined by the Development Authority.

10.24.2 Accessory buildings shall be located no closer to the street than the front of the principal building.

10.25 DRIVEWAY CURB CUTS

10.25.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

10.25.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.

10.25.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

10.25.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

10.26 ON-SITE PARKING AND LOADING REQUIREMENTS

10.26.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.

10.26.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use.

10.26.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the Development.

10.26.4 The Development Officer may waive any additional parking requirements necessitated by a change in use of an existing building in this District.

10.26.5 Where an existing building is being enlarged, additional parking requirements shall be provided only for that portion of the building being enlarged.

10.26.6 The Municipal Planning Commission may waive any parking requirements in this District, other than for residential uses, except that the number of parking stalls required for a Development can not be made less than the number of parking stalls present on the site of the existing Development.

10.26.7 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.

10.26.8 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.

10.26.9 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Amusement arcade	❑ 1 stall per 45.0 m ² of gross floor area
Animal service	❑ 1 stall per 45.0 m ² of gross floor area
Convenience store	❑ 1 stall per 45.0 m ² of gross floor area
Day care facility	❑ 1 stall per employee required during the maximum working shift plus 1 visitor stall
Drinking establishment	❑ 1 stall per 6 seats
Drive-through business	❑ 1 stall per employee on maximum working shift
Dwelling units above ground floor residential dwelling unit	❑ 1 stall per bachelor suite, plus ❑ 1 stall per 1-bedroom suite, plus

Land Use	Minimum On-site Parking Requirement
	<input type="checkbox"/> 1.5 stalls per 2-bedroom suite, plus <input type="checkbox"/> 2 stalls per 3-bedroom suite or greater, plus <input type="checkbox"/> 1 stall per 3 suites for visitor parking
Financial institution	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Gas bar	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
General retail store	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Grocery store	<input type="checkbox"/> 1 stall per 20.0 m ² of gross floor area
Health service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Personal service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Professional service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Public utility building	<input type="checkbox"/> None required, no parking permitted
Restaurant	<input type="checkbox"/> 1 stall per 6 seats
Shopping centre	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Take-out restaurant	<input type="checkbox"/> 1 stall per 13.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift
Specialty store	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Veterinary clinic	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Video outlet	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area

10.33.10 One on-site loading space per loading door shall be provided.

10.33.11 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

10.27 SIGNS

10.27.1 Except for billboard and balloon signs, signs are permitted in this District provided they are located and constructed in accordance with the regulations in this section. All unit and/or building number signs shall be visible from the street.

10.27.2 A Development Permit is not required for signs in this District.

10.27.3 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way, on a public sidewalk or walkway, on a traffic island, on a median, on a boulevard, on public property, on a traffic control device, on a municipal street name sign or on a traffic sign in this District; the Town of Devon may, without notice, remove and destroy any sign so located.

10.27.4 Signs shall not be constructed or located such that they interfere with the safe and orderly movement of pedestrians or motor vehicles or the traffic sight lines described in the District regulations.

10.27.5 Signs must not be higher than the maximum height of a building allowed in this District.

10.27.6 Electrical wiring for signs must be located underground.

10.27.7 Where a sign on a site is abandoned or in poor repair, or contravenes the provisions of this Bylaw, a Development Officer may, by notice in writing to the property owner, order the property owner to:

- (a) remove the sign within 14 days of the date of the notice; or
- (b) take such measures as are specified in the notice to refurbish or alter the sign.

Failure by the property owner to comply with a notice given under this section is a violation of this Bylaw and the Development Officer may have the sign removed and destroyed without further notice.

10.27.8 **A-BOARD SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 1.0 m in height; and
- (b) do not exceed 0.75 m in width; and
- (c) are not held down by any weights protruding from the sign;
- (d) are not located on public property or a public sidewalk.

10.27.9 **AWNING AND CANOPY SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the awning or canopy; and
- (d) do not encroach on public property without the written consent of the Development Officer and the sign is a minimum of 0.75 m from a road curb line.

10.27.10 **BALLOON SIGNS** are not permitted on sites in this District.

10.27.11 **BANNER SIGNS** are permitted on sites in this District provided the signs:

- (a) are used to advertise a non-profit or charity event for a period not exceeding 96 hours in a calendar month; and
- (b) do not protrude outside of the site boundaries; and
- (c) have a minimum vertical clearance of 2.5 m to the bottom of the banner.

10.27.12 **CONSTRUCTION SITE SIGNS** are permitted on sites in this District provided the signs:

- (a) are free-standing or fascia signs; and
- (b) do not exceed 3.5 m in height; and
- (c) do not exceed 5.0 m² in sign area; and
- (d) are removed within 1 month of construction completion.

10.27.13 **ELECTRONIC MESSAGE OR FLASHING SIGNS** are permitted on sites in this District provided the signs:

- (a) are located in a window inside the building.

- (b) do not interfere with any adjacent use.

10.27.14 **FASCIA SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (d) do not extend more than 40.0 cm perpendicularly from a supporting building frontage; and
- (e) do not encroach on public property.

10.27.15 **FREESTANDING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 8.0 m² in sign area; and
- (b) do not exceed the height of the building on the site; and
- (c) do not project beyond the boundaries of the site; and
- (d) are located a minimum of 25.0 m from any other free-standing sign on the same or any other site.
- (e) are limited to 1 sign per site for sites up to 1 hectare and 2 per site for sites over 1 hectare, plus one additional sign on corner lots.

10.27.16 **PORTABLE SIGNS** are permitted with permission given by the Development Authority on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 2.5 m; and
- (b) do not exceed 5.0 m² in sign area; and
- (c) do not project outside of the site boundaries; and
- (d) are limited to one sign per 30 lineal metres of frontage and must be sited a minimum of 30.0 m from each other.
- (e) must be located on the property to which the sign refers and have written permission from the Landlord
- (f) portable signs may be approved for a maximum of six (6) month or one (1) year terms conditional on approved site plan and location.

- (g) signs for community events, community groups or organizations or departments of other governments other than the Town may with permission from the Development Authority place a portable sign on public right of way for a maximum of two (2) weeks prior to an event, registration or course date and must be removed within two (2) working days after the event date.
- (h) all portable signs must display a sticker stating when the sign expires. This sticker must be easily visible to an enforcement officer. If no sticker is in place, the sign will be removed at the expense of the advertiser and or owner of the sign. Sign must have sign owners name and phone number visible. Signs must be removed on or before expiry date.
- (i) any signage adjacent to Highway 60 or Highway 19 must make application through Alberta Transportation. Applications are available on their website - <http://www.transportation.alberta.ca>
- (j) where multi tenants are on a site the landowner must request permission for the sign(s).
- (k) permission for a portable sign will only be given to businesses located in Devon that hold a valid Business License.

10.27.17 **PROJECTING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 1.0 m² in sign area; and
- (b) do not have a clearance between the building and nearest edge of the sign of more than 0.3 m; and
- (c) do not extend more than 30.0 cm in height above the roof or parapet of the first storey; and
- (d) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (e) do not encroach on public property without the written consent of the Development Officer and the sign is a minimum of 0.75 m from a road curb line.

10.27.18 **ROOF SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 3.0 m² in sign area; and
- (b) do not overhang the edges of a building; and
- (c) are limited to one sign per building; and

- (d) are not flashing signs, but may be illuminated.

10.27.19 **SIGNS – VEHICLES** will not permitted in this District

10.27.20 **OTHER SIGNS** are permitted on sites in this District provided the signs:

- (a) are signs posted or exhibited in a building window; or
- (b) are signs or posters on a community message board; or
- (c) are signs displayed on bus shelters or benches located on public property erected under an agreement with the Town of Devon; or
- (d) are municipal signs; or
- (e) are signs erected pursuant to a development agreement or to give notice of a re-Districting; or
- (f) are signs placed on a building or site for emergency or warning purposes.

10.28 HOME OCCUPATIONS

10.28.1 In addition to the regulations in this District, the following conditions shall also apply for the accessory use of home occupations:

- (a) There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 20.0 cm by 30.0 cm in size located on the dwelling.
- (b) There shall be no outside business activity, or storage of material, equipment or products. Indoor storage related to the business activity will be allowed within the dwelling unit or an accessory building provided that such materials or equipment are not likely to result in a fire hazard.
- (c) There shall be no mechanical or electrical equipment used that creates unreasonable external noise or interferes with electronic equipment in adjacent dwellings.
- (d) No commodity other than the product or service of the home occupation shall be sold on the premises.
- (e) A person performing a service to the community, or instruction of arts or crafts, shall not permit more than six students or customers to be in attendance at any one time.

- (f) No employee of the business other than the residents of the dwelling shall work at the site of the home occupation.
- (g) Retail and personal service business shall operate by appointment only. A minimum of 1 on-site parking space in addition to those required by other sections of the Land Use Bylaw shall be provided for businesses where customers visit the home. Parking on the front yard or side yard shall be prohibited except on a driveway.
- (h) Any vehicles parked on-street or on-site as a result of a home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants.
- (i) Development permits for home occupations are issued on a one-time basis only. Permits are not transferable to another property, another property owner or another tenant and are not valid for a different home occupation.

10.29 DRIVE-THROUGH BUSINESS

10.29.1 In addition to the regulations in this District, the following conditions shall also apply for a drive-through business:

10.29.2 A drive-through business must be located:

- (a) at the intersection of two or more public roadways; or
- (b) between intersections only if there is an adjoining service road with no on-street parking or a traffic median on the adjacent public roadway; or
- (c) in a shopping centre.

10.29.3 The minimum site area for a drive-through business is:

- (a) 930.0 m² for a drive-in restaurant or drive-through restaurant;
- (b) 1200.0 m² for a drive-through automotive specialty;
- (c) 360.0 m² for a gas bar with up to 3 gas pumps plus 65.0 m² per each additional gas pump;
- (d) 1000.0 m² for a drive-through financial institution;
- (e) 1175.0 m² for a car wash;

- (f) as determined by the Development Authority for all other drive-through businesses taking into account the site constraints and nature of the business; and
- (g) the sum of the minimum site areas required for each use listed under (a) through (f) for 2 or more drive-through uses on one site.

10.29.4 The minimum building setback for a drive-through business is:

- (a) 9.5 m from any property line of the site to any part of the principal building used for the drive-through; and
- (b) 6.0 m from any property line of the site to any on-site parking area for all pump islands; and
- (c) 10.0 m from the nearest residential property line; and
- (d) 25.0 m from the nearest residential property line in the case of a car wash.

10.29.5 Vehicle queuing spaces must be provided for drive-through businesses as follows:

- (a) for every drive-up service window there must be a minimum of 3 in-bound and 1 out-bound space; and
- (b) a drive-through automotive service or automotive specialty must provide a minimum of 4 in-bound and 1 out-bound queuing space per service bay; and
- (c) a full-service car wash must provide a minimum of 8 in-bound and 2 out-bound queuing spaces; and
- (d) pump islands must be located to provide a minimum 6.0 m wide through traffic lane.

10.29.6 The following screening shall be provided for a drive-through business:

- (a) a 1.0 m high berm topped by a fence or wall 1.4 m high shall be erected around the perimeter of a drive-through business, unless the business is located within a shopping centre or where the Development Authority rules that there is no negative impact on an adjoining use or site.

10.30 ANIMAL SERVICE, PET SHOPS & VETERINARY CLINICS

10.30.1 The design of an animal service, pet shop or veterinary clinic facility shall be such that any adjoining property would not be affected by noise or odour associated with the facility.

10.31 OUTDOOR DISPLAY

10.31.1 An area used for outdoor display must be hard surfaced or paved.

10.32 PEDESTRIAN WALKWAY ACCESS

10.32.1 All Developments must provide on-site exterior pedestrian walkways or sidewalks that connect on-site uses to each other and to the public right-of-way and any walkways adjoining the Development.

10.33 RESIDENTIAL DEVELOPMENT ABOVE GROUND FLOOR

10.33.1 In addition to the regulations in this District, a site containing an above ground floor residential dwelling or Development must comply with the following conditions:

- (a) for residential dwelling units or suites above ground floor commercial Developments, the Development Authority may apply any of the applicable conditions for high density residential Developments pursuant to the District regulations for the R4 Land Use District in this Bylaw.
- (b) for dwelling units or suites above ground floor commercial, the minimum floor area per dwelling unit is 40.0 m².
- (c) for dwelling units or suites above ground floor commercial, the front yard setback to the principal building is 0 m, the side yard setback is 0 m and the rear yard setback is 7.5 m.
- (d) for residential uses above ground floor commercial, on-site parking requirements shall be added to the requirements for the commercial Development.
- (e) for residential uses above ground floor commercial, private amenity areas shall be provided on the same storey as the residential Development and may project in to a front or rear yard setback.

10.34 DAY CARE FACILITY

10.34.1 In addition to the regulations in this District, the following conditions shall also apply for a day care facility:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) a facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2.0 m in height.
- (c) the required on-site parking is to be added to the parking requirement for any other commercial use on the site
- (d) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

10.35 SHOPPING CENTRES

10.35.1 In addition to the regulations in this District, the following conditions shall also apply for a shopping centre in this District:

- (a) all accesses to shopping centres in this District shall be from an arterial or collector roadway.
- (b) A shopping centre in this District shall not contain more than 8 commercial uses or businesses.

10.36 RETAIL LIQUOR SALES

10.36.1 The location must be 100.0 m from any public or private education schools or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or the Bill C-45 as amended by the government of Canada), For the purpose of subsection only:

- a) the 100.0 m separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from the District boundaries or from the edge of the structures.

- b) the term public or private schools is limited to early childhood education, elementary through to high school exclusively only and does not include dance schools, driving schools or other commercial schools.
- c) the term public playground structures is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations or recreation facilities i.e. arena, pool, etc..

10.36.2 The location must be 50.0 m from a daycare that is already in place. The setback will be from the front door of the daycare. If future day care applies for a permit after the approval of the liquor store, it will not affect the approved liquor retail sales location.

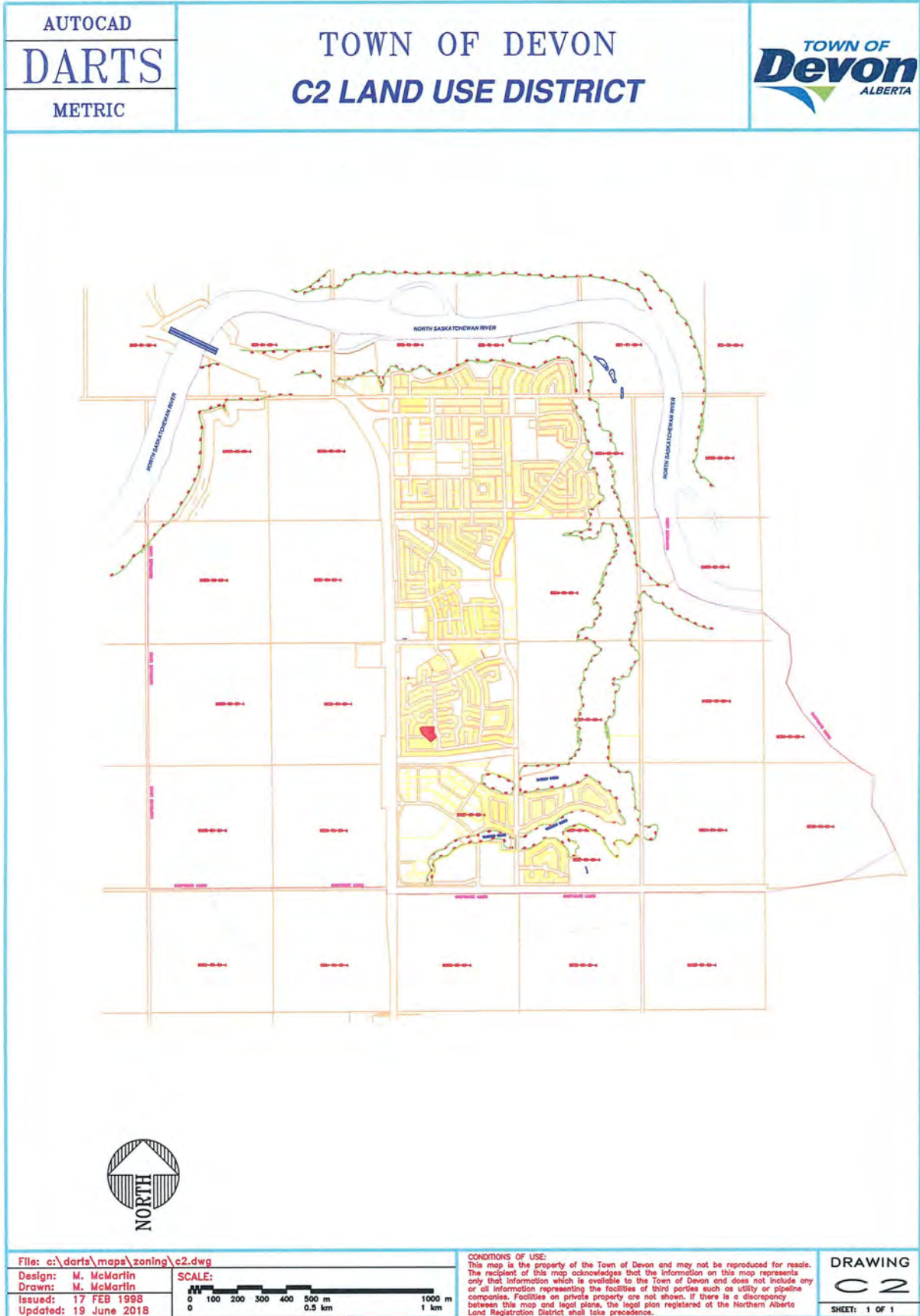
10.38 C2 LAND USE DISTRICT MAP

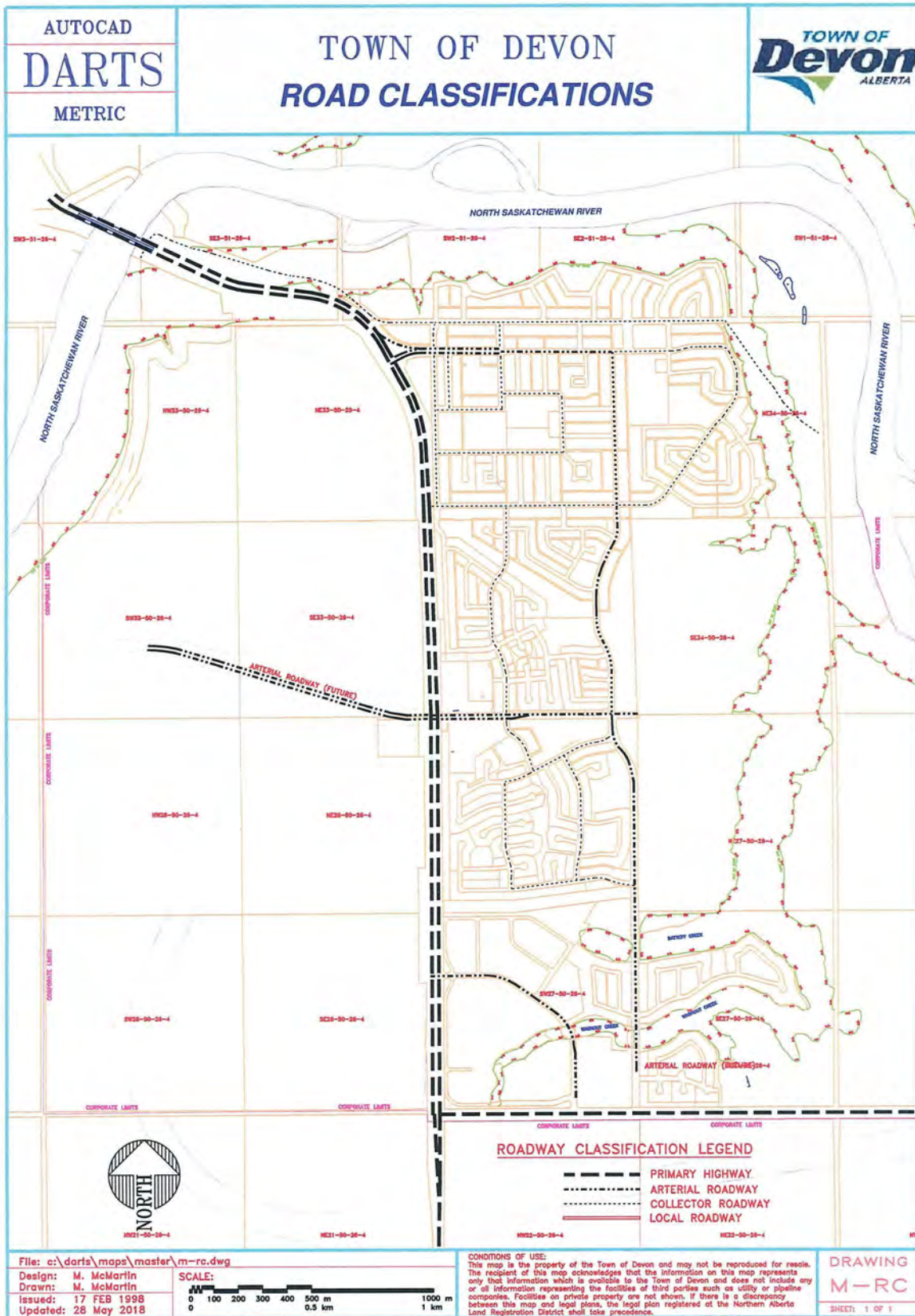
10.38.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as C2 Commercial Neighborhood for purposes of application of the regulations in this Part (see page 23).

10.38 ROADWAY CLASSIFICATION MAP

10.38.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 24).

End of Part J – Maps Follow







TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'K'

**C3 CORRIDOR COMMERCIAL
DISTRICT REGULATIONS**

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C3 CORRIDOR COMMERCIAL DISTRICT REGULATIONS

11.1 APPLICATION

11.1.1 The regulations in this Part apply to the District designated as C3 Commercial - Corridor on the Land Use Map of this Bylaw.

11.2 PURPOSE

11.2.1 The purpose of this District is to provide an area along an arterial roadway, a major collector roadway or a service road along a primary highway for the sale of the widest variety of goods and services to the community and the surrounding region.

11.3 PERMITTED LAND USES

11.3.1 The following uses are permitted in this District:

- animal service;
- automotive body and paint shop;
- automotive rentals;
- automotive sales and service;
- automotive specialty;
- building supply centre;
- bus depot;
- business support service;
- car wash;
- catering service;
- cinema;
- commercial school;
- construction service
- convenience store;
- drinking establishment with up to 50 seats;
- drive-through business;
- equipment rental;
- equipment sales and service;
- financial institution;
- funeral home;
- gas bar;
- general retail store;
- government service;
- grocery store;
- health service;
- hotel;
- household repair service;

- indoor recreation service;
- motel;
- mini-storage;
- outdoor display;
- parking structure;
- personal service;
- pool hall;
- professional service;
- public utility building;
- private clubs or lodges;
- restaurant;
- shopping centre;
- take-out restaurant;
- theatre;
- specialty store;
- surveillance suite;
- truck and car wash;
- veterinary clinic;
- video outlet;
- wall mural;
- warehouse store;
- accessory use to any permitted use in this District.

11.4 DISCRETIONARY LAND USES

11.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- amusement arcade;
- auction facility;
- bingo hall;
- casino;
- church;
- drinking establishment with 50 seats or more;
- drive-through business;
- greenhouse and plant nursery;
- liquor stores (See Section 11.37);
- outdoor storage;
- recycling depot;
- recreation vehicle sales and service;
- Cannabis Retail Sales where the location is 100.0 m from any school or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or Bill C-45 as amended by the government of Canada – see Section 11.36)

- signs other than those permitted under Section 11.34;
- accessory use to any discretionary use in this District; and
- Any other use that the Municipal Planning Commission considers compatible with the purpose of this District.

11.5 FLOOR AREA

11.5.1 The maximum gross floor area for commercial use is 2 times the area of the site.

11.5.2 The area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

11.6 LOT WIDTH

11.6.1 The minimum lot width in this District shall be 15.0 m.

11.7 LOT DEPTH

11.7.1 The minimum lot depth in this District shall be 30.0 m.

11.8 LOT AREA AND COVERAGE

11.8.1 The minimum site area in this District shall be 450.0 m².

11.8.2 Coverage of all buildings shall not exceed 50 % of the total site area.

11.9 BUILDING HEIGHT

Bylaw979/2022
October 24/2022

11.9.1 The maximum height of any building shall not be more than 5 storeys.

11.10 FRONT YARD SETBACK

11.10.1 The minimum permissible front yard setback is 7.0 m to any part of a principal building.

11.10.2 A site abutting onto two streets or more shall have a front yard on each street in accordance with the front yard setback requirements of this Part except where the Development Authority rules that one side of the site is to be considered flanking, in which case the side yard setback regulation shall apply.

11.10.3 The Development Authority may approve a minor projection into a required front yard setback if it would not adversely affect traffic circulation or adjoining Development.

11.11 SIDE YARD SETBACK

11.11.1 The minimum permissible side yard setback is:

- (a) 3.5 m to the principal building.
- (b) notwithstanding the above, where a site does not have a lane on the side or rear of the site, the Development Authority may require that one or both side yard setbacks be a minimum of 4.0 m to accommodate a driveway for vehicular access to the rear of the site.

11.11.2 A minor projection into a required side yard setback is permitted unless it would adversely affect traffic circulation.

11.12 REAR YARD SETBACK

11.12.1 The minimum rear yard setback to the principal building is 0 m, except as required for on-site parking, garbage bins or loading areas;

11.12.2 The minimum rear yard setback to the principal building is 3.5 m adjacent to a residential District or use; and

11.12.3 The Development Authority may approve a minor projection into rear yard setback if it would not adversely affect parking, loading or garbage requirements.

11.13 LIMITED ACCESS TO STREETS

11.13.2 Direct access will not be permitted from a site in this District to a primary highway.

11.13.2 No access for vehicles will be permitted from any roadway to any site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

11.14 ACCESS FROM STREETS AND LANES

11.14.1 All lots must have at least one legal means of vehicle access.

11.14.2 Direct access shall not be permitted from a street to an on-site parking stall.

11.14.3 Direct access will be permitted from a lane to a parking stall in a parking facility, but not a stall in a parking structure.

11.15 LANDSCAPING

11.15.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer, including the area between any separate sidewalk and the road carriageway.

11.15.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

11.15.3 All front, side and rear yards of all sites in this District must be paved, hard-surfaced or landscaped.

11.15.4 A landscaped buffer on-site at least 3.0 m wide must be provided adjacent to all public roadways other than lanes and adjacent to any residential use or public park use and must consist of at least the following:

- (a) deciduous trees, 2.0 m initial height, 6.0 m maximum height at maturity, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (b) coniferous trees, 2.0 m initial height, in clusters of two or three, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (c) a combination of (a) and (b).

11.15.5 All traffic islands in parking lots must be landscaped with a minimum rate of 1 tree per 5 parking stalls and finished with tree grates, ground cover or hard landscaping.

11.16 FENCING

11.16.1 A person shall not construct a fence or wall (or permit a hedge to grow) higher than 2.4 m in a front, side, flankage or rear yard.

11.16.2 Electrification of fences will not be permitted.

11.17 OBJECTIONABLE ITEMS IN YARDS

11.17.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.

11.17.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

11.17.6 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

11.18 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

11.18.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed Development, a person shall not begin the excavation for the foundation or commence the Development until the Development Authority has received confirmation that such services or improvements will be undertaken.

11.19 UTILITY EASEMENTS

11.19.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company. The eaves only of a building may project over a utility easement if the projection does not restrict access to the easement and written consent has been obtained from the persons for whose use the easement has been granted.

11.20 BUILDING EXTERIORS

11.20.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the Development.

11.20.2 The design, character and appearance of a building must be compatible with any other buildings existing on the site and in the vicinity, unless the building is setting a new standard of design, character and appearance for the District or a part of it.

11.20.3 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

11.21 SITE GRADING

11.21.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta

Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

11.22 CORNER LOTS – TRAFFIC SIGHT LINES

11.22.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

11.22.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

11.23 TEMPORARY BUILDINGS

11.23.1 Temporary buildings in this district shall be limited to construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development. The trailers shall be removed immediately upon completion of construction.

11.24 ACCESSORY BUILDINGS

11.24.1 Unless otherwise specified in this bylaw, accessory building setbacks and heights shall be as determined by the Development Authority.

11.24.2 Accessory buildings shall be located no closer to the street than the front of the principal building.

11.25 DRIVEWAY CURB CUTS

11.25.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

- 11.25.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.
- 11.25.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.
- 11.25.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

11.26 ON-SITE PARKING AND LOADING REQUIREMENTS

- 11.26.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.
- 11.26.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use; parking on another site may be permitted provided the owner of the Development has control of the site where the parking is proposed and that site is dedicated to the benefit of the Development being proposed, and there is a pedestrian walkway connecting the two sites.
- 11.26.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the Development.
- 11.26.4 The Development Officer may waive any additional parking requirements necessitated by a change in use of an existing building in this District.
- 11.26.5 Where an existing building is being enlarged, additional parking requirements shall be provided only for that portion of the building being enlarged.

11.26.6 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.

11.26.7 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.

11.26.8 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Amusement arcade	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Animal service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Automotive sales and service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Automotive specialty	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Bingo hall	<input type="checkbox"/> 1 stall per 2.5 seats
Bus Depot	<input type="checkbox"/> As required by the Development Authority
Business support service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Car wash	<input type="checkbox"/> 1 stall per employee on maximum shift
Casino	<input type="checkbox"/> 1 stall per 2.5 seats
Catering service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Church	<input type="checkbox"/> 1 stall per 5 seating spaces, reduced to 1 stall per 7.5 seats if parking stalls are available, with permission, on an adjacent public parking lot
Cinema	<input type="checkbox"/> 1 stall per 10 seats
Commercial school	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Convenience store	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Drinking establishment	<input type="checkbox"/> 1 stall per 6 seats
Drive-through business	<input type="checkbox"/> 1 stall per employee on maximum working shift
Equipment sales and service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Equipment rental	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Financial institution	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Funeral home	<input type="checkbox"/> 1 stall per 5 seats plus 1 stall per funeral

Land Use	Minimum On-site Parking Requirement
	home vehicle
Gas bar	☐ 1 stall per 45.0 m ² of gross floor area
General retail store	☐ 1 stall per 45.0 m ² of gross floor area
Government service	☐ 1 stall per 8 seats or 1 stall per 45.0 m ² of gross floor area, whichever is greater
Grocery store	☐ 1 stall per 20.0 m ² of gross floor area
Health service	☐ 1 stall per 45.0 m ² of gross floor area
Hotel	☐ 1 stall per guest room plus additional stalls in accordance with this section for the other uses that form part of the hotel
Household repair service	☐ 1 stall per 45.0 m ² of gross floor area
Indoor recreation service	☐ As required by the Development Authority
Liquor store	☐ 1 stall per 45.0 m ² of gross floor area
Personal service	☐ 1 stall per 45.0 m ² of gross floor area
Pool hall	☐ 1 stall per 45.0 m ² of gross floor area
Private club and lodge	☐ 1 stall per 5 seats or 1 stall per 20.0 m ² of gross floor area, whichever is greater
Professional service	☐ 1 stall per 45.0 m ² of gross floor area
Public utility building	☐ None required, no parking permitted
Recycling depot	☐ 1 stall per employee on maximum shift
Restaurant	☐ 1 stall per 6 seats
Shopping centre < 10,000 m ²	☐ 1 stall per 30.0 m ² of gross floor area
Shopping centre > 10,000 m ²	☐ 1 stall per 25.0 m ² of gross floor area
Take-out restaurant	☐ 1 stall per 13.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift
Theatre	☐ 1 stall per 10 seats
Specialty store	☐ 1 stall per 45.0 m ² of gross floor area
Veterinary clinic	☐ 1 stall per 45.0 m ² of gross floor area
Video outlet	☐ 1 stall per 45.0 m ² of gross floor area
Warehouse store	☐ 1 stall per 50.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working

Land Use	Minimum On-site Parking Requirement
	shift

11.26.9 One on-site loading space per loading door shall be provided.

11.26.10 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

11.27 SIGNS

11.27.1 Except for billboard signs, signs are permitted in this District provided they are located and constructed in accordance with the regulations in this section. All unit and/or building number signs shall be visible from the street.

11.27.2 A Development Permit is not required for signs in this District.

11.27.3 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way, on a public sidewalk or walkway, on a traffic island, on a median, on a boulevard, on public property, on a traffic control device, on a municipal street name sign or on a traffic sign in this District; the Town of Devon may, without notice, remove and destroy any sign so located.

11.27.4 Signs shall not be constructed or located such that they interfere with the safe and orderly movement of pedestrians or motor vehicles or the traffic sight lines described in the District regulations.

11.27.5 Signs must not be higher than the maximum height of a building allowed in this District.

11.27.6 Electrical wiring for signs must be located underground.

11.27.7 Where a sign on a site is abandoned or in poor repair, or contravenes the provisions of this Bylaw, a Development Officer may, by notice in writing to the property owner, order the property owner to:

- (a) remove the sign within 14 days of the date of the notice; or
- (b) take such measures as are specified in the notice to refurbish or alter the sign.

Failure by the property owner to comply with a notice given under this section is a violation of this Bylaw and the Development Officer may have the sign removed and destroyed without further notice.

11.27.8 **A-BOARD SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 1.0 m in height; and
- (b) do not exceed 0.75 m in width; and
- (c) are not held down by any weights protruding from the sign;
- (d) are not placed on a public boulevard or sidewalk.

11.27.9 **AWNING AND CANOPY SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the awning or canopy; and
- (d) do not encroach on public property without the written consent of the Development Officer and the sign is a minimum of 0.75 m from a road curb line.

11.27.10 **BALLOON SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed the maximum building heights in the District; and
- (b) do not protrude outside of the site boundaries; and

- (c) are roof mounted only.

11.27.11 **BANNER SIGNS** are permitted on sites in this District provided the signs:

- (a) are used to advertise a non-profit or charity event for a period not exceeding 96 hours in a calendar month; and
- (b) do not protrude outside of the site boundaries; and
- (c) have a minimum vertical clearance of 2.5 m to the bottom of the banner.

11.27.12 **CONSTRUCTION SITE SIGNS** are permitted on sites in this District provided the signs:

- (a) are free-standing or fascia signs; and
- (b) do not exceed 3.5 m in height;; and
- (c) do not exceed 5.0 m² in sign area; and
- (d) are removed within 1 month of construction completion.

11.27.13 **ELECTRONIC MESSAGE OR FLASHING SIGNS** are permitted on sites in this District provided the signs:

- (a) are located in a window inside the building.

11.27.14 **FASCIA SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (d) do not extend more than 40.0 cm perpendicularly from a supporting building frontage; and
- (e) do not encroach on public property.

11.27.15 **FREESTANDING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 8.0 m² in sign area; and
- (b) do not exceed two (2) times the height of the building on the site but not greater than 13.75 m; and
- (c) do not project beyond the boundaries of the site; and
- (d) are located a minimum of 25.0 m from any other free-standing sign on the same or any other site.
- (e) are limited to 1 sign per site for sites up to 1 hectare and 2 per site for sites over 1 hectare, plus one additional sign on corner lots.

11.27.16 **PORTABLE SIGNS** are permitted with written permission given by the Development Authority on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 2.5 m; and
- (b) do not exceed 5.0 m² in sign areas; and
- (c) do not project outside of the site boundaries; and
- (d) are limited to one sign per 30 lineal metres of frontage and must be sited a minimum of 30.0 m from each other.
- (e) must be located on the property to which the sign refers and have written permission from the Landlord.
- (f) portable signs may be approved for a maximum of six (6) month or one (1) year terms conditional on approved site plan and location.
- (g) signs for community events, community groups or organizations or departments of other governments other than the Town may with permission from the Development Authority place a portable sign on public right of way for a maximum of two (2) weeks prior to an event, registration or course date and must be removed within two (2) working days after the event date.
- (h) all portable signs must display a sticker stating when the sign expires. This sticker must be easily visible to an enforcement officer. If no sticker is in place, the sign will be removed at the expense of the advertiser and or owner of the sign. Sign must have sign owners name and phone number visible. Signs must be removed on or before expiry date.

- (i) any signage adjacent to Highway 60 or Highway 19 must make application through Alberta Transportation. Applications are available on their website - <http://www.transportation.alberta.ca>
- (j) where multi tenants are on a site the landowner must request permission for the sign(s).
- (k) permission for a portable sign will only be given to businesses located in Devon that hold a valid Business License.

11.27.17 **PROJECTING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 1.0 m² in sign area; and
- (b) do not have a clearance between the building and nearest edge of the sign of more than 0.3 m; and
- (c) do not extend more than 30.0 cm in height above the roof or parapet of the first storey; and
- (d) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (e) do not encroach on public property without the written consent of the Development Officer and the sign is a minimum of 0.75 m from a road curb line.

11.27.18 **ROOF SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 3.0 m² in sign area; and
- (b) do not overhang the edges of a building; and
- (c) are limited to one sign per building; and
- (d) are not flashing signs, but may be illuminated.

11.27.19 **SIGNS - VEHICLES** will not be permitted in this District.

11.27.20 **OTHER SIGNS** are permitted on sites in this District provided the signs:

- (a) are signs posted or exhibited in a building window; or
- (b) are signs or posters on a community message board; or

- (c) are signs displayed on bus shelters or benches located on public property erected under an agreement with the Town of Devon; or
- (d) are municipal signs; or
- (e) are signs erected pursuant to a Development agreement or to give notice of a re-Districting; or
- (f) are signs placed on a building or site for emergency or warning purposes; or

11.28 DRIVE-THROUGH BUSINESS

11.28.1 In addition to the regulations in this District, the following conditions shall also apply for a drive-through business:

11.28.2 A drive-through business must be located:

- (a) at the intersection of two or more public roadways; or
- (b) between intersections only if there is an adjoining service road with no on-street parking or a traffic median on the adjacent public roadway; or
- (c) in a shopping centre.

11.28.3 The minimum site area for a drive-through business is:

- (a) 930.0 m² for a drive-in restaurant or drive-through restaurant;
- (b) 1200.0 m² for a drive-through automotive specialty;
- (c) 360.0 m² for a gas bar with up to 3 gas pumps plus 65.0 m² per each additional gas pump;
- (d) 1000.0 m² for a drive-through financial institution;
- (e) 1175.0 m² for a car wash;
- (f) as determined by the Development Authority for all other drive-through businesses taking into account the site constraints and nature of the business;
- (g) the sum of the minimum site areas required for the each use listed under (a) through (f) for 2 or more drive-through uses on one site.

11.28.4 The minimum building setback for a drive-through business is:

- (a) 9.5 m from any property line of the site to any part of the principal building used for the drive-through; and
- (b) 6.0 m from any property line of the site to any on-site parking area for all pump islands; and
- (c) 10.0 m from the nearest residential property line; and
- (d) 25.0 m from the nearest residential property line in the case of a car wash.

11.28.5 Vehicle queuing spaces must be provided for drive-through businesses as follows:

- (a) for every drive-up service window there must be a minimum of 3 in-bound and 1 out-bound space; and
- (b) a drive-through automotive service or automotive specialty must provide a minimum of 4 in-bound and 1 out-bound queuing space per service bay; and
- (c) a full-service car wash must provide a minimum of 8 in-bound and 2 out-bound queuing spaces; and
- (d) pump islands must be located to provide a minimum 6.0 m wide through traffic lane.

11.28.6 The following screening shall be provided for a drive-through business:

- (a) a 1.0 m high berm topped by a fence or wall 1.0 m high shall be erected around the perimeter of a drive-through business, unless the business is located within a shopping centre or where the Development Authority rules that there is no negative impact on an adjoining use or site.
- (b) if a car wash is located on a site adjacent to a residential use or District, noise attenuation shall be provided to the satisfaction of the Development Authority.

11.29 ANIMAL SERVICE, PET SHOPS & VETERINARY CLINICS

11.29.1 The design of an animal service, pet shop or veterinary clinic facility shall be such that any adjoining property would not be affected by noise or odour associated with the facility.

11.30 OUTDOOR DISPLAY

11.30.1 An area used for outdoor display must be hard surfaced or paved.

11.31 PEDESTRIAN WALKWAY ACCESS

11.31.1 All Developments must provide on-site exterior pedestrian walkways or sidewalks that connect on-site uses to each other and to the public right-of-way and any walkways adjoining the Development.

11.32 AUTOMOTIVE & RECREATION VEHICLE SALES & SERVICES

11.32.1 Any automotive or recreation vehicle or equipment sales and service Development must:

- (a) include a building with a permanent foundation with a gross floor area of at least 5% of the site area; and
- (b) have exclusive use of an outdoor display area of at least 200.0 m²; and
- (c) pave or hard-surface all outdoor display and service areas.

11.33 CHURCHES

11.33.1 In addition to the regulations in this District, the following conditions shall also apply for churches:

- (a) the site on which a church is situated shall have a frontage of not less than 30.0 m and an area of not less than 900.0 m² except where a building for a minister's residence is to be erected on the same site. The combined area of the site in this case shall be not less than 1440.0 m².
- (b) if the maximum height restriction of this District is exceeded, the minimum yard setback requirements shall be increased by the Development Authority as the Authority deems appropriate considering the adjacent uses or buildings.

- (c) churches shall have at least two accesses to the property, with one of those accesses being from a collector or higher class of roadway.
- (d) on-site parking lots shall be hard surfaced, and the perimeter areas landscaped.

11.34 COMMERCIAL SCHOOL

11.34.1 In addition to the regulations in this District, the following conditions shall also apply for a commercial school:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) a facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2 metres in height.
- (c) the required on-site parking is to be added to the parking requirement for any other commercial use on the site.
- (d) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

11.35 SHOPPING CENTRES

11.35.1 In addition to the regulations in this District, the following conditions shall also apply for a shopping centre in this District:

- (a) all accesses to shopping centres in this District shall be from a provincial highway, an arterial roadway or collector roadway.

11.36 CANNABIS RETAIL SALES

11.36.1 The location must be 100.0 m from any public or private education schools or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or the Bill C-45 as amended by the government of Canada), for the purpose of subsection only:

- a) the 100.0 m separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from the District boundaries or from the edge of the structures.
- b) the term public or private schools is limited to early childhood education, elementary through to high school exclusively only and does not include dance schools, driving schools or other commercial schools.

11.36.2 The location must be 100.0 m from any public playground at the time of the application or the Development permit for Cannabis Retail Sales. For the purpose of this section only:

- a) the 100.0 m setback shall be measured from the edges of the playground structures to the closest point of any other site boundary and shall not be measured from the District boundary.
- b) the term public playground structures is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations or recreation facilities i.e. arena, pool, etc..

11.36.3 The location must be 100.0 m from a day care that is already in place. The setback will be from the front door of the daycare. If future daycare applies for a permit after the approval of the cannabis store, it will not affect the approved cannabis retail sales location.

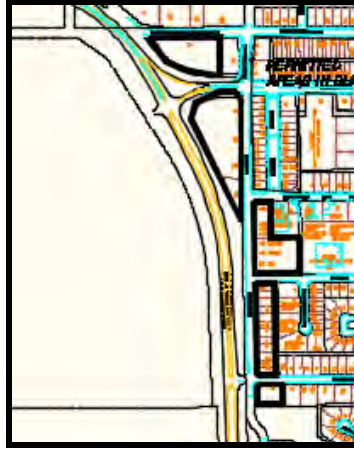
11.36.4 Only cannabis and cannabis related accessories can be sold at the business.

11.36.5 There is no right to appeal any variations of the distances listed above.

11.36.6 The owner shall obtain and any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation.

11.36.7 The Development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved Development permit and the Bylaws of the Town of Devon.

11.36.8 Map showing areas in C3 Commercial where cannabis sales can be located:



**BLACK AREAS ARE C3 CORRIDOR
COMMERCIAL LOCATIONS WHERE
CANNABIS SALES
ARE PERMITTED.**

11.37 RETAIL LIQUOR SALES

11.37.1 The location must be 100.0 m from any public or private education schools or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or the Bill C-45 as amended by the government of Canada), for the purpose of subsection only:

- a) the 100.0 m separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from the District boundaries or from the edge of the structures.
- b) the term public or private schools is limited to early childhood education, elementary through to high school exclusively only and does not include dance schools, driving schools or other commercial schools.
- c) the term public playground structures is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations or recreation facilities i.e. arena, pool, etc..

11.37.2 The location must be 50.0 m from a day care that is already in place. The setback will be from the front door of the daycare. If future day care applies for a permit after the approval of the liquor store, it will not affect the approved liquor retail sales location.

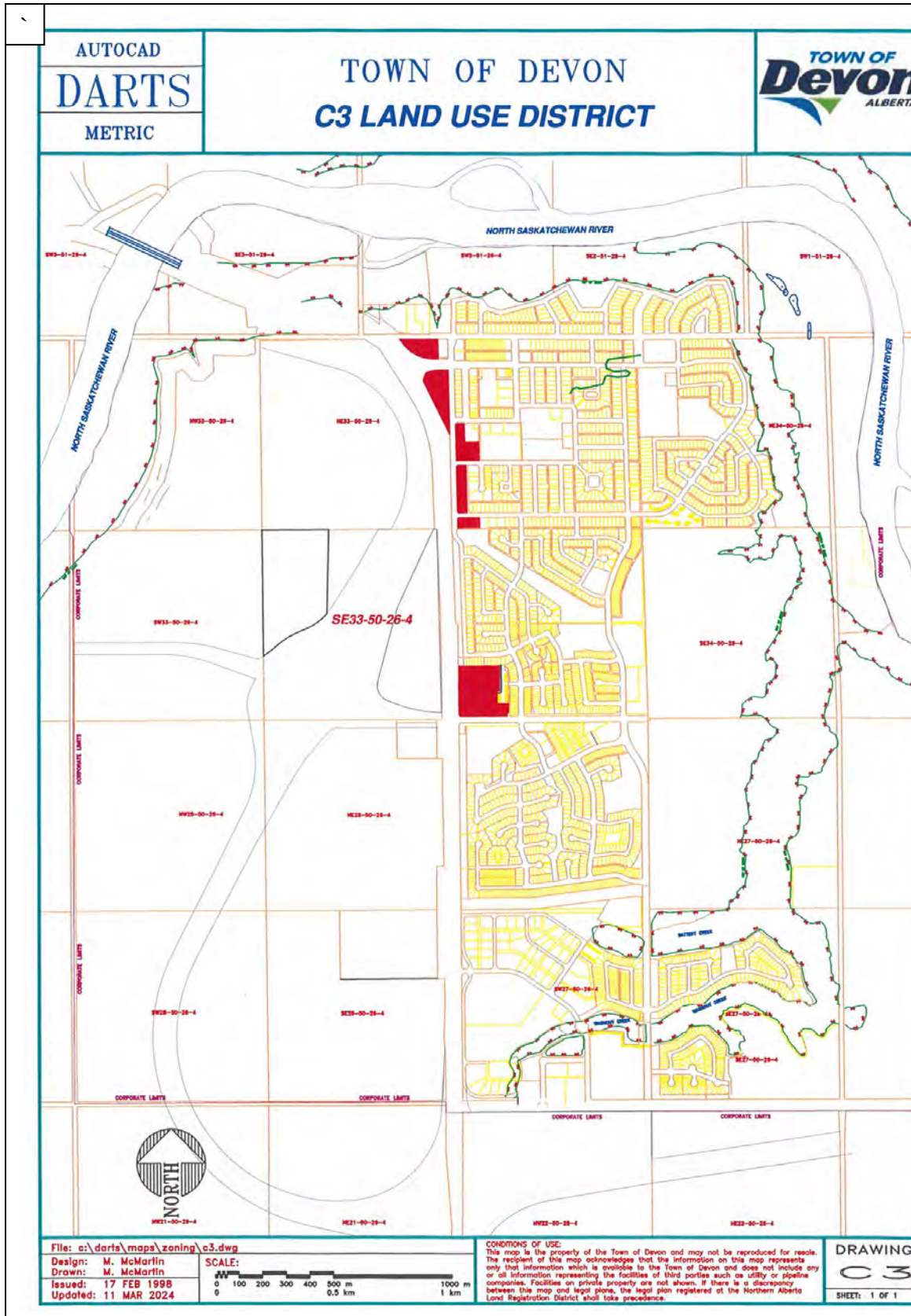
11.38 C3 LAND USE DISTRICT MAP

11.38.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as C3 Commercial Corridor for purposes of application of the regulations in this Part (see page 26).

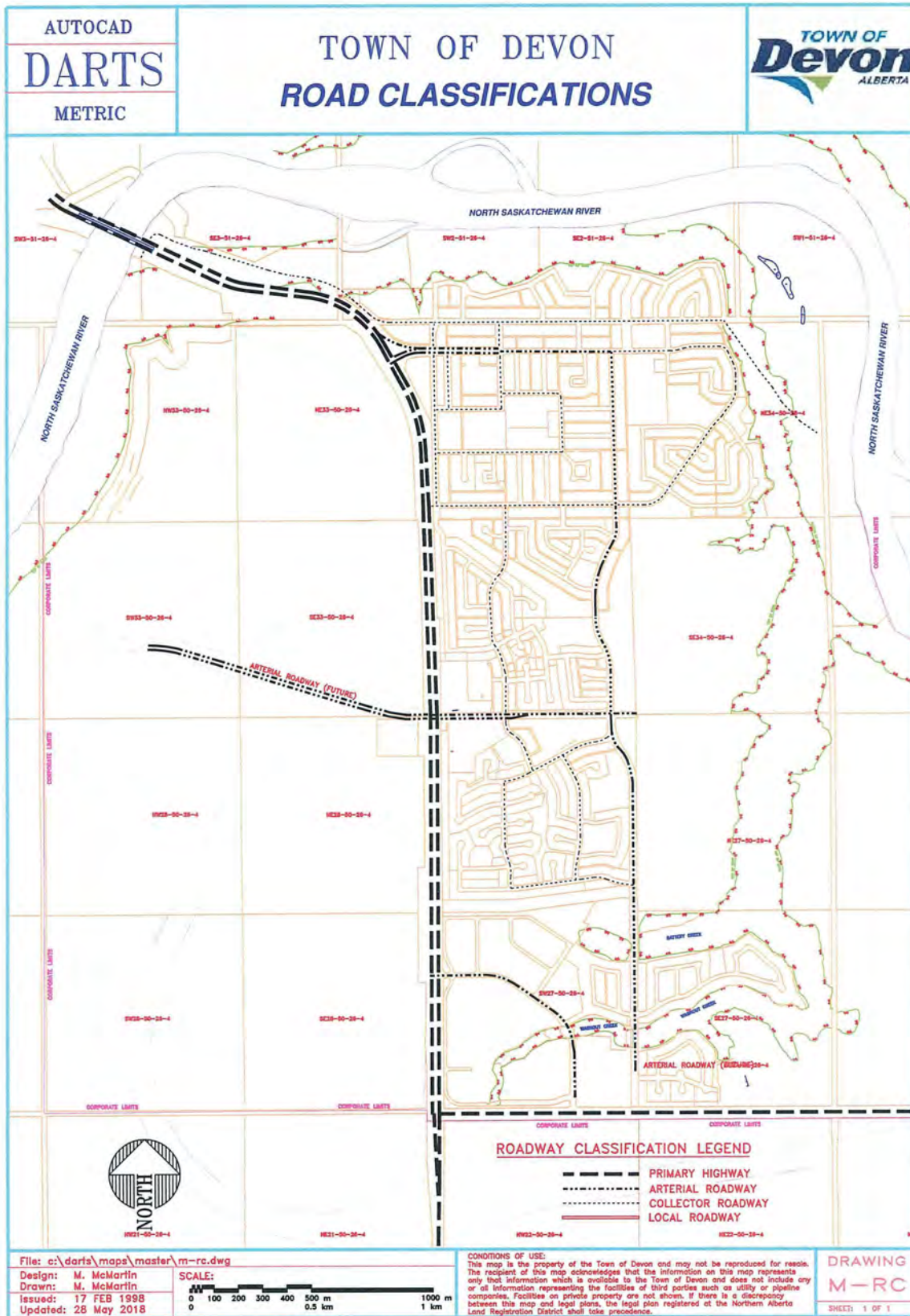
11.39 ROADWAY CLASSIFICATION MAP

11.39.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for the purpose of applying the regulations in this Part (see page 27).

End of Part K – Maps Follow



Bylaw979/2022 - October 24/2022





TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'L'

**M1 LIGHT AND MEDIUM
INDUSTRIAL DISTRICT
REGULATIONS**

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M1 LIGHT AND MEDIUM INDUSTRIAL DISTRICT REGULATIONS

12.1 APPLICATION

12.1.1 The regulations in this Part apply to the District designated as M1 Industrial - Light and Medium on the Land Use District Map of this Bylaw.

12.2 PURPOSE

12.2.1 The purpose of this District is to provide an area for light and medium industrial and commercial uses. In this District non-industrial uses may be permitted if they are compatible with, beneficial to or generally acceptable to a light industrial business environment.

12.3 PERMITTED LAND USES

12.3.1 The following uses are permitted in this District:

- animal service;
- auction facility;
- automotive body and paint service;
- building supply centre;
- business support service;
- catering service;
- commercial school;
- construction service;
- equipment rental;
- equipment sales and service;
- fleet service;
- greenhouse and plant nursery;
- household repair service;
- kennel;
- light industrial;
- mini-storage;
- outdoor display;
- outdoor storage;
- public utility building;
- recreation vehicle sales and service;
- recycling depot;
- restaurant;
- surveillance suite;
- take-out restaurant;
- transmitting station;
- truck and car wash;
- veterinary clinic;
- computer software production;
- funeral homes;

- warehouse; and
- accessory use to any permitted use in this District.

12.4 DISCRETIONARY LAND USES

12.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- adult entertainment facility;
- amusement arcade;
- automotive rentals;
- automotive sales and service;
- automotive specialty;
- government service;
- medium industrial;
- Cannabis Retail Sales where the location is 100.0 m from any school or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or the Bill C-45 as amended by the government of Canada);
- accessory use to any discretionary use in this District;
- signs other than those permitted under Section 12.25; and
- any other used that the Municipal Planning Commission considers compatible with the purpose of this District.

12.5 PERFORMANCE STANDARD

12.5.1 Any nuisance factor generated by a Development, including but not limited to:

- (a) dust, fly ash or other particulate matter;
- (b) toxic gas or any other toxic substance;
- (c) odorous gas or odorous matter;
- (d) glare or heat that would or may be produced as a result of the proposed use that would be visible or affect persons outside of the boundaries of the site,

must be contained within the boundaries of the site.

12.5.2 Subsection 12.5.1 does not relieve the developer from compliance with any other standards established by any federal, provincial or municipal enactment.

12.6 FLOOR AREA & COVERAGE

12.6.1 The maximum gross floor area for commercial use is 2 times the area of the site.

12.6.2 The area comprising the gross floor area must be enclosed, the exterior must be finished, but the interior does not require finishing.

12.7 LOT AREA

12.7.1 The minimum site area in this District is 650.0 m²:

12.8 BUILDING HEIGHT

12.8.1 The maximum height of any building is 15.0 m.

12.9 BUILDING SETBACKS

12.9.1 The minimum permissible front yard setback is 6.0 m to any part of a principal building.

12.9.2 A corner site shall have a front yard setback of 6.0 m on the frontage side and 4.5 m on the flankage side.

12.9.3 An interior lot serviced by a rear lane does not require a side yard setback.

12.9.4 An interior lot not serviced by a rear lane requires a side yard setback of 5.0 m or more on one side of the lot to provide access to the rear of the lot.

12.9.5 The minimum rear yard setback is 3.5 m, except where a lot is serviced by a rear lane, in which case it is 6.0 m.

12.9.6 The Development Authority may approve a minor projection into a required setback if it would not adversely affect traffic circulation or adjoining Development.

12.10 LIMITED ACCESS TO STREETS

12.10.1 Direct access will not be permitted from a site in this District to a primary highway.

12.10.2 No access for vehicles will be permitted from any roadway to any site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

12.11 ACCESS FROM STREETS AND LANES

12.11.1 All lots must have at least one legal means of vehicle access.

12.11.2 Direct access shall not be permitted from a street to an on-site parking stall.

12.11.3 Direct access will be permitted from a lane to a parking stall.

12.13 LANDSCAPING

12.13.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer.

12.13.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced if the public roadway is paved, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

12.13.3 All front, side and rear yards of all sites in this District must be paved, gravel, hard-surfaced or landscaped such that mud and dirt does not track from a site on to a public roadway.

12.14 FENCING

12.14.1 A person shall not construct a fence or wall higher than 3.0 m in a front, side, flankage or rear yard.

12.14.2 Electrification of fences will not be permitted.

12.15 OBJECTIONABLE ITEMS IN YARDS

12.15.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.

12.15.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

12.15.5 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

12.16 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

12.16.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed Development, a person shall not begin the excavation for the foundation or commence the Development until the Development Authority has received confirmation that such services or improvements will be undertaken.

12.17 UTILITY EASEMENTS

12.17.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a

utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company.

12.18 BUILDING EXTERIORS

12.18.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the Development.

12.18.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

12.19 SITE GRADING

12.19.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

12.20 CORNER LOTS – TRAFFIC SIGHT LINES

12.20.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

12.20.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

12.21 TEMPORARY BUILDINGS

12.21.1 Temporary buildings are permitted in this District provided they meet the requirement of this bylaw for setbacks and are not located in any front or flankage yard.

12.22 ACCESSORY BUILDINGS

12.22.1 Unless otherwise specified in this Bylaw, accessory building setbacks and heights shall be as determined by the Development Authority.

12.22.2 Accessory buildings shall be located no closer to the street than the front of the principal building.

12.23 DRIVEWAY CURB CUTS

12.23.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

12.23.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.

12.23.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

12.23.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

12.24 ON-SITE PARKING AND LOADING REQUIREMENTS

12.24.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.

- 12.24.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use.
- 12.24.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the Development.
- 12.24.4 The Development Officer may waive any additional parking requirements necessitated by a change in use of an existing building in this District.
- 12.24.5 Where an existing building is being enlarged, additional parking requirements shall be provided only for that portion of the building being enlarged.
- 12.24.6 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.
- 12.24.7 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.
- 12.24.8 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Adult entertainment facility	<input type="checkbox"/> As determined by Municipal Planning Commission
Amusement arcade	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Animal service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Automotive sales and service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Automotive specialty	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Business support service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Catering service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Commercial school	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Construction service	<input type="checkbox"/> 1 stall per employee on maximum working

Land Use	Minimum On-site Parking Requirement
	shift
Equipment sales and service	☐ 1 stall per 45.0 m ² of gross floor area
Equipment rental	☐ 1 stall per 45.0 m ² of gross floor area
Government service	☐ 1 stall per 8 seats or 1 stall per 45.0 m ² of gross floor area, whichever is greater
Light industrial	☐ 1 stall per employee on maximum working shift
Medium industrial	☐ 1 stall per employee on maximum working shift
Mini-storage	☐ 1 stall per employee on maximum working shift
Public utility building	☐ 1 stall per employee on maximum shift
Recycling depot	☐ 1 stall per employee on maximum shift
Restaurant	☐ 1 stall per 6 seats
Take-out restaurant	☐ 1 stall per 13.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift
Truck and car wash	☐ 1 stall per employee on maximum shift
Veterinary clinic	☐ 1 stall per 45.0 m ² of gross floor area
Warehouse	☐ 1 stall per 90.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift

12.24.9 One on-site loading space per loading door shall be provided.

12.24.10 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

12.25 SIGNS

12.25.1 Except for billboard signs, signs are permitted in this District provided they are located and constructed in accordance with the regulations in this section. All unit and/or building number signs shall be visible from the street.

12.25.2 A Development Permit is not required for signs in this District unless otherwise addressed.

12.25.3 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way, on a public sidewalk or walkway, on a traffic island, on a median, on a boulevard, on public property, on a traffic control device, on a municipal street name sign or on a traffic sign in this District; the Town of Devon may, without notice, remove and destroy any sign so located.

12.25.4 Signs shall not be constructed or located such that they interfere with the safe and orderly movement of motor vehicles or the traffic sight lines described in the District regulations.

12.25.5 Signs must not be higher than the maximum height of a building allowed in this District.

12.25.6 Electrical wiring for signs must be located underground.

12.25.7 Where a sign on a site is abandoned or in poor repair, or contravenes the provisions of this Bylaw, a Development Officer may, by notice in writing to the property owner, order the property owner to:

- (a) remove the sign within 14 days of the date of the notice; or
- (b) take such measures as are specified in the notice to refurbish or alter the sign.

Failure by the property owner to comply with a notice given under this section is a violation of this Bylaw and the Development Officer may have the sign removed and destroyed without further notice.

12.25.8 **A-BOARD SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 1.0 m in height; and
- (b) do not exceed 0.75 m in width; and

- (c) are not placed on a public boulevard.

12.25.9 **AWNING AND CANOPY SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the awning or canopy; and
- (d) do not encroach on public property.

12.25.10 **BALLOON SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed the maximum building heights in the District; and
- (b) do not protrude outside of the site boundaries; and
- (c) are roof mounted only.

12.25.11 **BANNER SIGNS** are permitted on sites in this District provided the signs:

- (a) are used to advertise a non-profit or charity event for a period not exceeding 96 hours in a calendar month; and
- (b) do not protrude outside of the site boundaries; and
- (c) have a minimum vertical clearance of 2.5 m to the bottom of the banner.

12.25.12 **CONSTRUCTION SITE SIGNS** are permitted on sites in this District provided the signs:

- (a) are free-standing or fascia signs; and
- (b) do not exceed 3.5 m in height; and
- (c) do not exceed 5.0 m² in sign area; and
- (d) are removed within 1 month of construction completion.

12.25.13 **ELECTRONIC MESSAGE OR FLASHING SIGNS** are permitted on sites in this District provided the signs:

- (a) are located in a window inside the building.

12.25.14 **FASCIA SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 1.5 m; and
- (b) do not extend more than 30.0 cm in height above the roof or parapet; and
- (c) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (d) do not encroach on public property.

12.25.15 **FREESTANDING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed 8.0 m² in sign area; and
- (b) do not exceed the height of the building on the site; and
- (c) do not project beyond the boundaries of the site; and
- (d) are located a minimum of 25.0 m from any other free-standing sign on the same or any other site.
- (e) Are limited to 1 sign per site for sites up to 1 hectare and 2 per site for sites over 1 hectare.

12.25.16 **SIGNS - PORTABLE** are permitted with written permission by the Development Authority on sites in this District provided the signs:

- (a) do not exceed a maximum vertical dimension of 2.5 m; and
- (b) do not exceed 5.0 m² in sign areas; and
- (c) do not project outside of the site boundaries; and
- (d) are limited to one sign per 30 lineal metres of frontage and must be sited a minimum of 30.0 m from each other.
- (e) must be located on the property to which the sign refers and have written permission from the Landlord

- (f) Portable signs may be approved for a maximum of **six (6) month or one (1) year** terms conditional on approved site plan and location.
- (g) signs for community events, community groups or organizations or departments of other governments other than the Town may with permission from the Development Authority place a portable sign on public right of way for a maximum of two (2) weeks prior to an event, registration or course date and must be removed within two (2) working days after the event date.
- (h) all portable signs must display a sticker stating when the sign expires. This sticker must be easily visible to an enforcement officer. If no sticker is in place, the sign will be removed at the expense of the advertiser and or owner of the sign. Sign must have sign owners name and phone number visible. Signs must be removed on or before expiry date.
- (i) any signage adjacent to Highway 60 or Highway 19 must make application through Alberta Transportation. Applications are available on their website - <http://www.transportation.alberta.ca>
- (j) where multi tenants are on a site the landowner must request permission for the sign(s).
- (k) permission for a portable sign will only be given to businesses located in Devon that hold a valid Business License

12.25.17 **PROJECTING SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 1.0 m² in sign area; and
- (b) do not have a clearance between the building and nearest edge of the sign of more than 0.3 m; and
- (c) do not extend more than 30.0 cm in height above the roof or parapet of the first storey; and
- (d) provide a minimum vertical clearance of 2.5 m from finished grade to the bottom of the sign; and
- (e) do not encroach on public property.

12.25.18 **ROOF SIGNS** are permitted on sites in this District provided the signs:

- (a) do not exceed a 3.0 m² in sign area; and
- (b) do not overhang the edges of a building; and

- (c) are limited to one sign per building; and
- (d) are not flashing signs, but may be illuminated.

12.25.19 **SIGNS - VEHICLES** will not be permitted in this District.

12.25.20 **OTHER SIGNS** are permitted on sites in this District provided the signs:

- (a) are signs posted or exhibited in a building window; or
- (b) are signs or posters on a community message board; or
- (c) are signs displayed on bus shelters or benches located on public property erected under an agreement with the Town of Devon; or
- (d) are municipal signs; or
- (e) are signs erected pursuant to a Development agreement or to give notice of a re-districting; or
- (f) are signs placed on a building or site for emergency or warning purposes.

12.26 ANIMAL SERVICE, PET SHOPS & VETERINARY CLINICS

11.26.1 The design of an animal service, pet shop or veterinary clinic facility shall be such that any adjoining property would not be affected by noise or odour associated with the facility.

12.27 OUTDOOR DISPLAY

12.27.1 An area used for outdoor display must be hard surfaced or paved.

12.27 COMMERCIAL SCHOOL

12.27.1 In addition to the regulations in this District, the following conditions shall also apply for a commercial school:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.

- (b) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

12.28 OUTDOOR STORAGE

12.28.1 In addition to the regulations in this District, the following conditions shall also apply for outdoor storage areas in this District:

- (a) all outdoor storage areas shall be screened from view from an adjacent roadway and from adjacent sites as determined by the Development Authority.

12.29 CANNABIS RETAIL SALES

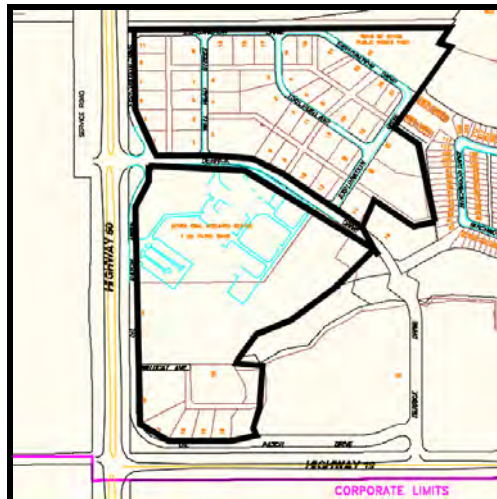
12.29.1 The location must be 100.0 m from any public or private education schools or hospital (or as amended by the Alberta Gaming, Liquor and Cannabis Act – Bill 26 or the Bill C-45 as amended by the Government of Canada).

- a) The separation distance between a Cannabis Store and other uses shall be measured from the exterior wall of the Cannabis Store to lot line;
- b) the term public or private schools is limited to early childhood education, elementary through to high school exclusively only and does not include dance schools, driving schools or other commercial schools.

12.29.2 The location must be 100.0 m from any public playground at the time of the application or the Development permit for Cannabis Retail Sales. For the purpose of this section only:

- a) the 100.0 m setback shall be measured from the edges of the playground structures to the closest point of any other site boundary and shall not be measured from the District boundary.
- b) the term public playground structures is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations or recreation facilities i.e. arena, pool, etc..

- 12.29.3 Only cannabis and cannabis related accessories can be sold at the business.
- 12.29.4 There is no right to appeal any variations of the distances listed above.
- 12.29.5 The owner shall obtain and any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
- 12.29.6 The Development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved Development permit and the Bylaws of the Town of Devon.
- 12.29.7 Map showing areas in M1 Commercial where cannabis sales:



**BLACK AREAS ARE
LOCATIONS WHERE
CANNABIS SALES
ARE PERMITTED.**

12.30 ADULT ENTERTAINMENT

- 12.30.1 In addition to the regulations in this District, a site containing an adult entertainment facility must be located:
- (a) at least 150.0 m from the nearest residential District;
 - (b) at least 150.0 m from any site or proposed site on which there is an arena, public swimming pool, community hall, school, church, day care facility or public park; and
 - (c) at least 100.0 m from a Public Park (P) District.

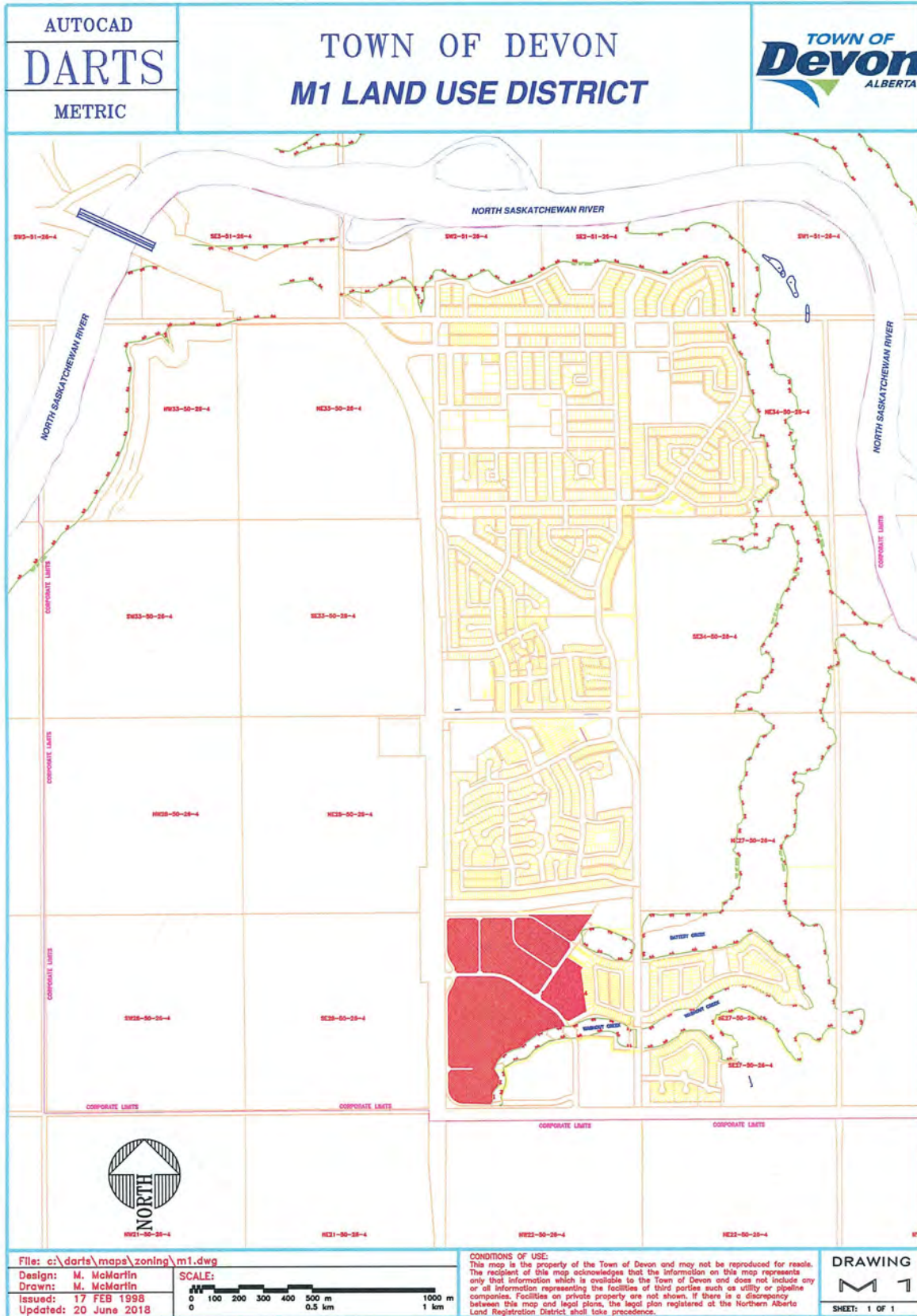
12.31 M1 LAND USE DISTRICT MAP

12.31.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as M1 Industrial - Light for purposes of application of the regulations in this Part (see page 20).

12.32 ROADWAY CLASSIFICATION MAP

12.32.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for the purpose of applying the regulations in this Part (see page 21).

End of Part L – Maps Follow





TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'M'

**M2 GENERAL INDUSTRIAL
DISTRICT REGULATIONS**

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M2 GENERAL INDUSTRIAL DISTRICT REGULATIONS

13.1 APPLICATION

13.1.1 The regulations in this Part apply to the District designated as M2 Industrial - General on the Land Use District Map of this Bylaw.

13.2 PURPOSE

13.2.1 The purpose of this District is to provide an area for medium and heavy industrial uses.

13.3 PERMITTED LAND USES

13.3.1 The following uses are permitted in this District:

- (a) municipal buildings;
- (b) any government building;
- (c) animal service;
- (d) construction service with buildings that meets the requirements of the Bylaw;
- (e) equipment sales and service;
- (f) kennel;
- (g) public utility building;
- (h) computer software production;
- (i) laboratories;
- (j) product assembly;
- (k) service and repair establishments;
- (l) wholesale – no retail;
- (m) transportation service;
- (n) lumber & building material sales;
- (o) offices or office supplies and service establishments;
- (p) funeral homes;
- (q) vehicle rentals;

- (r) convenience retail sales/gas station;
- (s) warehouse;
- (t) automotive wrecker and salvage;
- (u) outdoor storage;
- (v) transmitting stations; and
- (w) accessory use to any permitted use in this District.

13.4 DISCRETIONARY LAND USES

13.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) light industrial
- (b) automotive repair shop – heavy or light duty
- (c) recycling depot;
- (d) equipment Rentals
- (e) recreation vehicle sales and service
- (f) manufacturing;
- (g) Cannabis Production & Distribution System
- (h) signs other than those permitted under Section 13.30;
- (i) surveillance suite;
- (j) accessory use to any discretionary use in this District; and
- (k) any other used that the Municipal Planning Commission considers compatible with the purpose of this District.

13.4.2 The following are discretionary uses that may be approved by the Town of Devon Council:

- (a) Where the construction size of the building located on the property does not meet a minimum 10% site coverage.
- (b) Where outdoor storage will occupy an area equal to or more than 50% of the floor area on the ground floor of the building(s) on the same premises or equal to or less than 25% of the total site area, whichever is less.

13.5 PERFORMANCE STANDARD

13.5.1 Any nuisance factor generated by a Development, including but not limited to:

- (a) dust, fly ash or other particulate matter;
- (b) toxic gas or any other toxic substance;
- (c) odorous gas or odorous matter;
- (d) glare or heat that would or may be produced as a result of the proposed use that would be visible or affect persons outside of the boundaries of the site,

must be contained within the boundaries of the site except in emergency situations.

13.5.2 Subsection 13.5.1 does not relieve the developer from compliance with any other standards established by any federal, provincial or municipal enactment.

13.6 SITE COVERAGE

13.6.1 The maximum site coverage will be 100% of the gross site area.

13.7 LOT AREA

13.7.1 The minimum site area in this District will be as determined by the Municipal Planning Commission and will be as required to provide for the proposed use plus any buffering required from adjacent land use Districts.

13.8 BUILDING HEIGHT

13.8.1 The maximum height of any building is 15.0 m unless the Municipal Planning Commission determines otherwise.

13.9 BUILDING SETBACKS

13.9.1 The minimum permissible front yard setback is 6.0 m to any part of a principal building.

13.9.2 A corner site shall have a front yard setback of 6.0 m on the frontage side and 4.5 m on the flankage side.

13.9.3 An interior lot serviced by a rear lane does not require a side yard setback.

13.9.4 An interior lot not serviced by a rear lane requires a side yard setback of 5.0 m or more on one side of the lot to provide access to the rear of the lot.

13.9.5 The minimum rear yard setback is 3.5 m, except where a lot is serviced by a rear lane, in which case it is 6.0 m.

13.9.6 The Development Authority may approve a minor projection into a required setback if it would not adversely affect traffic circulation or adjoining Development.

13.10 LIMITED ACCESS TO STREETS

13.10.1 Direct access will not be permitted from a site in this District to a primary highway unless approved by Alberta Transportation and Utilities.

13.10.2 No access for vehicles will be permitted from any roadway to any site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

13.11 ACCESS FROM STREETS AND LANES

13.11.1 All lots must have at least one legal means of vehicle access.

13.11.2 Direct access shall not be permitted from a street to an on-site parking stall.

13.11.3 Direct access will be permitted from a lane to a parking stall.

13.12 LANDSCAPING & BUFFER ZONES

- 13.12.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer.
- 13.12.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced if the public roadway is paved, including the portion on public property between the front property line and the edge of the public road carriageway, as per the Town of Devon Design and Construction Standards.
- 13.12.3 All front, side and rear yards of all sites in this District must be paved, gravel, hard-surfaced or landscaped such that mud and dirt does not track from a site on to a public roadway.
- 13.12.4 Landscaped buffers and screens will be provided around the perimeter of any site in this District as the Municipal Planning Commission determines are necessary to screen the site from adjacent roadways and land uses.

13.13 FENCING

- 13.13.1 A person shall not construct a fence or wall higher than 4.0 m on the boundary of a site.
- 13.13.2 Electrification of site boundary fences will not be permitted.

13.14 OBJECTIONABLE ITEMS IN YARDS

- 13.14.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.
- 13.14.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

13.14.3 The site and all improvements thereon shall be maintained in a clean and tidy condition during construction, free from rubbish and debris. Receptacles for the purpose of disposing of rubbish and debris shall be provided to prevent scattering of debris and rubbish.

13.15 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

13.15.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed Development, a person shall not begin the excavation for the foundation or commence the Development until the Development Authority has received confirmation that such services or improvements will be undertaken.

13.16 UTILITY EASEMENTS

13.16.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company.

13.17 BUILDING EXTERIORS

13.17.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the Development.

13.17.2 Building materials shall be appropriate for the use and for the type of structure in which they are used.

13.17.3 All exterior surfaces shall have a finished treatment.

13.17.4 Trailers, mobile offices and other temporary structures shall not be allowed except for use during construction.

13.18 SITE GRADING

13.18.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any

development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

13.19 CORNER LOTS – TRAFFIC SIGHT LINES

13.19.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

13.19.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

13.20 TEMPORARY BUILDINGS

13.20.1 Temporary buildings are permitted in this District provided they meet the requirement of this bylaw for setbacks and are not located in any front or flankage yard.

13.21 ACCESSORY BUILDINGS

13.21.1 Unless otherwise specified in this Bylaw, accessory building locations, setbacks and heights shall be as determined by the Development Authority.

13.22 DRIVEWAY CURB CUTS

13.22.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

- 13.22.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.
- 13.22.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.
- 13.22.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

13.23 ON-SITE PARKING AND LOADING REQUIREMENTS

- 12.23.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.
- 12.23.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use.
- 12.23.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the Development.
- 12.23.4 The Development Officer may waive any additional parking requirements necessitated by a change in use of an existing building in this District.
- 12.23.5 Where an existing building is being enlarged, additional parking requirements shall be provided only for that portion of the building being enlarged.
- 12.23.6 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.

12.23.7 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.

12.23.8 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Adult entertainment facility	<input type="checkbox"/> As determined by Municipal Planning Commission
Amusement arcade	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Animal service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Automotive sales and service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Automotive specialty	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Business support service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Catering service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Commercial school	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Construction service	<input type="checkbox"/> 1 stall per employee on maximum working shift
Equipment sales and service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Equipment rental	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Government service	<input type="checkbox"/> 1 stall per 8 seats or 1 stall per 45.0 m ² of gross floor area, whichever is greater
Light industrial	<input type="checkbox"/> 1 stall per employee on maximum working shift
Medium industrial	<input type="checkbox"/> 1 stall per employee on maximum working shift
Mini-storage	<input type="checkbox"/> 1 stall per employee on maximum working shift
Public utility building	<input type="checkbox"/> 1 stall per employee on maximum shift
Recycling depot	<input type="checkbox"/> 1 stall per employee on maximum shift
Restaurant	<input type="checkbox"/> 1 stall per 6 seats
Take-out restaurant	<input type="checkbox"/> 1 stall per 13.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift
Truck and car wash	<input type="checkbox"/> 1 stall per employee on maximum shift

Land Use	Minimum On-site Parking Requirement
Veterinary clinic	☐ 1 stall per 45.0 m ² of gross floor area
Warehouse	☐ 1 stall per 90.0 m ² of gross floor area plus 1 stall per 3 employees on maximum working shift

12.23.9 One on-site loading space per loading door shall be provided.

12.23.10 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

13.24 SIGNS

13.24.1 Signs listed in this section are permitted in this District and do not require a Development Permit.

13.24.2 Billboard signs are not permitted in this District.

13.24.3 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way, on a public sidewalk or walkway, on a traffic island, on a median, on a boulevard, on public property, on a traffic control device, on a municipal street name sign or on a traffic sign in this District; the Town of Devon may, without notice, remove and destroy any sign so located.

13.24.4 Where a sign on a site is abandoned or in poor repair, or contravenes the provisions of this Bylaw, a Development Officer may, by notice in writing to the property owner, order the property owner to:

- (a) remove the sign within 14 days of the date of the notice; or
- (b) take such measures as are specified in the notice to refurbish or alter the sign.

Failure by the property owner to comply with a notice given under this section is a violation of this Bylaw and the Development Officer may have the sign removed and destroyed without further notice.

13.24.5 **CONSTRUCTION SITE SIGNS** are permitted on sites in this District provided the signs:

- (a) are free-standing or fascia signs; and
- (b) do not exceed 3.5 m in height; and
- (c) do not exceed 5.0 m² in sign area; and
- (d) are removed within 1 month of construction completion.

13.24.6 **OTHER SIGNS** are permitted on sites in this District provided the signs:

- (a) are signs posted or exhibited in a building window; or
- (b) are municipal signs; or
- (c) are signs erected pursuant to a Development agreement or to give notice of a re-districting; or
- (d) are signs placed on a building or site for emergency or warning purposes.

13.25 OUTDOOR DISPLAY

13.25.1 An area used for outdoor display must be hard surfaced or paved.

13.26 OUTDOOR STORAGE

13.26.1 In addition to the regulations in this District, the following conditions shall also apply for outdoor storage areas in this District:

- (a) all outdoor storage areas shall be screened from view from an adjacent roadway and from adjacent sites as determined by the Development Authority.

13.27 CANNABIS PRODUCTION AND DISTRIBUTION SYSTEMS

- 13.27.1 The owner or applicant shall provide as a condition of development permit a copy of the current license renewals for all activities associated with medical cannabis production issued by Health Canada.
- 13.27.2 The owner or applicant shall obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislations.
- 13.27.3 All processes and functions of the development shall be fully enclosed within a stand-alone building, including but not limited to all loading spaces and docks, garbage containers, storage and waste material.
- 13.27.4 The development shall be singular use and shall not be operated in conjunction with any other uses.
- 13.27.5 The development shall include equipment designed and intended to remove odors from the air where it is discharged from the building as part of the ventilations system.
- 13.27.6 The development shall be 100.0 m from a residential district.
- 13.27.7 The Development Authority may require as a condition of development permit, a waste management plan, completed by a qualified profession that included details regarding:
- (a) the incineration of waste products and airborne emissions, including odours;
 - (b) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - (c) the method and location of collection and disposal of liquid and waste material.
- 13.27.8 Fencing will be required as per 13.14.

13.27.9 Medical cannabis production facilities shall not be constructed with a zero-line lot and shall have a minimum of 4.5 m side yard setback or as approved by the Development Authority.

13.27.10 Notwithstanding the provisions for signage in this District, no sign shall be displayed on the site that identifies the use.

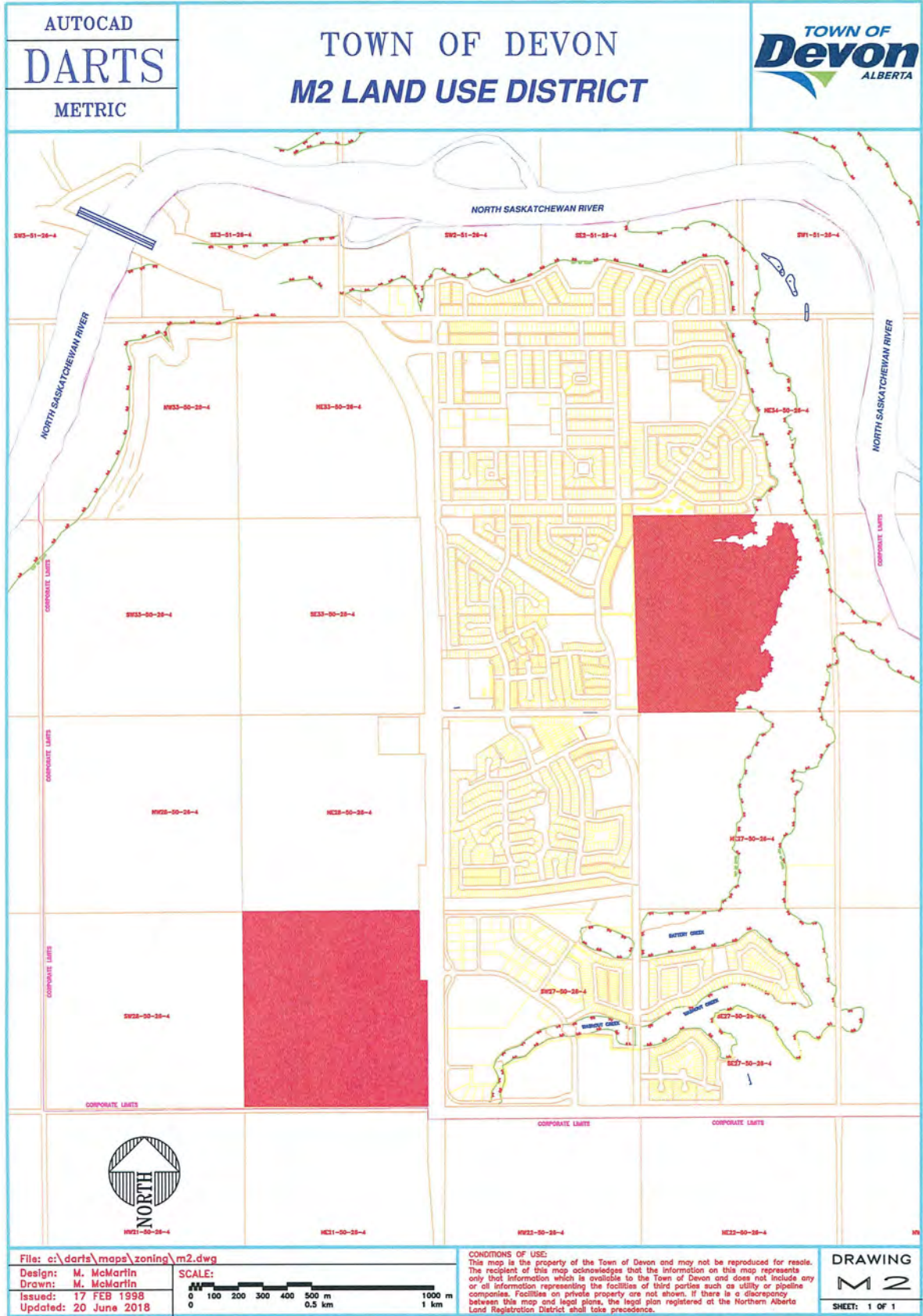
13.28 M2 LAND USE DISTRICT MAP

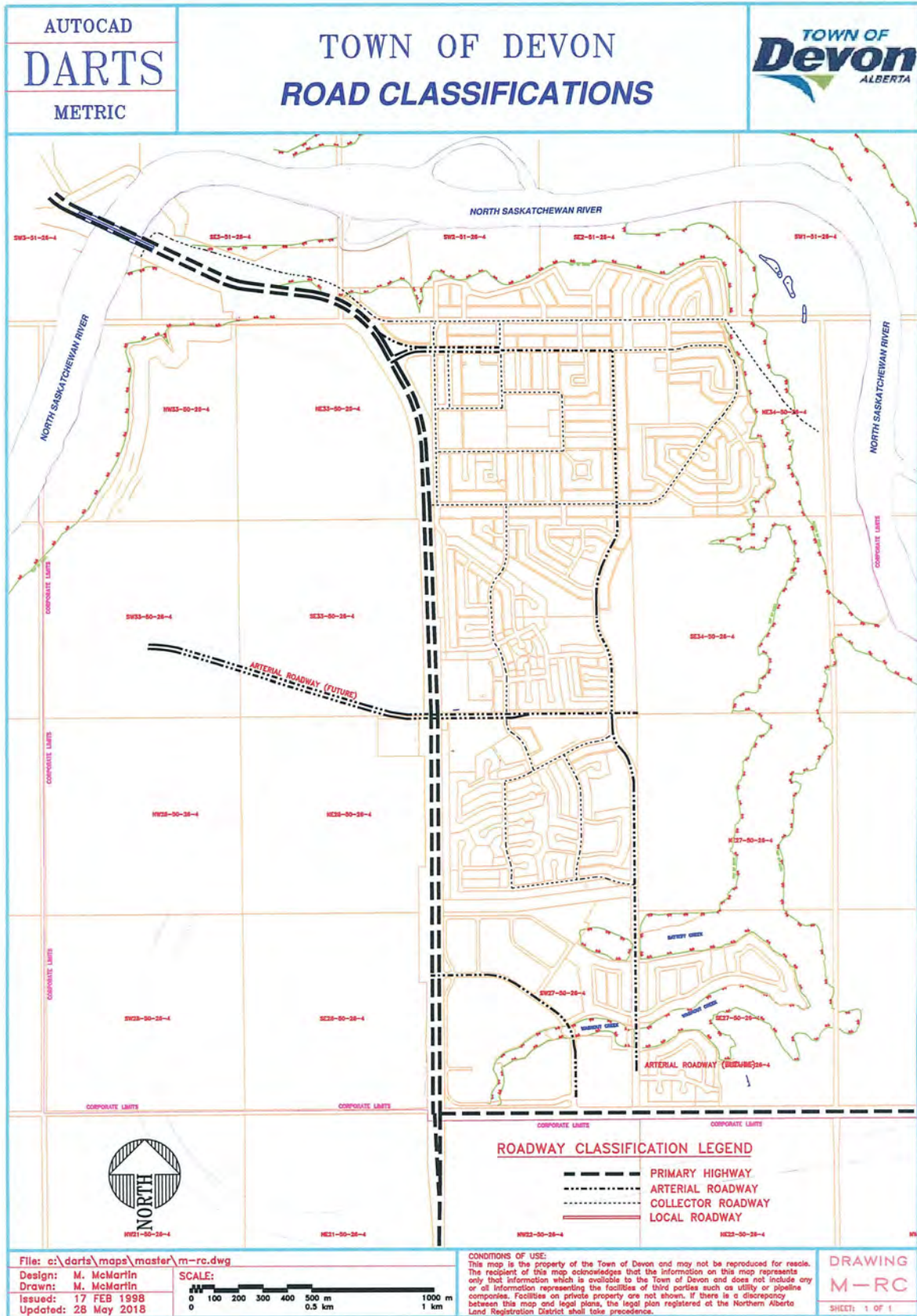
13.28.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as M1 Industrial - Light for purposes of application of the regulations in this Part (see page 16).

13.29 ROADWAY CLASSIFICATION MAP

12.39.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for the purpose of applying the regulations in this Part (see page 17).

End of Part M – Maps Follow







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'N'
P – PUBLIC PARK DISTRICT
REGULATIONS

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P – PUBLIC PARK DISTRICT REGULATIONS

14.1 APPLICATION

14.1.1 The regulations in this Part apply to the District designated as P – Public Park on the Land Use District Map of this Bylaw.

14.2 PURPOSE

14.2.1 The purpose of this District is to provide parks along with complimentary facilities throughout the Town of Devon for the purpose of active and passive public recreation and leisure.

14.3 PERMITTED LAND USES

14.3.1 The following uses are Permitted in this District:

- (a) passive park;
- (b) outdoor recreation service;
- (c) storm water management facility;
- (d) signs; and
- (e) accessory development to any permitted use in this District.

14.4 DISCRETIONARY LAND USES

14.4.1 The following are Discretionary Uses that may be approved by the Municipal Planning Commission:

- (a) indoor recreation service;
- (b) restaurants and refreshment booths;
- (c) exhibition grounds;
- (d) stadium;
- (e) community hall;
- (f) outdoor and indoor historical displays and structures;
- (g) arboretums;

- (h) planetariums;
- (i) conservatories;
- (j) public utility building;
- (k) signs other than those permitted under Section 14.12;
- (l) accessory development to any discretionary use in this District; and
- (m) any other use that the Municipal Planning Commission considers compatible with the purpose of this District.

14.5 DEVELOPMENT REGULATIONS

14.5.1 The Development Authority may issue a Development Permit subject to such conditions as are necessary to ensure that the Development is consistent with the purpose of this District.

14.5.2 The Development Authority may require that any major facility be provided with access from a collector or arterial roadway only and may determine for this purpose which uses are considered a major facility.

14.5.3 A landscaping plan is to be submitted with the application for a Development Permit for the approval of the Development Authority; the total site is to be landscaped.

14.6 COMPATIBILITY WITH STATUTORY PLANS

14.6.1 All Developments in this District must be compatible with the Municipal Development Plan and any Area Structure Plan.

14.7 BUILDING HEIGHT

14.7.1 The maximum building height in this District is 6.5 m unless otherwise permitted by the Municipal Planning Commission.

14.8 SETBACKS

14.8.1 The minimum setback for a building or parking facility is 10.0 m from a property line that adjoins a residential use or District.

14.8.2 The minimum setback for an athletic field or the boundary of an outdoor recreation area is the distance, as determined by the Development Authority, to prevent the sport or recreation activity from interfering with adjoining Developments.

14.8.3 The minimum setback in all other cases shall be as determined by the Development Authority, to prevent or reduce interference with adjoining Developments and to ensure the orderly flow of pedestrian and vehicular traffic.

14.9 ON-SITE PARKING REQUIREMENTS

14.9.1 All Developments in this District must be provided with on-site parking where required and as determined by the Municipal Planning Commission.

14.10 SIGNS

14.10.1 Except as otherwise permitted in this Part or Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) signs indicating the municipal address of the property and the name of the facility; the surface area per sign shall be no greater than 5.0 m²;
- (b) municipal community message board signs; and
- (c) identification and directional signs for facilities within the site.

14.10.2 No person, other than the Town of Devon, shall locate a temporary, portable, free standing or permanent sign within a roadway right-of-way in this District.

14.10.3 No person, other than the Town of Devon, shall locate a free standing or permanent sign on public property in this District.

14.10.4 No person, other than a temporary user of a public park for a sanctioned event, shall locate a temporary, banner or portable sign on public property in this District for more than the length of the event and seven days leading up to the event.

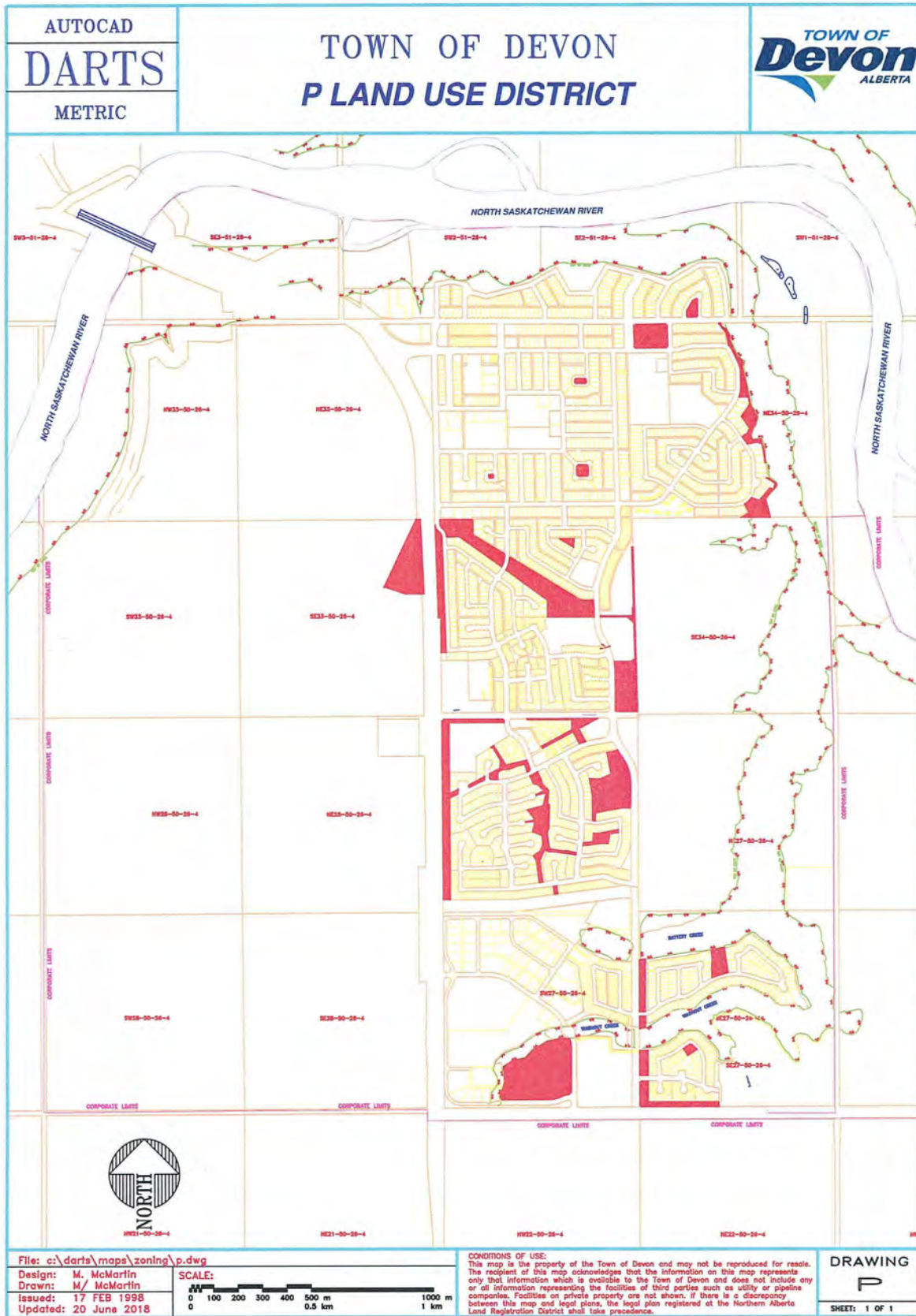
14.11 P LAND USE DISTRICT MAP

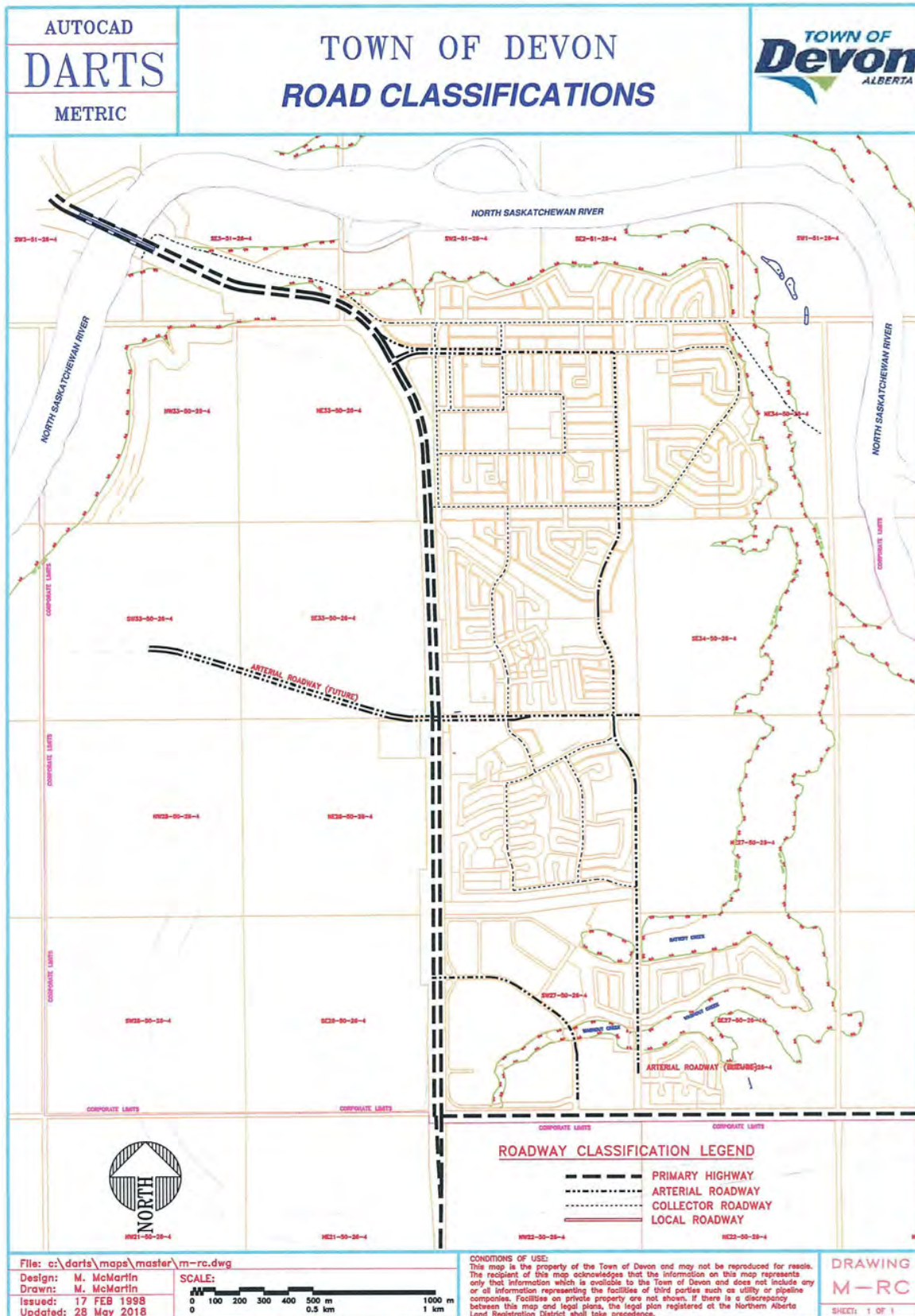
14.11.1 The land use district map following this page shows all of the areas within the corporate limits of the Town that are designated P - Public Park for purposes of application of the regulations in this Part (see page 7).

14.12 ROADWAY CLASSIFICATION MAP

14.12.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 8).

End of Part N – Maps Follow







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'O'
PS1 – PUBLIC & PRIVATE SERVICE 1
DISTRICT REGULATIONS

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PS1 – PUBLIC & PRIVATE SERVICE DISTRICT REGULATIONS

15.1 APPLICATION

15.1.1 The regulations in this Part apply to the District designated as PS1 –Public and Private Service 1 on the Land Use District Map of this Bylaw.

15.2 PURPOSE

15.2.1 The purpose of this District is to provide an area for schools and community services.

15.3 PERMITTED LAND USES

15.3.1 The following uses are permitted in this District:

- (a) church;
- (b) community hall;
- (c) outdoor recreation service;
- (d) health service;
- (e) public library;
- (f) public utility building;
- (g) school, excluding college, university, vocational or technical school;
- (h) storm water management facility; and
- (i) accessory developments to any permitted or discretionary use.

15.4 DISCRETIONARY LAND USES

15.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) day care facility;
- (b) emergency protective service;
- (c) signs, other than those permitted under Section 15.29;

- (d) wall mural; and
- (e) any other use or justified changes to building setbacks that the Municipal Planning Commission considers to be compatible with the purpose of this District.

15.5 PERFORMANCE STANDARDS

15.5.1 The Development Authority may issue a Development Permit subject to such conditions as are necessary to ensure that the Development is consistent with the purpose of this District and to minimize impacts on adjacent land uses.

15.6 BUILDING HEIGHT

15.6.1 The maximum height of any building shall be 6.5 m unless otherwise approved by the Municipal Planning Commission.

15.7 BUILDING SETBACKS

15.7.1 The minimum permissible setback is 6.0 m to any part of any principal or accessory building to any property line except where the side or rear property line is adjacent to Municipal Reserve, School Reserve, Park or other Public & Private Service 1 or 2 Districts, a 0 or more rear or side yard setback to the principal building may be permitted, provided permission is granted from the adjacent property owners and at the discretion of the Development Authority.; and

15.7.2 All buildings, parking facilities and other Developments in this District must provide a minimum setback of 10.0 m from any property line that adjoins a residential development or District.

15.8 LIMITED ACCESS TO STREETS

15.8.1 No access for vehicles will be permitted from any roadway to any site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

15.9 ACCESS FROM STREETS AND LANES

15.9.1 All lots must have at least one legal means of vehicle access.

15.9.2 Direct access shall not be permitted from a street to an on-site parking stall.

15.9.3 Direct access will be permitted from a lane to a parking stall in a parking facility.

15.10 LANDSCAPING & BUFFER ZONES

15.10.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer, including the area between any separate sidewalk and the road carriageway.

15.10.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

15.10.3 All front, side and rear yards of all sites in this District must be paved, hard-surfaced or landscaped.

15.10.4 A landscaped buffer on-site at least 3.0 m wide must be provided adjacent to all public roadways other than lanes and adjacent to any residential use or public park use and must consist of at least the following:

- (a) deciduous trees, 2.0 m initial height, 6.0 m maximum height at maturity, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (b) coniferous trees, 2.0 m initial height, in clusters of two or three, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (c) a combination of (a) and (b).

- 15.10.5 All traffic islands in parking lots must be landscaped with a minimum rate of 1 tree per 5 parking stalls and finished with tree grates, ground cover or hard landscaping.

15.11 FENCING & SCREENING

- 15.11.1 A fence 1.8 m in height, or such other screening or fencing as determined by the Development Authority, shall be constructed between a site in this District and any adjacent residential site.
- 15.11.2 A person shall not construct a fence or wall (or permit a hedge to grow) higher than 1.0 m in a front yard or 2.4 m in a side, flankage or rear yard, except where adjacent to a residential site.
- 15.11.3 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the foremost portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.
- 15.11.4 Electrification of fences will not be permitted.

15.12 OBJECTIONABLE ITEMS IN YARDS

- 15.12.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.
- 15.12.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

15.13 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 15.13.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed Development, a person shall not begin the excavation for the foundation or commence the Development until the Development Authority has received confirmation that such services or improvements will be undertaken.

15.14 UTILITY EASEMENTS

15.14.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company.

15.15 BUILDING EXTERIORS

15.15.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a Building Permit for the Development.

15.15.2 The design of a building must comply with any provision of a Statutory Plan applicable to the design, character and appearance of the building.

15.16 SITE GRADING

15.16.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

15.17 CORNER LOTS – TRAFFIC SIGHT LINES

15.17.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

15.17.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

15.18 TEMPORARY BUILDINGS

15.18.1 Temporary buildings in this District shall be limited to construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development. The trailers shall be removed immediately upon completion of construction.

15.19 ACCESSORY BUILDINGS

15.19.1 Unless otherwise specified in this Bylaw, accessory building setbacks and heights shall be as determined by the Development Authority.

15.19.2 Accessory buildings shall be located no closer to the street than the front of the principal building.

15.20 DRIVEWAY CURB CUTS

15.20.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

15.20.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.

15.20.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

15.20.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

15.21 ON-SITE PARKING AND LOADING REQUIREMENTS

- 15.21.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.
- 15.21.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use.
- 15.21.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the development.
- 15.21.4 The Development Officer may waive any additional parking requirements necessitated by a change in use of an existing building in this District.
- 15.21.5 Where an existing building is being enlarged, additional parking requirements shall be provided only for that portion of the building being enlarged.
- 15.21.6 The Municipal Planning Commission may waive any parking requirements in this District, other than for residential uses, except that the number of parking stalls required for a Development can not be made less than the number of parking stalls present on the site of the existing Development.
- 15.21.7 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.
- 15.21.8 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.
- 15.21.9 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Day care facility	☐ 1 stall per employee required during the maximum working shift plus 1 visitor stall

Land Use	Minimum On-site Parking Requirement
Church	☐ 1 stall per 5 seating spaces, reduced to 1 stall per 7.5 seats if parking stalls are available, with permission, on an adjacent public parking lot
Community hall	☐ 1 stall per 5 seats or 1 stall per 20.0 m ² of gross floor area; whichever is greater
Emergency protective service	☐ As determined by Development Authority
Health service	☐ As determined by Development Authority
Outdoor recreation service	☐ As determined by Development Authority
Public utility building	☐ As determined by Development Authority
Elementary, junior high or middle school	☐ 1 stall per 20 students – design capacity
Senior high school	☐ 15 stalls per 25 students/classroom – design capacity plus 1 stall for full time staff member. All schools shall be designed to accommodate all buses onsite without reducing the minimum requirement for parking and loading.

15.21.10 One on-site loading space per loading door shall be provided.

15.21.11 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

15.22 SIGNS

15.22.1 Except as otherwise permitted in this Part or Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) signs indicating the municipal address of the property and the name of the facility; the surface area per sign shall be no greater than 5.0 m²;
- (b) municipal community message board signs; and
- (c) identification and directional signs for facilities within the site.

15.22.2 No person, other than the Town of Devon, shall locate a temporary, portable, free standing or permanent sign within a roadway right-of-way in this District.

15.22.3 No person, other than the Town of Devon, shall locate a free standing or permanent sign on public property in this District.

15.22.4 The location of all signs shall be as determined by the Development Authority.

15.23 DAY CARE FACILITY

15.23.1 In addition to the regulations in this District, the following conditions shall also apply for a day care facility:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) a facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2.0 m in height.
- (c) the required on-site parking is to be added to the parking requirement for any other commercial use on the site.
- (d) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

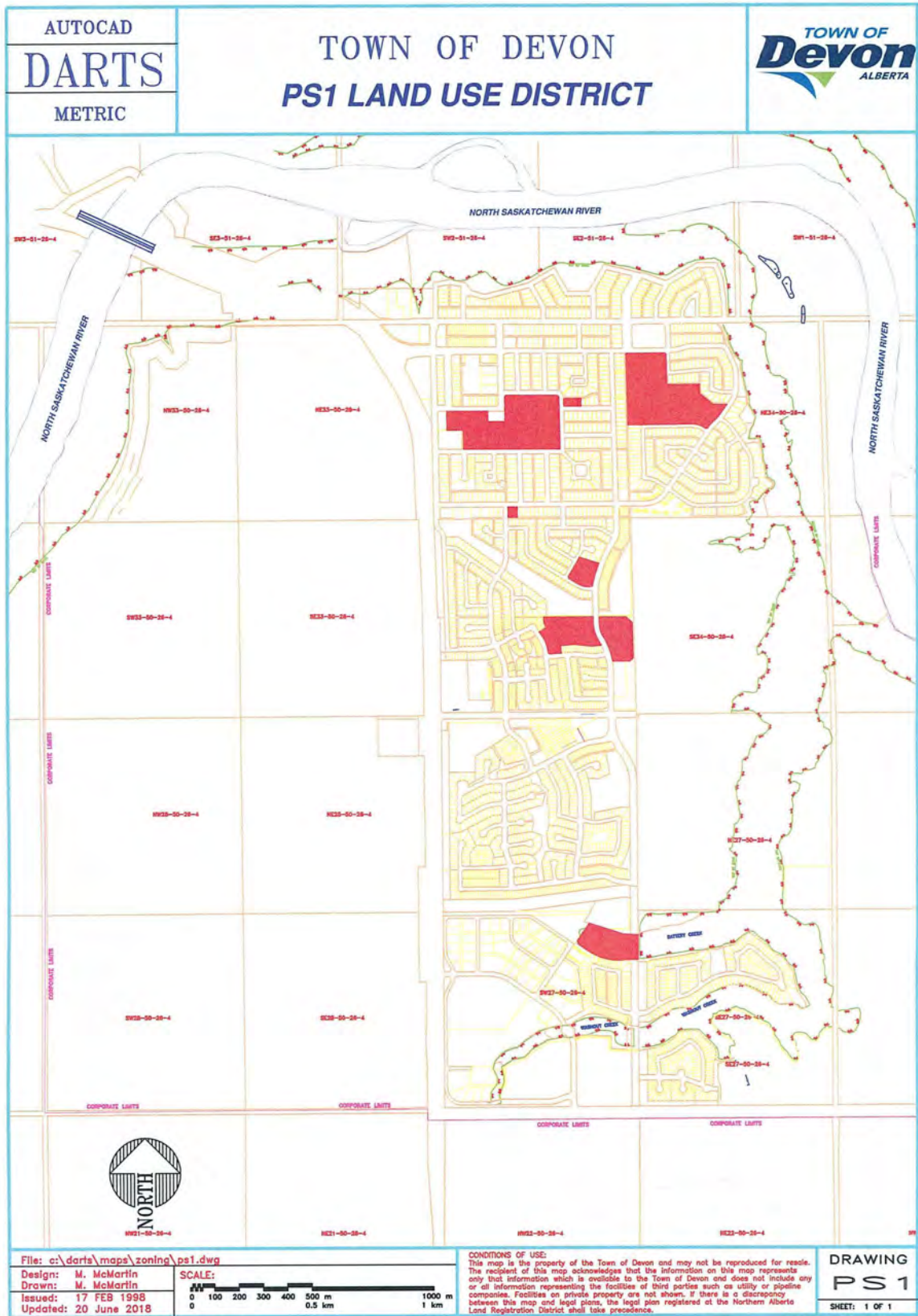
15.24 PS1 LAND USE DISTRICT MAP

15.24.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated as PS1 – Public and Private Service 1 for purposes of application of the regulations in this Part (see page 13).

15.25 ROADWAY CLASSIFICATION MAP

15.25.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 14).

End of Part O – Maps Follow





TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'P'

**PS2 – PUBLIC & PRIVATE SERVICE 2
DISTRICT REGULATIONS**

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PS2 – PUBLIC & PRIVATE SERVICE DISTRICT REGULATIONS

16.1 APPLICATION

16.1.1 The regulations in this schedule apply to the District designated as PS2 – Public and Private Service 2 on the Land Use District Map of this Bylaw.

16.2 PURPOSE

16.2.1 The purpose of this District is to provide an area for intensive public service and institutional uses.

16.3 PERMITTED LAND USES

16.3.1 The following uses are permitted in this District:

- (a) community hall;
- (b) cemetery;
- (c) day care facility;
- (d) government service;
- (e) outdoor recreation service;
- (f) parking structure;
- (g) public utility building; and
- (h) accessory development to any permitted or discretionary use except residences.

16.4 DISCRETIONARY LAND USES

16.4.1 The following are discretionary uses that may be approved by the Municipal Planning Commission:

- (a) college, university, vocational or technical school;
- (b) accessory residences for staff or students for any permitted or discretionary use;
- (c) day care facility;

- (d) detention or correction facility;
- (e) emergency protective service;
- (f) emergency shelter;
- (g) health service;
- (h) historical site;
- (i) hospital;
- (j) signs other than those permitted under Section 16.29;
- (k) special care facility
- (l) treatment centre;
- (m) wall mural; and
- (n) any other use that the Municipal Planning Commission considers to be compatible with the purpose of this District.

16.5 PERFORMANCE STANDARDS

16.5.1 The Development Authority may issue a development Permit subject to such conditions as are necessary to ensure that the development is consistent with the purpose of this District and to minimize impacts on adjacent land uses.

16.6 BUILDING HEIGHT

16.6.1 The maximum height of any building shall be 6.5 m unless otherwise approved by the Municipal Planning Commission.

16.7 BUILDING SETBACKS

16.7.1 The minimum permissible setback is 6.0 m to any part of any principal or accessory building to any property line except where the side or rear property line is adjacent to Municipal Reserve, School Reserve, Park or other Public & Private Service 1 or 2 districts, a 0 or more rear or side yard setback to the principal building may be permitted, provided permission is granted from the adjacent property owners and at the discretion of the Development Authority.; and

16.7.2 All buildings, parking facilities and other developments in this District must provide a minimum setback of 10.0 m from any property line that adjoins a residential development or District.

16.8 LIMITED ACCESS TO STREETS

16.8.1 No access for vehicles will be permitted from any roadway to any site in this District, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the roadway without backing onto the roadway.

16.9 ACCESS FROM STREETS AND LANES

16.9.1 All lots must have at least one legal means of vehicle access.

16.9.2 Direct access shall not be permitted from a street to an on-site parking stall.

16.9.3 Direct access will be permitted from a lane to a parking stall in a parking facility.

16.10 LANDSCAPING & BUFFER ZONES

16.10.1 The public boulevard between the front property line of any site, as well as the flankage side of a corner lot, and the adjacent road carriageway must be landscaped by the developer, including the area between any separate sidewalk and the road carriageway.

16.10.2 Driveways for vehicular access to sites in this District from a public roadway shall be hard surfaced, including the portion on public property between the front property line and the edge of the public road carriageway, in accordance with the Town of Devon Design and Construction Standards.

16.10.3 All front, side and rear yards of all sites in this District must be paved, hard-surfaced or landscaped.

16.10.4 A landscaped buffer on-site at least 3.0 m wide must be provided adjacent to all public roadways other than lanes and adjacent to any residential use or public park use and must consist of at least the following:

- (a) deciduous trees, 2.0 m initial height, 6.0 m maximum height at maturity, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (b) coniferous trees, 2.0 m initial height, in clusters of two or three, at least 2.0 m from property line, spaced at 10.0 m maximum intervals; or
- (c) a combination of (a) and (b).

16.10.5 All traffic islands in parking lots must be landscaped with a minimum rate of 1 tree per 5 parking stalls and finished with tree grates, ground cover or hard landscaping.

16.11 FENCING & SCREENING

16.11.1 A fence 1.8 m in height, or such other screening or fencing as determined by the Development Authority, shall be constructed between a site in this District and any adjacent residential site.

16.11.2 A person shall not construct a fence or wall (or permit a hedge to grow) higher than 1.0 m in a front yard or 2.4 m in a side, flankage or rear yard, except where adjacent to a residential site.

16.11.3 For the purposes of the previous Article only, the depth of the front yard shall be the distance from the property line to the foremost portion of the on-site principal building or to the principal building on the lot adjacent to the fence, whichever is greater.

16.11.4 Electrification of fences will not be permitted.

16.12 OBJECTIONABLE ITEMS IN YARDS

16.12.1 Garbage shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup, as per the Town of Devon Solid Waste Bylaw. In areas with lanes, garbage must be stored in a yard adjacent to the lane.

16.12.2 Outside storage areas shall be screened from view from adjacent sites and thoroughfares.

16.13 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

16.13.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority has received confirmation that such services or improvements will be undertaken.

16.14 UTILITY EASEMENTS

16.14.1 Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on or over a utility or other easement. If a fence is constructed, a gate may be required to allow access by the utility company.

16.15 BUILDING EXTERIORS

16.15.1 The exterior finish of a building must be completed within 1 year of the date of issuance of a building permit for the development.

16.15.2 The design of a building must comply with any provision of a statutory plan applicable to the design, character and appearance of the building.

16.16 SITE GRADING

16.16.1 The applicant is responsible for grading the site of the proposed development to the design lot grades and direction(s) of drainage in any development area or subdivision with an approved grading plan. If an approved grading plan does not exist for the area, the applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

16.17 CORNER LOTS – TRAFFIC SIGHT LINES

16.17.1 On a corner lot, there shall be no development, including but not limited to a fence, tree, hedge or shrub, greater than 1.0 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting two points 7.5 m back along these property lines measured from their intersection. For purposes of this Article only, a lot

situate with a street or roadway on one side and a lane on an adjacent side shall not be considered a corner lot.

16.17.2 If a corner lot has a legal corner cut-off, the area referred to in the previous Article shall be determined 7.5 m back from what would have been the intersection of property lines had there not been a legal corner cutoff.

16.18 TEMPORARY BUILDINGS

16.18.1 Temporary buildings in this district shall be limited to construction trailers used for the sole purpose of housing the labour, equipment and material of the contractor and trades engaged in constructing the development. The trailers shall be removed immediately upon completion of construction.

16.19 ACCESSORY BUILDINGS

16.19.1 Unless otherwise specified in this Bylaw, accessory building setbacks and heights shall be as determined by the Development Authority.

16.19.2 Accessory buildings shall be located no closer to the street than the front of the principal building.

16.20 DRIVEWAY CURB CUTS

16.20.1 The nearest edge of a driveway curb cut to the nearest curb line of a street intersection shall not be less than prescribed in the Town of Devon Design Standards.

16.20.2 A driveway edge shall be no closer than 1.5 m to any utility appurtenance that projects above the natural grade, such as a hydrant, street light pole, power transformer, telephone pedestal, etc., unless a protection post is installed.

16.20.3 The width, materials, slope and taper treatments for curb cuts shall be in accordance with the Town of Devon Design and Construction Standards.

16.20.4 Persons desiring to remove an existing curb and place a driveway cut in an existing curb or monolithic curb and sidewalk shall apply for and obtain a development permit and shall call for an inspection both prior to pouring the new concrete and after completion of the concrete finishing. Curb cuts not meeting Town of Devon Design and Construction Standards shall be removed and replaced at the cost of the applicant.

16.21 ON-SITE PARKING AND LOADING REQUIREMENTS

16.21.1 If an on-site parking calculation results in a fractional number, the number will be rounded upwards to the next whole number.

16.21.2 When a parking stall or loading area is required, it shall be provided on the same site as the building or use.

16.21.3 For the purposes of this section, “maximum working shift” means the time period during which the greatest number of employees are required to be present at the development.

16.21.4 The Development Officer may waive any additional parking requirements necessitated by a change in use of an existing building in this District.

16.21.5 Where an existing building is being enlarged, additional parking requirements shall be provided only for that portion of the building being enlarged.

16.21.6 The Municipal Planning Commission may waive any parking requirements in this District, other than for residential uses, except that the number of parking stalls required for a development can not be made less than the number of parking stalls present on the site of the existing development.

16.21.7 A parking stall must be a minimum of 2.6 m wide and 5.8 m deep and a driveway aisle on a parking lot must be at least 7.3 m wide.

16.21.8 Where a use is not listed in the following section, the on-site parking requirement shall be as determined by the Development Authority.

16.21.9 On-site parking shall be provided in this District as follows:

Land Use	Minimum On-site Parking Requirement
Cemetery	<input type="checkbox"/> As determined by Development Authority
Church	<input type="checkbox"/> 1 stall per 5 seating spaces, reduced to 1 stall per 7.5 seats if parking stalls are available, with permission, on an adjacent public parking lot
College, university, technical or vocational school & accessory residences	<input type="checkbox"/> As determined by Development Authority
Community hall	<input type="checkbox"/> 1 stall per 5 seats or 1 stall per 20.0 m ² of gross floor area; whichever is greater
Day care facility	<input type="checkbox"/> 1 stall per employee required during the maximum working shift plus 1 visitor stall
Emergency protective service	<input type="checkbox"/> As determined by Development Authority
Health service	<input type="checkbox"/> 1 stall per 45.0 m ² of gross floor area
Hospital	<input type="checkbox"/> 1 stall per patient or resident bed plus 1.5 stalls per employee on max. working shift
Special care facility & Treatment centre	<input type="checkbox"/> 1 stall per patient or resident bed plus 1.5 stalls per employee on max. working shift

16.21.10 One on-site loading space per loading door shall be provided.

16.21.11 Loading spaces shall be not less than 3.0 m wide and 8.0 m in length, have an overhead clearance of 4.0 m and shall be of adequate size for the largest type of delivery vehicle normally at the site.

16.23 SIGNS

16.23.1 Except as otherwise permitted in this schedule or Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) signs indicating the municipal address of the property and the name of the facility; the surface area per sign shall be no greater than 5.0 m²;

- (b) municipal community message board signs; and
- (c) identification and directional signs for facilities within the site.

16.23.2 No person, other than the Town of Devon, shall locate a temporary, portable, free standing or permanent sign within a roadway right-of-way in this District.

16.23.3 No person, other than the Town of Devon, shall locate a free standing or permanent sign on public property in this District.

16.23.4 The location of all signs shall be as determined by the Development Authority.

16.24 DAY CARE FACILITY

16.24.1 In addition to the regulations in this District, the following conditions shall also apply for a day care facility:

- (a) the maximum number of patrons shall be governed by the regulations of the applicable authorities.
- (b) a facility that includes an outdoor playground shall provide a separate entrance to the playground area from the principal building and the playground area shall be enclosed by a fence 2.0 m in height.
- (c) the required on-site parking is to be added to the parking requirement for any other commercial use on the site.
- (d) the Development Authority may require that an on-site drop-off area for the loading or unloading of patrons be provided so the flow of traffic on public roadways is not hampered.

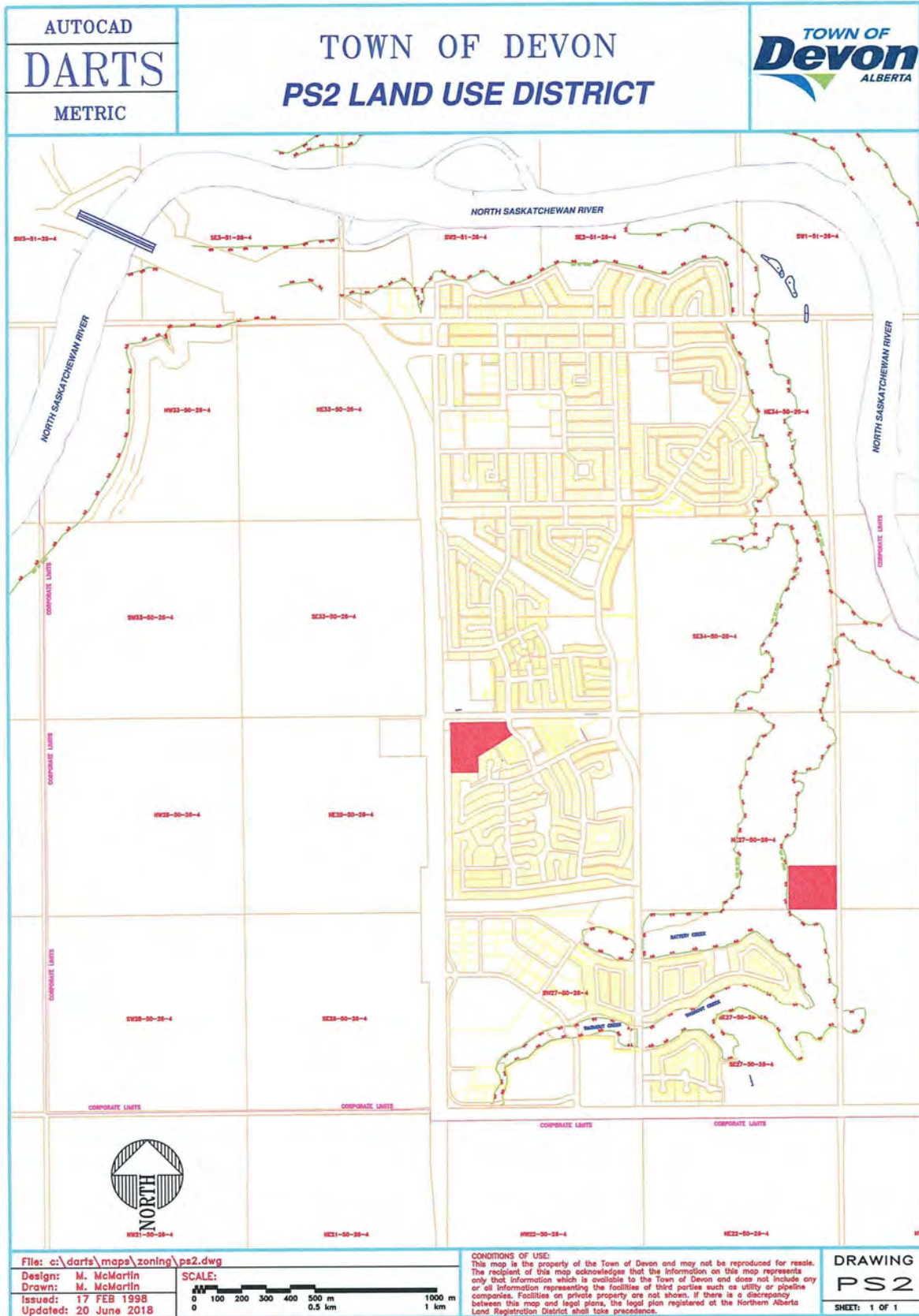
16.25 PS2 LAND USE DISTRICT MAP

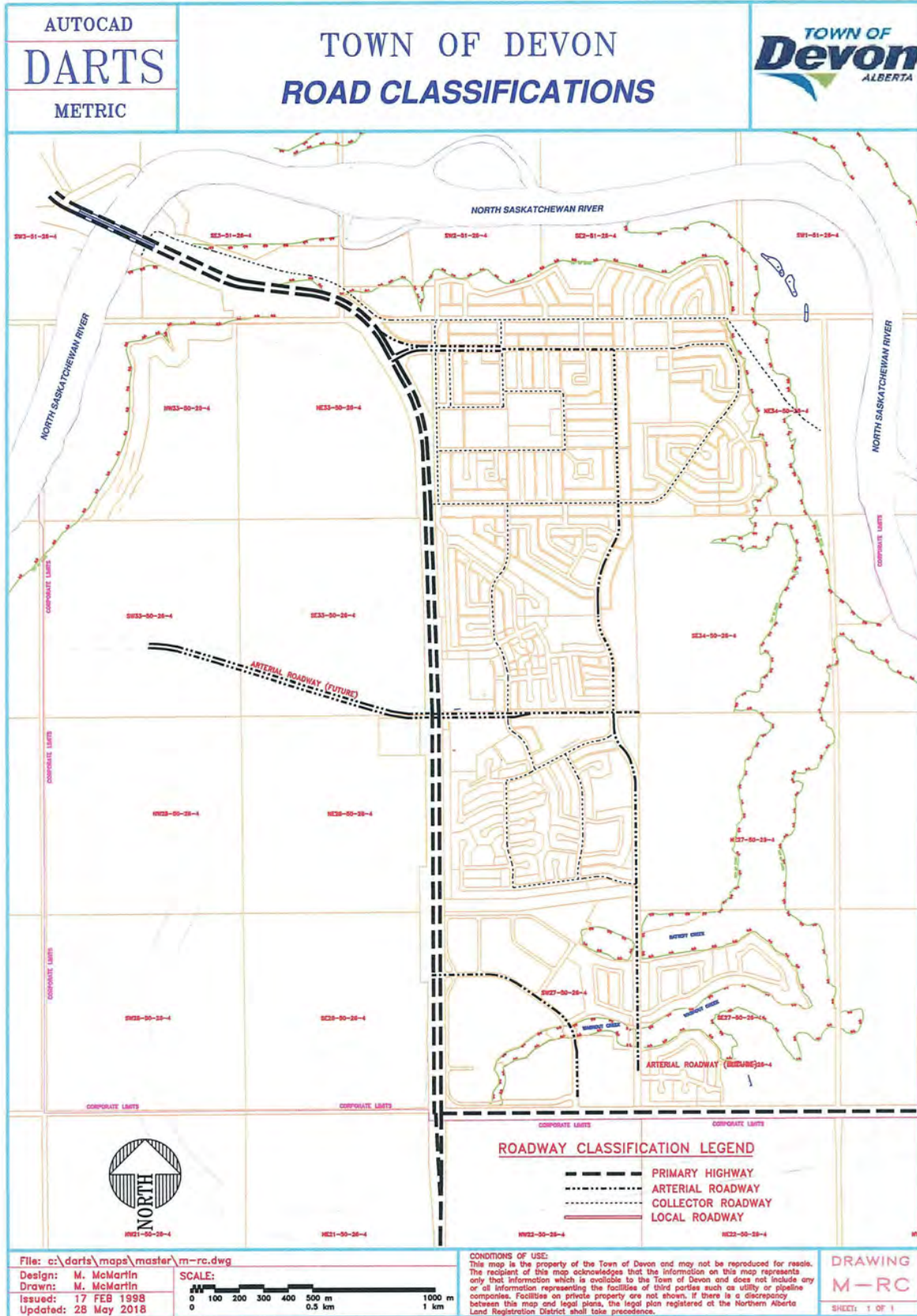
16.25.1 The land use district map following this page shows all of the areas within the corporate limits of the Town that are designated as PS2 – Public and Private Service 2 for purposes of application of the regulations in this Part (see page 13).

16.26 ROADWAY CLASSIFICATION MAP

- 16.26.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 14).

End of Part P – Maps Follow







TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'Q'

**UR – URBAN RESERVE DISTRICT
REGULATIONS**

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UR – URBAN RESERVE DISTRICT REGULATIONS

17.1 APPLICATION

17.1.1 The regulations in this Part apply to the District designated as UR Urban Reserve on the Land Use District Map of this Bylaw.

17.2 PURPOSE

17.2.1 The purpose of this District is to control land areas that are undeveloped or developed to low intensity uses and to ensure their orderly transformation to more intensive Development.

17.2.2 This land in this District is normally redistricted to a use contemplated in the Town of Devon Municipal Development Plan when a more intensive use is proposed.

17.3 PERMITTED LAND USES

17.3.1 The following uses are Permitted in this District:

- (a) agriculture on a site greater than 8 ha.;
- (b) stripping, grading or filling land, excluding topsoil processing or sales;
- (c) public utility building;
- (d) public park;
- (e) billboard signs along Highways 19 or 60 only;
- (f) temporary residential sales centre;
- (g) accessory development to any permitted use in this District; and
- (h) home occupations.

17.4 DISCRETIONARY LAND USES

17.4.1 The following are Discretionary Uses that may be approved by the Municipal Planning Commission:

- (a) natural resource development
- (b) single detached house on a site greater than 0.4 ha.;
- (c) animal services;
- (d) construction services;
- (e) greenhouse and plant nursery;
- (f) topsoil processing or sales;
- (g) accessory development to any discretionary use in this District;
- (h) signs other than those permitted under Section 17.9; and
- (i) temporary uses or buildings which, in the opinion of the Municipal Planning Commission will not prejudice the possibility of conveniently and economically subdividing and developing the area in the future to a more intensive use.

17.5 DEVELOPMENT REGULATIONS

17.5.1 Each of the Permitted or Discretionary Uses in this District shall comply with the regulations set out for that use in an applicable District as follows:

Land Use	Applicable District
Single detached house	R1B
Public utility building	R1B
Temporary residential sales centre	R1B
Construction services	M1
Animal services	M1

The Development Authority may vary any regulation where appropriate in the circumstances for any use or building in this District.

17.6 COMPATIBILITY WITH STATUTORY PLANS

17.6.1 All Developments in this District must be compatible with the Municipal Development Plan or an Area Structure Plan.

17.7 SIGNS

17.7.1 Except as otherwise permitted in this Part or Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) signs indicating the municipal address of the property and the name of the owner/occupant and/or business; the surface area shall be no greater than 3.0 m²; a Development Permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (c) temporary development directional signs; a Development Permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification and directional signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves; and
- (e) billboard signs along Highways 19 and 60 only and in accordance with the regulation in this District.

17.7.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

17.8 BILLBOARD SIGNS

17.8.1 The following regulations apply to billboard signs in this District:

- (a) the face of a billboard sign shall not exceed 4.8 m vertically and 10 m horizontally; and
- (b) a billboard sign shall not be located within 300.0 m of any other billboard on the same side of a road or highway; and
- (c) a billboard sign shall have a separation of 300.0 m from any other billboard on the opposite side of a highway
- (d) on a corner lot, a billboard sign may be located on each road frontage provided the signs are not closer than 300.0 m to each other or any other billboard sign; and

- (e) a billboard sign shall not project within 5.0 m of a property line or highway right-of-way; and
- (f) no part of any sign within 200.0 m of the edge of any highway pavement shall be more than 7.5 m above the travelled road surface of the highway or more than 15.0 m above the grade of the sign location, whichever is lowest; and
- (g) a billboard sign must have a 3.0 m minimum clearance from the underside of the sign to the ground; and
- (h) electrical power supply to billboard signs shall be underground; and
- (i) the location, position, shape, colour, format or illumination of billboard signs shall not obstruct the view of, or cause it to be confused with, any traffic control device, traffic control sign, or otherwise pose a potential hazard to vehicular or pedestrian traffic safety; nor shall it display lights that may be mistaken for the flashing lights customarily associated with warnings or danger or with those used by police, fire, ambulance or other emergency vehicles.
- (j) a billboard sign shall be removed from any property or site in this District when that site is re-designated to any residential use.

17.9 UR LAND USE DISTRICT MAP

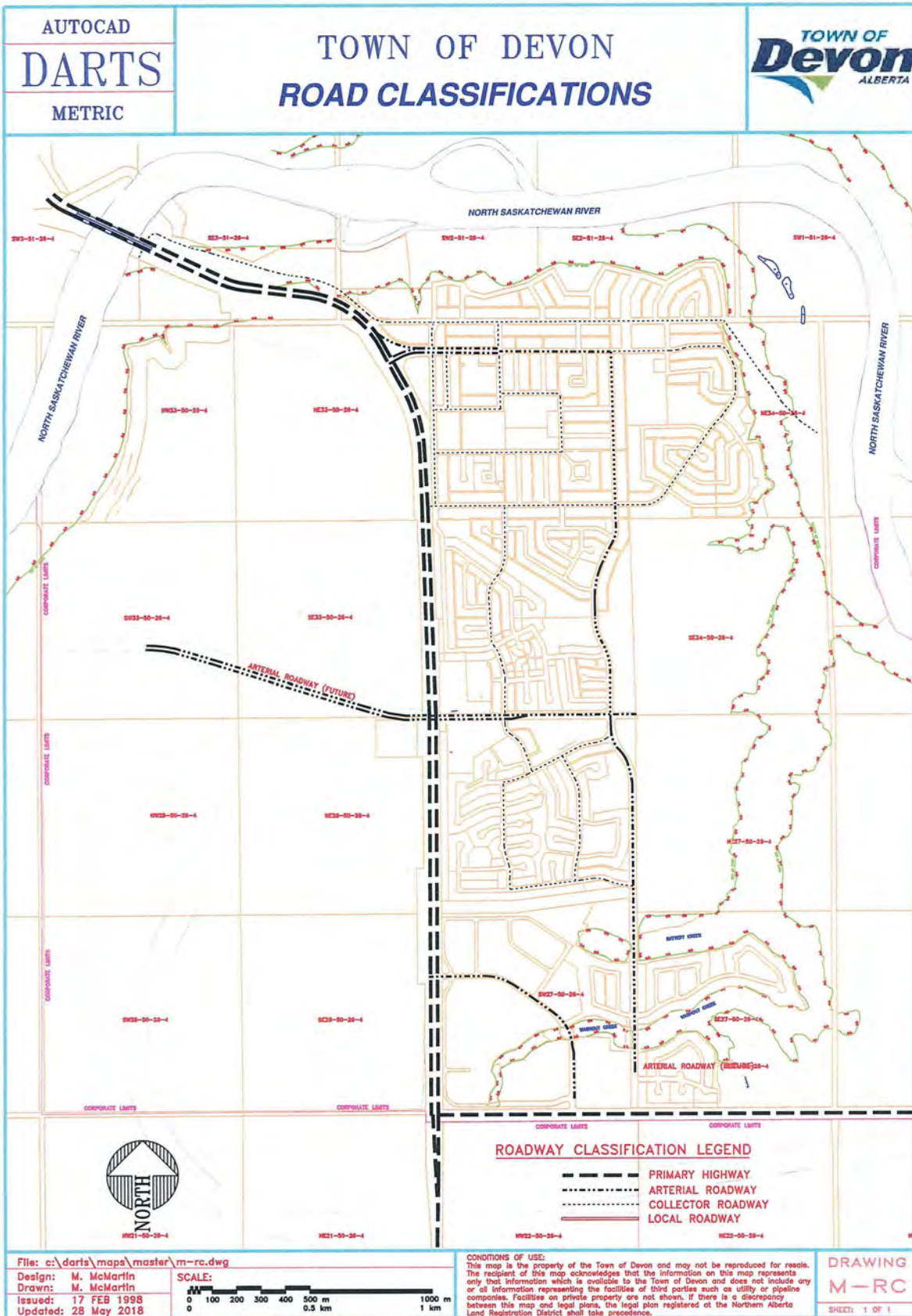
17.9.1 The land use district map following this page shows all of the areas within the corporate limits of the Town that are designated UR Urban Reserve for purposes of application of the regulations in this Part (see page 7).

17.10 ROADWAY CLASSIFICATION MAP

17.10.1 The roadway classification map following this page indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 8).

End of Part Q – Map Follows







TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

PART 'R'
DC – DIRECT CONTROL DISTRICT
REGULATIONS

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DC – DIRECT CONTROL DISTRICT REGULATIONS

18.1 APPLICATION

18.1.1 The regulations in this Part apply to the District designated as DC Direct Control on the Land Use District Map of this Bylaw.

18.2 PURPOSE

18.2.1 The purpose of this District is to enable the Council of the Town of Devon to exercise particular control over the Use and Development of the land or buildings within the areas so designated.

18.3 LAND USES APPROVED BY COUNCIL

18.3.1 Except for those uses listed under section 18.4 and 18.5, Council:

- (a) shall determine the land uses that may be allowed in this District; and
- (b) may impose such standards and conditions it deems appropriate to regulate that Use.

18.4 PERMITTED LAND USES

18.4.1 The following are Permitted Uses that Council delegates for approval to the Development Officer:

- (a) agriculture;
- (b) stripping, grading or filling land, excluding topsoil processing or sales;
- (c) public utility building;
- (d) public park;
- (e) billboard signs along Highways 19 or 60 only;
- (f) temporary residential sales centre;
- (g) accessory development to any Permitted Use in this District;
- (h) accessory development to any use approved by Council; and
- (i) home occupations.

18.5 DISCRETIONARY LAND USES

18.5.1 The following are Discretionary Uses that Council delegates for approval and that may be approved by the Municipal Planning Commission:

- (a) natural resource extraction or development;
- (b) outdoor recreation services;
- (c) single detached house on a site greater than 0.4 ha.;
- (d) animal services;
- (e) construction services;
- (f) greenhouse and plant nursery;
- (g) topsoil processing or sales;
- (h) signs other than those permitted under Section 18.11;
- (i) accessory development to any discretionary use in this District; and
- (j) temporary uses or buildings which will not prejudice the possibility of conveniently and economically subdividing and developing the area in the future to a more intensive use.

18.6 DEVELOPMENT REGULATIONS

18.6.1 Each of the Permitted or Discretionary Uses in this District shall comply with the regulations set out for that use in an applicable District as follows:

Land Use	Applicable District
Single detached house	R1B
Public utility building	R1B
Temporary residential sales centre	R1B
Construction services	M1
Animal services	M1

The Development Authority may vary any regulation where appropriate in the circumstances for any use or building in this District.

18.7 COMPATIBILITY WITH STATUTORY PLANS

18.7.1 All Developments in this District, whether determined by Council or by the Development Authority, must be compatible with the Municipal Development Plan and any Area Structure Plan.

18.8 SIGNS

18.8.1 Except as otherwise permitted in this Part or Bylaw, the only permitted signs in this District are those which are visible from the street, including:

- (a) signs indicating the municipal address of the property and the name of the owner/occupant and/or business; the surface area shall be no greater than 3.0 m²; a Development Permit is not required; and
- (b) temporary developer marketing signs on lots owned by the developer or an associated builder; a Development Permit is not required; and
- (c) temporary development directional signs; a Development Permit is not required provided the written permission of the property owner on which the sign is proposed to be placed is obtained; and
- (d) municipal identification and directional signs for parks, neighbourhoods or similar purposes on public utility lots or municipal reserves; and
- (e) billboard signs along Highways 19 and 60 only and in accordance with the regulation in this District.

18.8.2 No person, other than the Town of Devon, shall locate a temporary, free standing or permanent sign within a roadway right-of-way or on public property in this District.

18.9 BILLBOARD SIGNS

18.9.1 The following regulations apply to billboard signs in this District:

- (a) the face of a billboard sign shall not exceed 4.8 m vertically and 10.0 m horizontally; and
- (b) a billboard sign shall not be located within 300.0 m of any other billboard on the same side of a road or highway; and
- (c) a billboard sign shall have a separation of 300.0 m from any other billboard on the opposite side of a highway; and

- (d) on a corner lot, a billboard sign may be located on each road frontage provided the signs are not closer than 300.0 m to each other or any other billboard sign; and
- (e) a billboard sign shall not project within 5.0 m of a property line or highway right-of-way; and
- (f) no part of any sign within 200.0 m of the edge of any highway pavement shall be more than 7.5 m above the traveled road surface of the highway or more than 15.0 m above the grade of the sign location, whichever is lowest; and
- (g) a billboard sign must have a 3.0 m minimum clearance from the underside of the sign to the ground; and
- (h) electrical power supply to billboard signs shall be underground; and
- (i) the location, position, shape, colour, format or illumination of billboard signs shall not obstruct the view of, or cause it to be confused with, any traffic control device, traffic control sign, or otherwise pose a potential hazard to vehicular or pedestrian traffic safety; nor shall it display lights that may be mistaken for the flashing lights customarily associated with warnings or danger or with those used by police, fire, ambulance or other emergency vehicles; and
- (j) a billboard sign shall be removed from any property or site in this District when that site is re-designated to any residential use.

18.10 FLOOD RISK AREA

18.10.1 Notwithstanding any other provision of this Bylaw, a use that is otherwise listed as a Permitted Use for a site located in a flood risk area shall be deemed a discretionary use, subject to determination of approval by the Municipal Planning Commission.

18.10.2 For purposes of this Bylaw, the flood risk area within the corporate limits of the Town of Devon is that area of the North Saskatchewan River valley and its tributaries that is below the 1 in 100-year flood level, being geodetic elevation 639.4 m CVD28 (Canadian Vertical Datum 1928).

18.10.3 Land Uses within the flood risk area shall be restricted to:

- (a) development for the purposes of flood control;
- (b) public utility building

- (c) roadway; walkway, bicycle trail or ski trail;
- (d) bridge for a public roadway, walkway, bicycle trail or ski trail;
- (e) outdoor recreation service; and
- (f) campground.

18.10.4 Any Development proposed to be located within the flood risk area shall be subject to the following requirements:

- (a) any building floors above grade and all associated mechanical and electrical equipment must be above the 1 in 100-year flood level or flood-proofed to withstand the 1 in 100-year flood event; and
- (b) any basement space below the 1 in 100-year flood level may not contain habitable rooms and must be provided with a positive drainage system to pump out the space after the subsidence of the flood waters.

18.10.5 The Development Authority may require that a Development Permit application be accompanied by a set of stamped plans certified by a registered Professional Engineer or Architect confirming that the proposed development complies with the provisions of Section 18.3.4.

18.11 RIVER VALLEY ALLIANCE

18.11.1 Glossary of Terms

For the purpose of the River Valley Alliance Park and map showing park area labeled as Schedule A.

RIVER VALLEY ALLIANCE BOUNDARY means the boundary established in A Plan of Action for the River Valley Alliance that determined the River Valley Alliance Park study area.

ENVIRONMENTALLY SENSITIVE AREA means

- (a) areas which perform a vital environmental, ecological or hydrological function such as aquifer recharge;
- (b) areas which contain a unique geological or physiographic feature;
- (c) areas which contain significant, rare or endangered species;

- (d) areas which are unique habitats with limited representation in the region or a small remnant of once large habitats which have virtually disappeared;
- (e) areas which contain large and relatively undisturbed habitats and provide shelter habitat for species which are intolerant of human disturbance;
- (f) areas which contain plants, animals, or landforms which are unusual or of regional, provincial or national significance; and
- (g) areas which provide an important linking function and permit the movement of wildlife over considerable distance.

FLOOD PLAIN means the area of land bordering a water body or watercourse that would be inundated by a 1 in 100-year flood as determined by Alberta Environment.

NATURE CONSERVATION means the use of land and/or water for the preservation and enhancement of the natural environment.

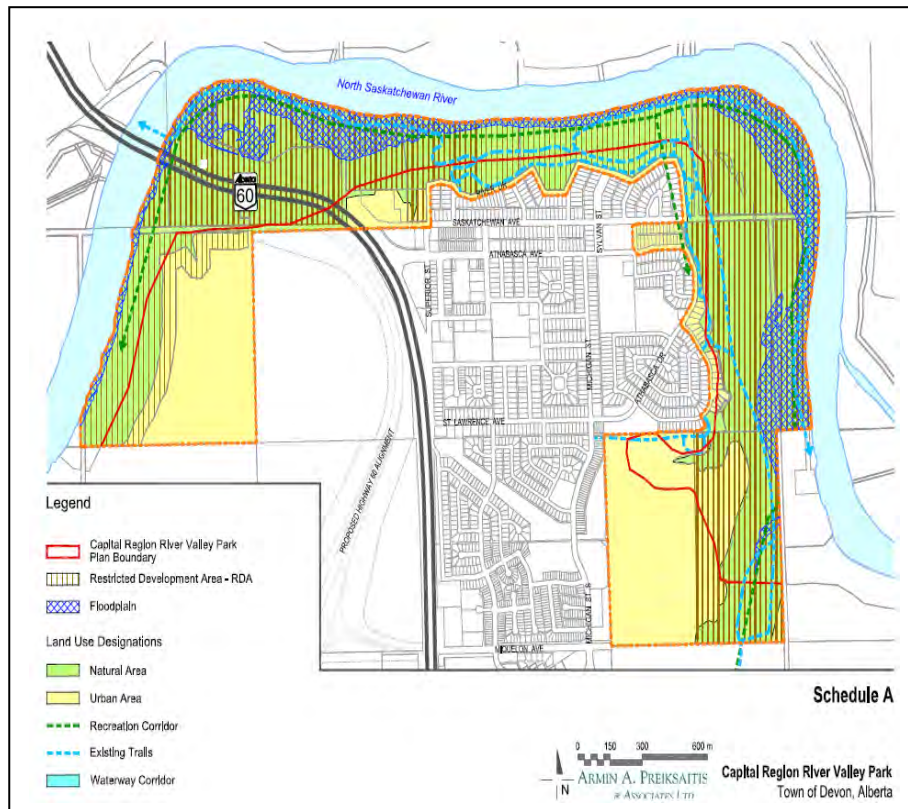
PASSIVE RECREATION means recreational opportunities in a natural setting which require minimal development or facilities, and the importance of the environment or setting for the activities is greater than in developed or active recreation settings.

RECREATIONAL CORRIDOR means inter-connected crown, public or private lands that are generally linear in form and are of regional significance for the purpose of providing recreational opportunities, such as the TransCanada Trail, walking trails, parks and open space in the North Saskatchewan River Valley. Regional Recreation Corridors may also connect to municipal recreation opportunities.

RIPARIAN AREA means long linear strips of vegetation adjacent to streams, rivers, lakes, reservoirs, and other inland aquatic systems that affect or are affected by the presence of water. They serve as transitional areas between aquatic and upland terrestrial habitats.

TOP OF BANK means the upper valley break line defining the uppermost or most obvious topographic discontinuity in slope distinguishing between the upper plateau and the valley wall, usually determined by a geotechnical engineer.

WATERWAY CORRIDOR means regionally significant waterways including rivers, creeks and their shorelines as environmental resources that form part of the North Saskatchewan and Athabasca River Basins, and are to be protected from the impacts of development and agricultural activities.



18.11.2 Recreation Corridor

The Recreation Corridor promotes a continuous greenway trail connection from Devon to Fort Saskatchewan while securing a conceptual right-of-way.

18.11.2.1 Where the Recreation Corridor runs through the designated Natural Area, the uses stipulated for that area shall include:

- (a) pre-existing uses;
- (b) nature conservation;
- (c) minor (passive) recreation, provided that it has minimal impact on the ecology of the North Saskatchewan River Valley;
- (d) public park;
- (e) public roads and utilities subject to an environmental assessment;
- (f) public utility building;
- (g) accessory development to any permitted use in this District; and
- (h) outdoor recreation services as a discretionary use.

18.11.2.2 Where the Recreation Corridor runs through the designated Urban Area, the uses stipulated for that area shall apply.

18.11.3 Restrictions on the Removal of Trees and Vegetation

The protection of trees and vegetation is important to mitigate geotechnical and visual impacts along the North Saskatchewan River Valley.

18.11.3.1 A minimum setback of 30.0 m (98.4 ft.) from the top of bank of the North Saskatchewan River Valley shall be restricted from tree clearing except for tree clearing that may be required for a public park, trail development and safety reasons (e.g. Fire Smart).

18.11.4 Protection of View Corridors

The protection of view corridors is important to preserve the natural experience for users of the North Saskatchewan River Valley Park area.

18.11.4.1 A 30.0 m (98.4 ft.) setback from the top of bank is required to limit potential visual intrusion on viewpoints from the river.

18.11.4.2 Developments must locate away from the North Saskatchewan River Valley on the upland plateau in order to limit potential of visual intrusion from the North Saskatchewan River, while incorporating the 30.0 m (98.4 ft.) break of valley buffer.

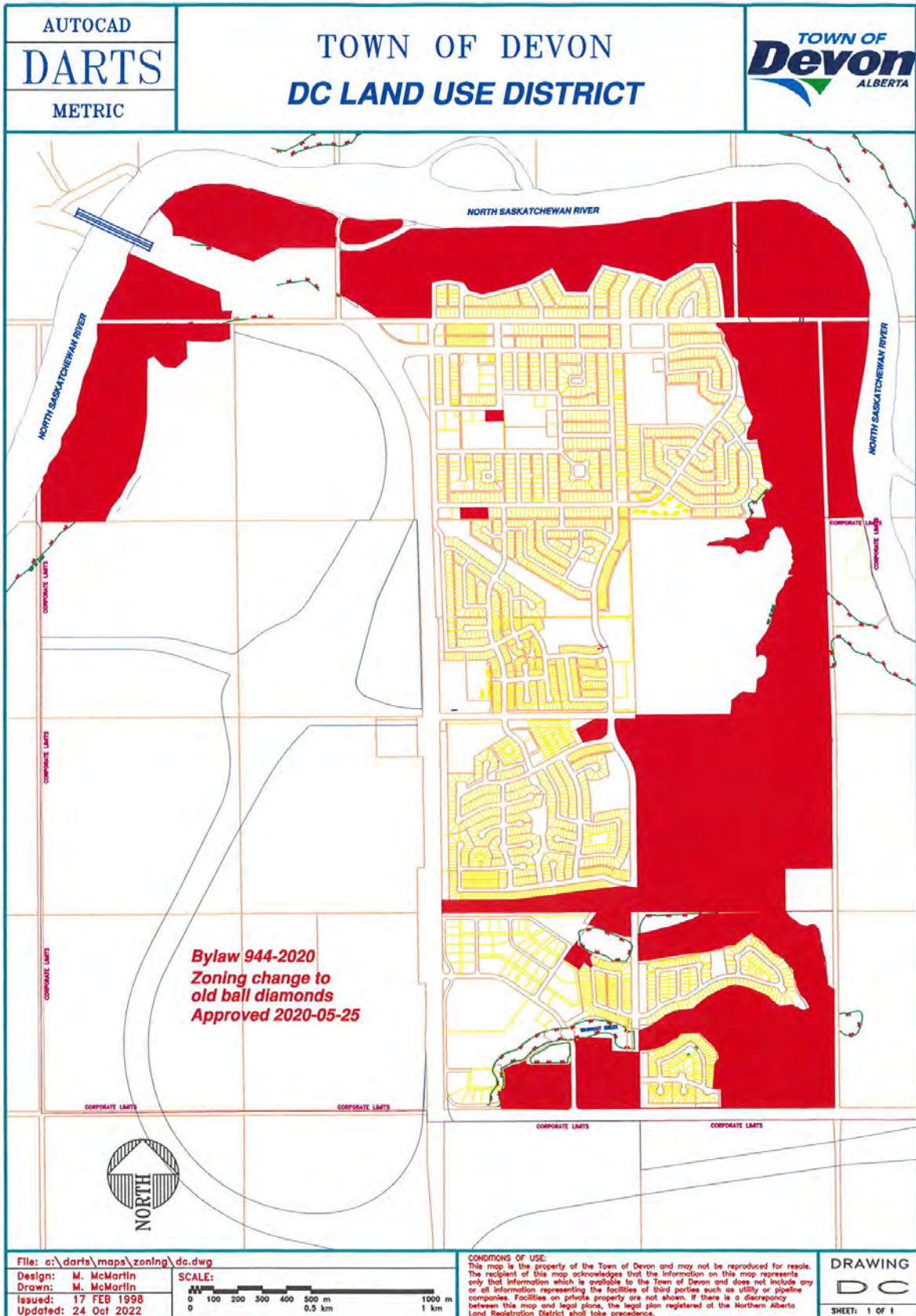
18.12 DC LAND USE DISTRICT MAP

18.12.1 The following land use district map shows all of the areas within the corporate limits of the Town that are designated DC Direct control for purposes of application of the regulations in this Part (see page 11).

18.13 ROADWAY CLASSIFICATION MAP

18.13.1 The following roadway classification map indicates the classification of all public roadways within the corporate limits of the Town of Devon for purposes of applying the regulations in this Part (see page 12).

End of Part R – Maps Follow





TOWN OF DEVON

LAND USE BYLAW NO. 924/2019

PART 'S'

LAND USE DISTRICT MAP

LAND USE DISTRICT MAP

The Land Use District map following this page outlines all of the Land Use Districts within the corporate limits of the Town of Devon pursuant to Part 'A', Section 1.2 of this Bylaw.

Where there is a discrepancy between the overall District map and the detailed quarter section district maps, the quarter section district maps shall take precedence.

End of Part S - Maps Follow



TOWN OF DEVON
LAND USE BYLAW NO. 924/2019

APPENDIX 'A'
SCHEDULE OF FEES

SCHEDULE OF FEES

All applicable Land Use bylaw related fees are in the Town of Devon's Fee and Charges Bylaw.

End of Appendix A

Bylaw
1003/2024
May 13, 2024

Commented [DS1]: Since the fee schedule should be updated every year, the schedule shouldn't be attached as a part within the Bylaw. This requires an unnecessary LUB amendment.

It should be approved by resolution/or separate bylaw