



TOWN OF MANNING LAND USE BYLAW

Bylaw No. 816/14

Adopted: December 10, 2014

Consolidated: October 20, 2016



Town of Manning

Prepared By:





LAND USE BYLAW NO. 816/14

The Council of the Town of Manning hereby enacts the Town of Manning Land Use Bylaw in accordance with the Municipal Government Act, RSA 2000, c.M-26

EFFECTIVE DATE: DECEMBER 10, 2014

CONSOLIDATED DATE: OCTOBER 20, 2016

TABLE OF CONTENTS

PART 1	ADMINISTRATION	1
DIVISION 1:	GENERAL	2
SECTION 1.	TITLE, PURPOSE AND APPLICATION	2
SECTION 2.	CONFORMITY WITH THIS BYLAW	2
SECTION 3.	SCHEDULE A – DISTRICT MAP	2
SECTION 4.	APPLICATIONS IN PROGRESS	2
SECTION 5.	SERVABILITY	2
SECTION 6.	COMPLIANCE WITH OTHER LEGISLATION	3
SECTION 7.	GENERAL INTERPRETATION	3
SECTION 8.	RULES OF INTERPRETATION	3
SECTION 9.	DEFINITIONS	5
DIVISION 2:	ADMINISTRATIVE AGENCIES	22
SECTION 10.	DEVELOPMENT AUTHORITY	22
SECTION 11.	DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT AUTHORITY	22
SECTION 12.	VARIANCES	24
SECTION 13.	DEVELOPMENT APPEAL BOARD	25
SECTION 14.	THE MACKENZIE MUNICIPAL SERVICES AGENCY	26
SECTION 15.	DEVELOPMENT PERMIT – PAYMENT OF TAXES	26
SECTION 16.	FORMS AND NOTICES – <i>DELETED</i>	26
DIVISION 3:	DEVELOPMENT PERMITS	27
SECTION 17.	DEVELOPMENT REQUIRING A PERMIT	27
SECTION 18.	APPLICATION FOR DEVELOPMENT PERMIT	28
SECTION 19.	SITE AUDITS AND ENVIRONMENTAL SITE ASSESSMENT	29

SECTION 20.	ENVIRONMENTAL IMPACT ASSESSMENT	31
SECTION 21.	SUBDIVISION STANDARDS	32
SECTION 22.	CONDITIONS OF A DEVELOPMENT PERMIT	32
SECTION 23.	DEVELOPMENT PERMIT – CONDITIONS	32
SECTION 24.	DEVELOPMENT PERMIT – NOTIFICATION	34
PART 2	LAND USE PROVISIONS	36
DIVISION 1:	GENERAL LAND USE PROVISIONS	37
SECTION 25.	ACCESSORY BUILDINGS AND STRUCTURES	37
SECTION 26.	ENTRANCES AND EXITS	39
SECTION 27.	EXCAVATION, STRIPPING AND GRADING OF PARCELS	39
SECTION 28.	FRONT, SIDE AND REAR YARD SETBACKS	40
SECTION 29.	HEIGHT OF BUILDINGS	40
SECTION 30.	INDUSTRIAL STANDARDS	40
SECTION 31.	LANDSCAPING AND SCREENING	41
SECTION 32.	LIGHTING	47
SECTION 33.	NUMBER OF DWELLING UNITS PERMITTED ON A LOT	48
SECTION 34.	OBJECTS PROHIBITED OR RESTRICTED IN DISTRICTS PERMITTING RESIDENTIAL USES	49
SECTION 35.	ON-SITE DEMOLITION	49
SECTION 36.	PARKING – VEHICLE AND BICYCLE	50
SECTION 37.	PROJECTIONS INTO YARDS	55
SECTION 38.	RELOCATED BUILDINGS	55
SECTION 39.	RESTRICTIONS ON CORNER SITES	57
SECTION 40.	SIGNS	57
SECTION 41.	SITE COVERAGE	64
SECTION 42.	SITE DIMENSIONS	64

DIVISION 2: SPECIAL LAND USE PROVISIONS	65
SECTION 43. BED AND BREAKFAST ACCOMMODATION	65
SECTION 44. CAR/TRUCK WASHING ESTABLISHMENTS	65
SECTION 45. CHILD CARE FACILITIES	66
SECTION 46. DWELLING UNIT, GARAGE SUITE	66
SECTION 47. DWELLING UNIT, GARDEN SUITE	67
SECTION 48. DWELLING UNIT, SECONDARY SUITE	68
SECTION 49. GAS STATIONS	69
SECTION 50. HOME-BASED BUSINESS LEVEL 1 AND LEVEL 2	70
SECTION 51. LAND WITHIN ENVIRONMENTALLY SENSITIVE OVERLAY	72
SECTION 52. MANUFACTURED HOMES	74
SECTION 53. MODULAR HOMES	76
SECTION 54. RECYCLING CENTRE	76
DIVISION 3: LAND USE DISTRICTS AND OVERLAYS	77
SECTION 55. DISTRICT CLASSIFICATION	77
SECTION 56. OVERLAY CLASSIFICATION	77
SECTION 57. DISTRICT SYMBOLS	78
SECTION 58. LAND USE BYLAW DISTRICT MAP	78
SECTION 59. RESTRICTED RESIDENTIAL DISTRICT (R-1)	80
SECTION 60. LOW DENSITY RESIDENTIAL DISTRICT (R-2)	82
SECTION 61. HIGH DENSITY RESIDENTIAL DISTRICT (R-3)	85
SECTION 62. MANUFACTURED HOME RESIDENTIAL DISTRICT (MHR)	88
SECTION 63. COMMERCIAL DISTRICT (C)	93
SECTION 64. MIXED COMMERCIAL-RESIDENTIAL (CR)	95
SECTION 65. HIGHWAY COMMERCIAL DISTRICT (HC)	97

SECTION 66.	MIXED HIGHWAY COMMERCIAL-SERVICE INDUSTRIAL (HCM)	99
SECTION 67.	INDUSTRIAL DISTRICT (M)	101
SECTION 68.	PUBLIC CIVIC DISTRICT (PC)	104
SECTION 69.	MUNICIPAL INFRASTRUCTURE DISTRICT (PI)	106
SECTION 70.	PARKS AND RECREATION DISTRICT (PR)	108
SECTION 71.	URBAN RESERVE DISTRICT (UR)	110
SECTION 72.	ENVIRONMENTAL SENSITIVE LANDS OVERLAY	112
DIVISION 4: ENACTMENT		113
SECTION 73.	AMENDMENTS	113
SECTION 74.	ENFORCEMENT AND PENALTIES	113
SECTION 75.	REPEAL OF EXISTING BYLAW	114
SECTION 76.	EFFECTIVE DATE	114
SCHEDULES		115
SCHEDULE A FORMS AND NOTICES - <i>DELETED</i>		
SCHEDULE B DEVELOPMENT PERMIT FEE STRUCTURE - <i>DELETED</i>		
SCHEDULE C LAND USE DISTRICT MAP		
SCHEDULE D ENVIRONMENTALLY SENSITIVE LANDS OVERLAY		
SCHEDULE E AMENDMENTS		



PART 1 ADMINISTRATION

DIVISION 1: GENERAL

SECTION 1. TITLE, PURPOSE AND APPLICATION

(1) Title of Bylaw:

This Bylaw shall be known as the ***Town of Manning Land Use Bylaw***.

(2) Purpose:

The purpose of this Bylaw is to regulate and facilitate the orderly, rational and efficient development of land and buildings within the Town's boundaries.

(3) Application of Bylaw:

The provisions of this Bylaw shall apply to all land and buildings within the corporate boundaries of the Town of Manning.

SECTION 2. CONFORMITY WITH THIS BYLAW

(1) No person shall commence any development, unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required.

(2) Except as provided in this Bylaw, no person shall commence a development unless it is in accordance with the terms and conditions of a development permit issued under this Bylaw.

SECTION 3. SCHEDULE C – DISTRICT MAP

(1) The geographic area of the municipality of the Town of Manning is hereby divided into districts listed in Section 45, and their boundaries are delineated on the map attached to and forming a part of this Bylaw, as Schedule C.

SECTION 4. APPLICATIONS IN PROGRESS

(1) An application for a subdivision or development permit, which is received in its complete and final form prior to the effective date of this Bylaw, shall be processed in accordance with the Land Use Bylaw No. 775/08.

(2) No amendment application to Bylaw No. 775/08 shall be accepted after this Bylaw comes into force.

SECTION 5. SERVABILITY

(1) If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this Bylaw.

SECTION 6. COMPLIANCE WITH OTHER LEGISLATION

- (1) A person applying for, or in possession of, a valid development permit is not relieved from the responsibility of ascertaining and complying with, or carrying out development in accordance with:
 - a) the requirements of any statutory plan;
 - b) the requirements of the Alberta Safety Codes Act, R.S.A.2000, Chapter S-1;
 - c) the requirements of any other appropriate federal, provincial and/or other municipal legislation; and
 - d) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

SECTION 7. GENERAL INTERPRETATION

- (1) Unless otherwise stated, any enactments in this Bylaw refer to an enactment of the Municipal Government Act (herein referred to as “the Act”) and regulations as amended, revised, consolidated or replaced from time to time, unless otherwise stated. Any bylaw referred in this Bylaw refers to an enactment of the Town of Manning Council, as amended, revised, consolidated or replaced from time to time.
- (2) The headings given to sections, paragraphs and sub-sections in this Bylaw are for convenience of reference only; they do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

SECTION 8. RULES OF INTERPRETATION

- (1) Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
 - a) “shall” means mandatory compliance;
 - b) “should” means compliance in principle, but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of valid planning principles or circumstances unique to a specific application; and
 - c) “may” means discretionary compliance or a choice in applying policy.

Bylaw 828-15
2015/10/28

- (2) Where a regulation involves two (2) or more conditions, provisions or events connected by a conjunction, the following shall apply:
 - a) “and” means all the connected items shall apply in combination;
 - b) “or” indicates that the connected items may apply singly or in combination; and
 - c) “either-or” indicates the items shall apply singly but not in combination.
- (3) Words used in the singular include the plural and vice-versa.
- (4) When a word is used in the masculine it will refer to either gender.
- (5) All other words shall have the meaning assigned to them in the Act. In the case of any conflict between information expressed in metric units and in imperial units, the metric shall govern.
- (6) In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
- (7) In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
- (8) When Permitted or Discretionary Uses listed in table format in a land use district makes reference to the need to be compliant with another Section of this Bylaw, then this reference or notation becomes a part of the use provision of this Bylaw rather than a regulatory provision.

SECTION 9. DEFINITIONS

In this Bylaw, unless the context requires otherwise:

ACCESSORY BUILDING means a building or structure that is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site.

ACCESSORY USE means a use that is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site.

ACT means the Province of Alberta Municipal Government Act.

AGRICULTURAL ENTERPRISE means a facility where agricultural produce (meats, grains, legumes, poultry, swine, honey, etc.) is collected, sorted, washed, cleaned, slaughtered, dusted, waxed, cooked, cured, smoked or otherwise prepared or processed into finished or semi-finished products and from which such produce is shipped to a wholesale or retail outlet or for further processing.

AUTO BODY SHOP means a use where the primary activity is the body repair of vehicles.

AUTO SERVICE means a use, building or part of a building, where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles excluding body and fender work.

AUTOMOBILE/RECREATION DEALER means a development used for the retail sale of new or used automobiles, recreational vehicles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale of parts. It includes automobile dealerships, car and truck rental agencies, and motorcycle dealerships, but does not include dealerships for the sale of manufactured homes, or heavy equipment.

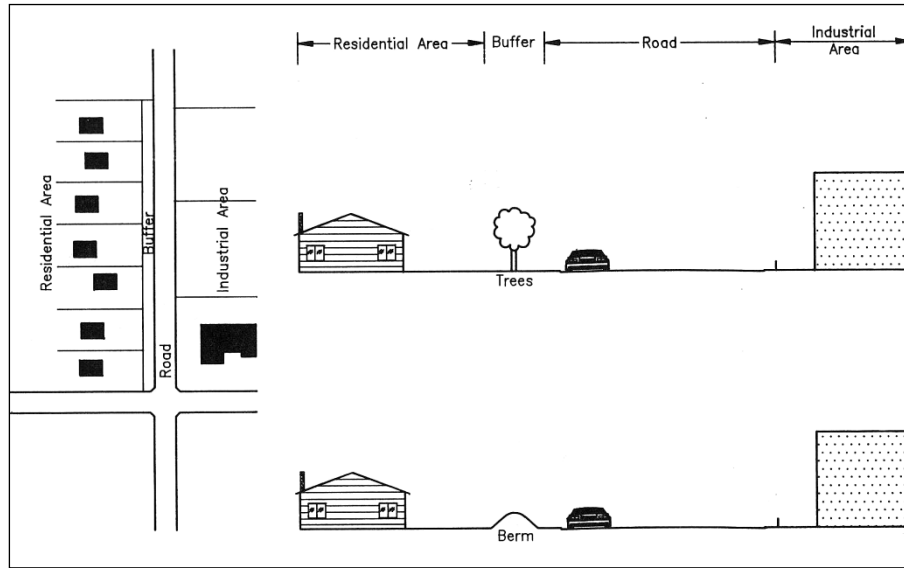
BED AND BREAKFAST means a development with a private dwelling occupied by the owner or operator offering hospitality to 8 or less registered guests and providing a breakfast meal. This class does not include a hotel, motel or inn.

BICYCLE PARKING means a rack or other structurally sound device which is designed for the securing of one or more bicycles, allowing at minimum, the front wheel and the frame to be secured, in an orderly fashion.

BICYCLE PARKING CLASS A means a bicycle space primarily designed to provide long-term parking for employees or residents of the building.

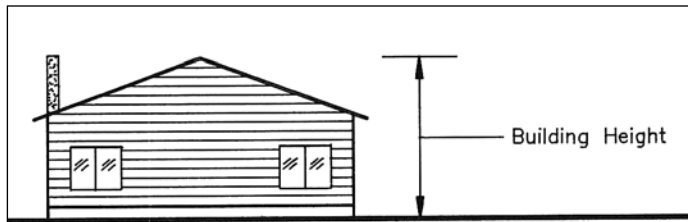
BICYCLE PARKING CLASS B means a bicycle space primarily designed to provide short-term transient parking for persons who are not residents or employees of the building.

BUFFER means an area where development is restricted to a row of trees, shrubs, berming, fencing, or other similar means to provide visual screening and separation between sites, incompatible land uses, roadways or districts.



BUILDING means anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

BUILDING HEIGHT means the vertical distance between the average grade and the highest point of a building that is not: a roof stairway entrance; ventilating fan; a skylight; steeple; chimney; smoke stack; fire wall; parapet wall; flagpole; or other similar device that is not structurally essential to the building.



CAMPGROUND means any land or part thereof which may levy fees for the siting of tents or recreational vehicles and shall include any facilities or amenities secondary to the primary use, and may include a recreational vehicle park and public campground/campsite.

CARWASH means a use, building or structure where facilities are specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

CHILD CARE FACILITY means a development licensed by the Province to provide personal care, maintenance, supervision or education without overnight accommodation for children at one time for more than three hours but less than 24 consecutive hours in a day. This includes day care centres, nurseries, kindergartens, nursery schools and play schools and other similar uses.

CONSTRUCT means to build, reconstruct, or relocate and without limiting the generality of the word, also includes:

- (a) any preliminary operation such as excavation, filling or draining;
- (b) altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) any work which requires a Building Permit under the Building Bylaw of the Town of Manning.

CONVENIENCE STORE means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods.

CORNER LOT means a lot that abuts the intersection of two public roads, other than laneways.

COUNCIL means the Council of the Town of Manning.

DEVELOPMENT means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in the intensity of use of the land or building.

DEVELOPMENT APPEAL BOARD means a development appeal board appointed pursuant to the Act and by Council through the adoption of a bylaw.

DEVELOPMENT OFFICER means a person appointed by a resolution of Council to the office established by Section 6 of this Bylaw.

DEVELOPMENT PERMIT means a document authorizing a development pursuant to this Bylaw.

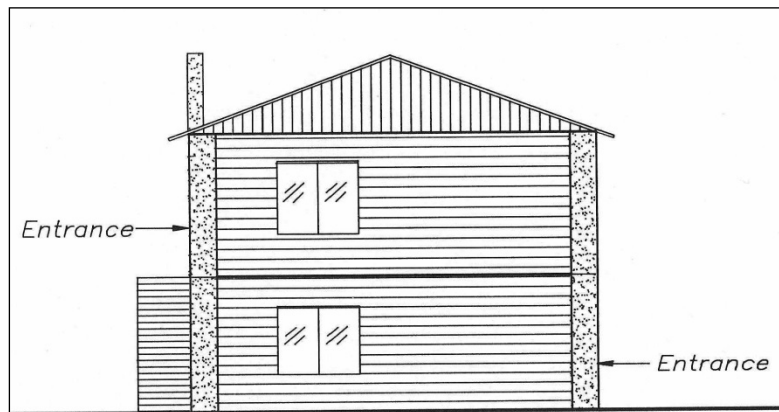
DISCRETIONARY USE means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued upon an application having been made.

DWELLING UNIT means a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

DWELLING UNIT, APARTMENT means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

DWELLING UNIT, CARETAKER'S RESIDENCE means a dwelling that is secondary or accessory to the principal industrial, commercial or recreational use, located on the same lot and is used for the purpose of providing living accommodation for the individual who is primarily responsible for the maintenance and security of the principal use on that lot.

DWELLING UNIT, DUPLEX means development consisting of a building containing only two Dwellings, with one Dwelling placed over the other in whole or in part. Each Dwelling has separate and individual access, not necessarily directly to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Semi-detached Housing.



DWELLING UNIT, GARAGE SUITE means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Secondary Suites or Garden Suites.

Bylaw 827-15
2015/07/08

DWELLING UNIT, GARDEN SUITE means a single-storey Accessory Dwelling, which is located in a building separate from the principal Use which is Single Detached Housing. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites or Garage Suites.

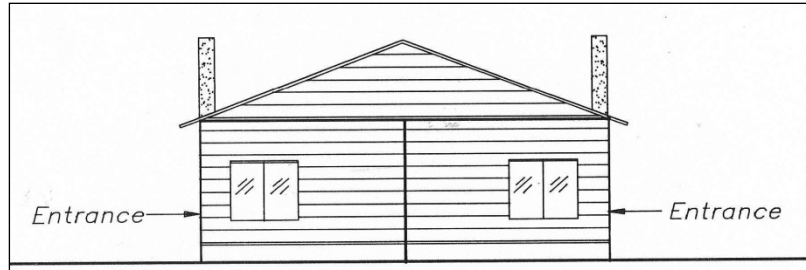
DWELLING UNIT, MANUFACTURED HOME means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home meets any one of the following design criteria:

- Is supported by a steel frame
- Roof pitch is less than 1:4
- The eaves are equal to or less than 30.4 cm (1.0 ft.)
- The width to length ratio of the unit is more than 3:1

DWELLING UNIT, ROW HOUSING means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade.

DWELLING UNIT, SECONDARY SUITE means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Duplex Housing, Semi-detached Housing, or Apartment Housing, and does not include Garage Suites, Garden Suites, or Lodging Houses.

DWELLING UNIT, SEMI-DETACHED means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.



DWELLING UNIT, SINGLE-DETACHED means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a district, a building which contains Single Detached Housing may also contain a Secondary Suite. This use includes modular homes but does not include manufactured homes.

EXCAVATION, STRIPPING AND GRADING means the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements.

FINANCIAL INSTITUTION means a development, use, or building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank, credit union or Province of Alberta Treasury Branch.

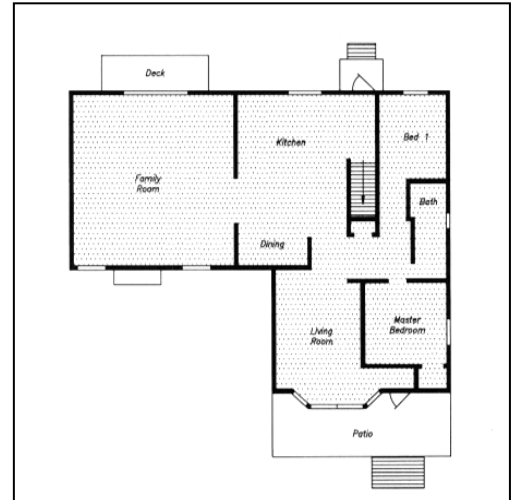
Bylaw 833-16
2016/06/08

FLOOD FRINGE means the portion of the flood hazard area outside of the floodway which are as indicated on Schedule D: Environmentally Sensitive Lands Overlay. Water in the flood fringe is generally shallower and flows more slowly than in the floodway.

Bylaw 833-16
2016/06/08

FLOODWAY means the portion of the flood hazard area where flows are deepest, fastest and most destructive, as indicated on Schedule D: Environmentally Sensitive Lands Overlay. The floodway typically includes the main channel of a stream and a portion of the adjacent overbank area.

FLOOR AREA means the total of the floor areas of every room and passageway contained in a building (using the outside dimensions of the building) but not including the floor areas of basements, attached garages, sheds, patios, decks, verandas, open porches or breezeways.



GARAGE means an ancillary building or portion of a main building, including a carport, used or intended to be used in conjunction with a dwelling principally for the private parking or storage of motor vehicles for personal transportation. A garage shall have a maximum interior ceiling height of 4.6 metres (15 feet) and a maximum height of one storey.

GAS STATION means a retail outlet that is limited to the sale of gasoline and related automotive products, and may include a convenience food store.

GENERAL INDUSTRIAL USE means a development used principally for one or more of the following activities:

- (a) the processing of raw materials;
- (b) the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- (d) the storage of materials, goods and equipment;
- (e) the distribution and sale of materials, goods and equipment to institutions or industrial

and commercial businesses, for their direct use or resale to individual customers; or

(f) the training of personnel in general industrial operations.

GROUP CARE FACILITY means the use of a dwelling unit as a facility that is authorized, licensed or certified by a provincial authority to provide living accommodation for four (4) residents or fewer, exclusive of staff, and to provide for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. This includes supervised facilities such as group homes, halfway houses, resident schools, resident facilities, boarding homes, and psychiatric care facilities, but does not include foster homes. A Group Care Facility may provide professional care, rehabilitation, guidance and/or supervision for physically, mentally, socially or behaviourally challenged persons on a permanent or temporary basis, depending on need. The residential character of the development shall be maintained with the occupants living together as a single housekeeping group using shared kitchen facilities. A group care facility may incorporate accommodation for resident staff as an accessory use.

HOME-BASED BUSINESS LEVEL 1 means the secondary use of a residential dwelling for the purpose of a business which includes limited business-associated visits to the residence. This use does not require any additional non-resident employees within the dwelling; or any additional parking or storage outside of the area designated within the dwelling.

HOME-BASED BUSINESS LEVEL 2 means the secondary use of a residential dwelling for the purpose of a business which includes business-associated visits to the residence, additional non-resident employees, limited use of a rear yard or accessory building, and may accommodate a commercial vehicle and use of a rear yard for the storage of goods related to the business.

HOTEL/MOTEL means a development used for the provision of rooms or suites for temporary sleeping accommodation. May include accessory food and beverage facilities, meeting rooms and personal service uses.

INFILL means the development of bare land parcels in existing neighbourhoods. A development permit and a building permit are required. This development may be residential, commercial, institutional or industrial development, depending on the district in which it occurs.

LIQUOR STORE means development used for the retail sale of any and all types of alcoholic beverages to the public. This use may include retail sales of related products such as soft drinks and snack foods.

LOADING SPACE means a space for parking a commercial vehicle while 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) 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 by reference to a plan of subdivision.

LOT COVERAGE means that percentage of the area of any lot which is covered by all buildings on the lot, including accessory buildings but excluding balconies, canopies and the like.

LOT DEPTH means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

LOT LINE means a legally defined limit of any lot.

Bylaw 828-15
2015/10/28

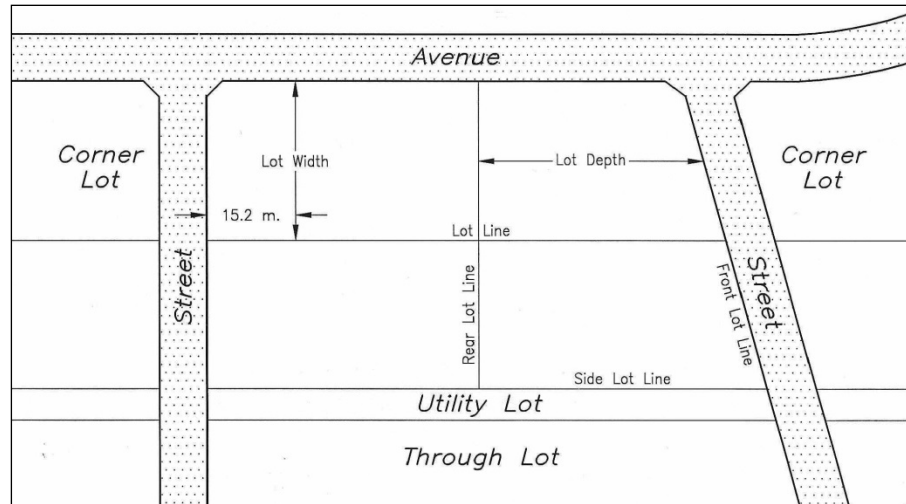
LOT LINE, FRONT means the boundary dividing the lot from an abutting street, in the case of a corner lot, the front lot line shall be determined by the Development Authority

LOT LINE, REAR means the lot line of a lot which is directly opposed to the front lot line.

LOT LINE, SIDE means any lot line other than a front or rear lot line.

LOT, THROUGH means any lot other than a corner lot having access on two abutting streets.

LOT WIDTH means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.



MANUFACTURED HOME PARK means a lot under single ownership which is managed by an operator and which has been designed for the placement of manufactured homes or manufactured home park lots for non-transient use.

MANUFACTURED HOME PARK LOT means a leaseable or rentable portion of land within a manufactured home park that has been reserved for the placement of a manufactured home.

MARKET GARDEN means the use of land on a limited scale for the growing, harvesting and selling of fruits, vegetables, edible plants and the like but specifically excludes the growing of mushrooms.

MODULAR DEVELOPMENT means a development constructed off-site, in large sections and transported to a site. This development type does not have axles or a frame nor include wheels or towing tongue. When transported to a building site it will be placed on a permanent foundation as a development to be substantially affixed to the site and connected to the required utilities, meeting the standards of the Alberta Safety Codes Act, thereby making it immobile housing. The building may also have an alternative foundation type as described in the CAN/CSA-Z240.10.1.

Bylaw 827-15
2015/07/08

MOVED-IN BUILDING means a building previously constructed and occupied on a site, which is to be relocated from that site and placed on another site.

Bylaw 828-15
2015/10/28

MUNICIPAL PLANNING COMMISSION means a municipal planning commission established by bylaw, pursuant to Section 626 of the Act and any amendments thereto.

OFFICE means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical Uses include: the offices of government administration, lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and

similar office support services; banks, credit unions, loan offices and similar financial uses; physical or mental health services on an out-patient basis such as medical and dental offices, health clinics and counseling services for preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling services.

OVERLAY means additional development regulations superimposed on specific areas of the district map, which supersede or add to the development regulations of the underlying district.

PARCEL means:

- (a) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- (b) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
- (c) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title.

PARKING LOT means an area of land providing for the parking of motor vehicles.

PARKING STALL means that portion of a parking area, excluding vehicle manoeuvring area, that will accommodate a one vehicle.

Bylaw 828-15
2015/10/28

PERMITTED USE means those uses of land, buildings or structures for which permits must be issued by the Development Authority, if the development meets all applicable regulations.

PERSONAL SERVICE means a 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. This includes such uses as barbershops, hairdressers, beauty salons, tanning salons, shoe repair shops, dry cleaning establishments, but does not include medical offices, health services, or general retail businesses.

PLACE OF WORSHIP means a development including any meeting halls used for spiritual worship and related religious activities. It may include a minister's residence, manse, parsonage or rectory; provided it is accessory to the principal use.

PRINCIPAL BUILDING means the primary building or buildings used on a lot and associated with the principal use.

PRINCIPAL USE means the primary purpose or purposes for which a building or lot is used.

PUBLIC ROAD means any street, avenue, service road, residential collector road, walkway, or rural road as defined in the Public Highway Development Act.

PUBLIC USE means a building, structure or lot used for public services by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency of any other municipal corporation or other Government of Alberta or Canada, or by public utility; except sanitary landfill sites and sewage lagoons.

PUBLIC UTILITY means any municipal revenue earning or utility 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) residential and commercial lighting

and includes the thing that is provided for public consumption, benefit, convenience or use.

RETAIL STORE means development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale.

Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies.

This Use Class does not include Aircraft Sales/Rentals, Automotive and Recreation Vehicle Sales/Rentals, Gas Bars, Greenhouses, Plant Nurseries and Market Gardens, Alcohol Sales, Vehicle Service Stations, and Warehouse Sales.

RECREATION AREA, OUTDOOR means a development providing facilities that are available to the public for sports and active recreation conducted outdoors. Typical uses include campsites, golf courses, driving rangers, walking trails, ski hills, ski jumps, sports fields, outdoor swimming pools, outdoor tennis courts and playgrounds.

RECREATION FACILITY, INDOOR means development that provides facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical facilities would include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; racquet clubs; and indoor soccer fields. This use is generally designed only for a limited amount of spectator use. Although this is intended for application primarily to public uses, it may also be applied to private facilities.

RECYCLING CENTRE means a facility that is generally used for the collection, sorting and storage of recyclable materials and may include a bottle return depot.

RESIDENTIAL CARE FACILITY means a private or publicly funded seniors lodge, nursing home, extended or congregate care facility, or a group care facility with five (5) or more occupants. GROUP CARE FACILITY IS DEFINED AS FOUR (4) OR LESS RESIDENTS.

RESIDENTIAL SUPPORT HOME TYPE 1 means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for four (4) or fewer persons with mental or physical disabilities in a residential setting. This use is not a boarding house, group care facility or half-way house.

RESIDENTIAL SUPPORT HOME TYPE 2 means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for five (5) or more persons with mental or physical disabilities in a residential setting. This use is not a boarding house, group care facility or half-way house.

RESTAURANT means development where the primary purpose is the sale of prepared foods and beverages to the public, for consumption within the premises or off the site. Without limiting its generality, this use includes restaurants, diners, coffee shops, eateries, cafeterias, fast food restaurants, doughnut shops, bakeries, or similar uses, and includes ancillary facilities such as drive-through or outdoor patio facilities. It may include a licensed dining room or similar facilities for the sale and consumption of alcoholic beverages.

SCHOOL means development for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use Class does not include Commercial Schools.

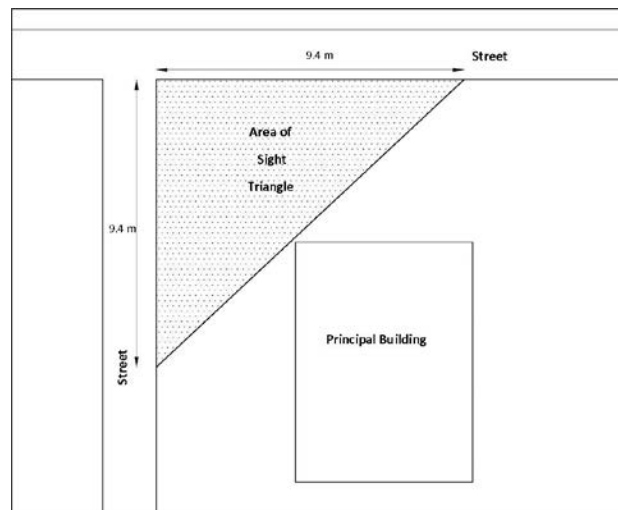
SCHOOL, COMMERCIAL means development used for training and instruction in a specific trade, skill, service or artistic endeavour. This Use Class does not include schools defined as Public Education Services. Typical Uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

SCREENING means a fence, berm or hedge used to visually separate areas, uses and functions from a public road, highway or neighbouring land uses.

Bylaw 838-16
2016/10/12

SHIPPING CONTAINER means a container that is new or was formerly used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal also referred to as a sea cargo container, sea-can or cargo container. When used for any other purpose other than transporting freight, a shipping container is considered an accessory structure.

SIGHT TRIANGLE means the triangle formed by a straight line drawn between two points, one located along a front line and the second along a side lot line at a distance of 9.4 metres (30 feet) from the point where the lot lines intersect.



SIGN means an object or device, including its structure and other component parts, intended for the purpose of advertising or calling attention to any business, product, event, service or thing.

SIGN, A-BOARD means a moveable, self-supporting A-shaped sign with only two visible sides which is set on the ground adjacent to a business. Also known as a sandwich board sign.

SIGN, ADDRESS means a sign message which displays the municipal or rural address of a site, building or business.

SIGN, ADVERTISING means a sign message which refers to goods or services produced, offered for sale, or obtainable at the premises only on which the sign is displayed.

SIGN, ANIMATED means a sign that shows motion or changes in copy or color.

SIGN, AWNING means a sign attached to or constructed in or on an awning.

SIGN, BILLBOARD means a permanent sign fixture displaying an advertising message which directs attention to a business commodity, service or entertainment that is conducted, sold or offered elsewhere than upon the site where the sign is maintained. The advertisement copy is pasted, glued, painted or otherwise fastened to permit its periodic replacement.

SIGN, CANOPY means any sign attached to or constructed in or on a canopy.

SIGN, CHANGEABLE COPY means that portion of a sign upon which copy (including time and temperature displays) may be changed manually through the utilization of attachable characters, or electronically in the case of a digital sign.

SIGN, COPY means the letters, graphics or characters that make up the message on the sign face.

SIGN, COPY AREA means the total area of the sign, in which the entire limits of the copy are enclosed. In the case of a double-faced or multi-faced sign, the copy area is the average of the total area of all the individual faces of the sign.

SIGN, DIRECTIONAL means a sign message which contains no advertising but is limited to the distance and direction to a place of business or other premises indicated on the sign.

SIGN, ELECTRONIC VARIABLE MESSAGE means a sign that displays a sign message through the use of changing lights where the message and the rate of change can be programmed. This does not include animated signs.

SIGN, FASCIA means a sign affixed to and placed flat against the fascia of a building, that being the long flat surface under the eaves or cornice and above the door and window.

SIGN, FENCE means a sign which is fastened to or painted onto a fence.

SIGN, FLAG means a sign of fabric or other material that is attached to a pole.

SIGN, FREESTANDING means a permanent sign which displays identification messages and is supported independently of a building, wall or structure. It is supported by one or more columns, uprights or braces anchored in or on the ground.

SIGN, HEIGHT means the vertical distance measured from the highest point of the sign or sign structure from grade.

SIGN, IDENTIFICATION means a sign message which contains no advertising but is limited to the name of a building, institution or the occupation and the hours of operation, and is placed on the premises which it identifies.

SIGN, INFORMATIONAL means a sign message which contains no advertising but communicates through the use of words or symbols, and includes traffic signs and construction signs to provide guidance to vehicles or pedestrians, and community event signs or other such signs that display important public information.

SIGN, MESSAGE means the nature of information displayed on a sign, presented through words and images, and includes address, advertising, directional, identification, and informational sign messages.

SIGN, PORTABLE means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be moved on wheels; balloons or inflatable devices used as signs; and signs attached to or painted on vehicles parked and visible from a public road, unless said vehicles are used in the normal day-to-day operations of that business.

SIGN, PROJECTING means a sign attached perpendicularly to and extends beyond the fascia of the building. Awning and canopy signs are not included in this category.

SIGN, REAL ESTATE means a temporary sign identifying real estate that is for sale, for lease, for rent, or has been sold.

SIGN, ROOF means any sign erected upon, against or above a roof or a parapet of a building.

SIGN, TEMPORARY means a sign which is in place no longer than 21 consecutive days and no longer than 42 days in a year, unless a shorter period is specified in a development permit or elsewhere in this Bylaw.

SIGN, WALL means a sign which is painted on, fastened to or engraved into a wall of a building or structure, but excludes a fascia sign.

SIGN, WARNING means an on-premises sign providing a warning to the public, including such signs as no trespassing or private driveway.

SIGN, WINDOW means and includes any sign either painted on, attached to, or placed inside a window for the purpose of viewing from outside the premises. A window sign does not include merchandise on display.

SITE means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a development.

YARD means a part of a lot upon or over which no building or structure other than a boundary fence is erected, except for specifically permitted accessory buildings.

YARD, EXTERIOR SIDE means a side yard immediately adjoining a public road.

YARD, FRONT means a yard extending across the full width of a lot and situated between the front lot line and the nearest exterior wall of the principal building.

YARD, INTERIOR SIDE means a side yard other than an exterior side yard.

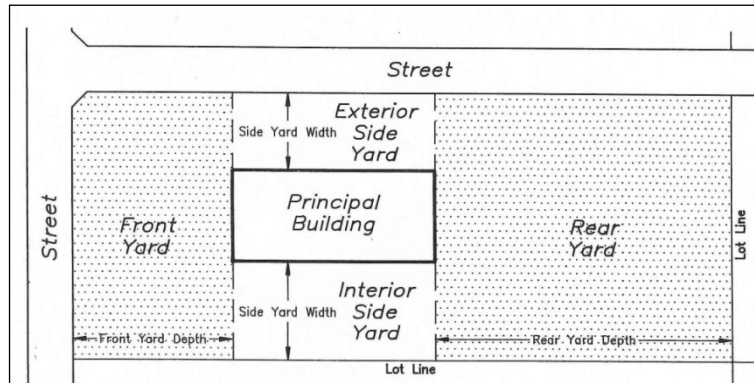
YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building.

YARD DEPTH, FRONT means the least horizontal dimension between the front line of the lot and the nearest part of any building or structure.

YARD DEPTH, REAR means the least horizontal dimension between the rear lot line of the lot and the nearest part of the principal building.

YARD DEPTH, SIDE means the least horizontal dimension between the side lot line of the lot and the nearest part of the principal building.



VETERINARY SERVICE means development used for the care and treatment of animals where the veterinary services primarily involves out-patient care and minor medical procedures involving hospitalization.

DIVISION 2: ADMINISTRATIVE AGENCIES

SECTION 10. DEVELOPMENT AUTHORITY

Bylaw 828-15
2015/10/28

- (1) Development Officer
 - (a) The office of Development Officer is hereby established.
 - (b) Pursuant to Section 624 of the Municipal Government Act, the authority to exercise development powers and duties as specified in this Land Use Bylaw is vested in the Chief Administrative Officer, herein after referred to as the Development Officer, or any other person acting on behalf of the Development Officer.
 - (c) The Development Officer or any other person acting on behalf of the Development Officer shall be considered a “designated person” in accordance with the Act.
- (2) Municipal Planning Commission
 - (a) Pursuant to Section 624 of the Municipal Government Act, the Municipal Planning Commission as established by separate bylaw, is hereby authorized to perform the duties as specified in this Land Use Bylaw.

SECTION 11. DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT AUTHORITY

Bylaw 828-15
2015/10/28

- (1) In accordance with the Act, the Development Officer shall:
 - (a) Receive, consider and decide upon applications for development permits
 - (b) Keep and maintain for public inspection during office hours, a copy of this Bylaw and all amendments and resolutions thereto;
 - (c) Ensure that copies of this Bylaw including all amendments and resolutions thereto are available to the public at a reasonable cost; and
 - (d) Keep a register of all applications for development permits including the decisions and reasons for the decision, for a minimum period of seven (7) years.
 - (e) Refer to the Municipal Planning Commission any development permit application, with a report from the Development Officer, for a use:
 - i. Listed under “Discretionary Uses” in a land use district, or
 - ii. That is not listed in a land use district but which is a similar use as per section 12 (5) of this Bylaw, or
 - iii. Which the Development Officer, at their sole discretion, wishes to refer to the Municipal Planning Commission.

- (f) Notwithstanding that it may be listed as a discretionary use under certain land use districts, the Development Officer may decide on a development permit application for:
 - i. An Accessory Building, Structure and/or Use; or
 - ii. Other such development that may be designated from time to time by the Municipal Planning Commission.
- (2) When, in the opinion of the Development Authority, sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Authority.
- (3) The Development Authority shall consider and decide on the development permits within 40 days of receipt of the application in its complete and final form.
- (4) Notwithstanding Sub-section (3), the application shall, at the opinion of the applicant, be deemed refused when a decision is not made within 40 days of the receipt of the application in its complete and final form.
- (5) In making a decision on an application for a use listed under Permitted Uses in a land use district, the Development Authority shall, where the application otherwise conforms to this Bylaw, issue a development permit.

Where the development does not conform to the Bylaw, the Development Officer may approve the application subject to conditions necessary to ensure conformity.

- (6) The Municipal Planning Commission shall consider and decide on applications for development permits that have been referred to it by the Development Officer.
- (7) The Municipal Planning Commission may refuse a development permit for a use or development that is not listed as a Permitted or Discretionary use.

- (8) In making a decision on an application , the Development Authority shall:
- (a) Approve the application unconditionally, or
 - (b) Approve the application and attached conditions, dealing with all or any of the following:
 - i. Developers agreement;
 - ii. The construction, operation and maintenance of sewer and water facilities;
 - iii. The location of refuse disposal facilities;
 - iv. Access for fire and police protection;
 - v. General access and circulation;
 - vi. Provision for recreation areas;
 - vii. Landscaping and other aesthetic considerations;
 - viii. Building design and site layout;
 - ix. Provision for parking facilities;
 - x. Public safety; and
 - xi. Buffering, screening and fencing
 - xii. or any other planning condition at the discretion of the Development Officer
 - (c) Refuse the application
 - (d) Notwithstanding any provisions or requirements set out in the Bylaw, the Municipal Planning Commission may establish a more stringent standard for uses listed under “Discretionary Uses” when it is deemed necessary to do so.
- (9) The Development Authority may require an application to be referred to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment or advice.

SECTION 12. VARIANCES

Bylaw 828-15
2015/10/28

- (1) Subject to Section 11.8, the Development Officer may approve an application for a development permit requiring a minor variance to:

Bylaw 827-15
2015/07/08

- (a) 5% of the maximum building height;
- (b) 25% of all other minimum or maximum development standards,
 - i. excepting there shall be no variance to corner lot restrictions
 - ii. excepting setbacks along a provincial highway may only be varied under advisement from Alberta Transportation under the Public Highways Development Act.

Bylaw 828-15
2015/10/28

- (2) The Municipal Planning Commission may decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw, if, in the opinion of Municipal Planning Commission:
 - (a) The proposed development would not:
 - i. Unduly interfere with the amenities of the neighbourhood; or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) The proposed development does not conflict with the use prescribed for that land and or building in this Bylaw.
- (3) Subject to 12.1 and 12.2 above, in the event that a variance is granted, the Development Officer shall specify the nature of the approved variance in the development permit approval.

SECTION 13. DEVELOPMENT APPEAL BOARD

- (1) The Development Appeal Board (DAB) shall be established by separate bylaw and perform its duties in accordance to that bylaw and the provisions of the Act, as follows:
 - (a) Establishment of a Development Appeal Board:
 - i. Pursuant to Section 627 of the Municipal Government Act, the Development Appeal Board is hereby established.

Bylaw 828-15
2015/10/28

- (2) The purpose of the Development Appeal Board is:
 - (a) To hear and decide upon appeals against decisions with respect to development permits and stop orders issued by the Town of Manning Development Authority, and to perform the duties assigned to the Development Appeal Board as set out in this Bylaw.
- (3) The Development Appeal Board shall consist of:
 - (a) One member of Council, and
 - (b) Four members of the public at large, who are electors living within the corporate limits of the Town of Manning and shall be appointed by resolution of Council.
- (4) The quorum for a meeting of the Development Appeal Board shall be three members.
- (5) The Board shall elect a Chairman from among their members, and the Chairman shall retain the position until he/she resigns. If the Chairman is absent from a Development Appeal Board Hearing, those present may elect an Acting Chairman prior to hearing an appeal.

- (6) The administrative co-ordinator of the Town of Manning shall serve as Secretary to the Development Appeal Board. Duties include all administrative duties related to the Board, keeping a written record of the Board proceedings and preparing Board discussions in writing.
- (7) The procedure for filing, processing and making decisions is set out in Sections 678 and 687 of the Municipal Government Act.
- (8) Remuneration for the members of the Development Appeal Board shall be set by resolution of Council.

SECTION 14. THE MACKENZIE MUNICIPAL SERVICES AGENCY

- (1) The Mackenzie Municipal Services Agency shall serve as an advisor to the Town, its Council and agencies.

SECTION 15. DEVELOPMENT PERMIT – PAYMENT OF TAXES

Bylaw 828-15
2015/10/28

- (1) As a condition of development permit approval, the Development Authority may require the applicant to make the necessary arrangements to ensure that all property taxes are paid in full at the time of development permit approval to the satisfaction of the Town.

SECTION 16. FORMS AND NOTICES – *deleted*

Bylaw 833-16
2016/06/08

DIVISION 3: DEVELOPMENT PERMITS

SECTION 17. DEVELOPMENT REQUIRING A PERMIT

- (1) A development permit is required prior to the commencement of development as defined in the definition section of this Bylaw.
- (2) No development other than that designated in sub-section (4), a development permit shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- (3) A development permit is required when there is a change of use to an existing development.
- (4) Notwithstanding sub-section (1), a development permit is not required for the following development, but they shall otherwise comply with the provisions of this Bylaw:
 - (a) Works of maintenance, repair or alterations on a structure, both internal and external, if in the opinion of the Development Officer, such work:
 - i. Does not include structural alterations;
 - ii. Does not change the use or intensity of the use of the structure; and
 - iii. Is performed in accordance with obligatory legislation or other government regulations.
 - (b) The completion of a building which was lawfully under construction, or for which a permit has been lawfully issued, at the date this Bylaw comes into full force and effect, provided that:
 - i. The building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
 - (c) The use of any building referred to in sub-section (b) for the purposes for which construction was commenced.
 - (d) The completion, alteration or repair of a public utility, undertaken upon a public thoroughfare or public utility easement, or undertaken to connect the same with any lawful use of buildings or land.
 - (e) The construction, maintenance and repair of walkways, driveways and similar works, provided that the works do not contravene any other provisions of this Bylaw.
 - (f) The erection of a satellite dish or dish antenna or a radio tower.
 - (g) *deleted*

Bylaw 827-15
2015/07/08

- (h) The erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations.
- (i) The use of a building or part thereof as a temporary polling station for Federal, Provincial or Municipal election or referendum.
- (j) An official notice, sign, placard or bulletin required to be displayed pursuant to the provision of Federal, Provincial or Municipal legislation.
- (k) One temporary, on-site sign which does not exceed 1.1 square metres (12 square feet) in an area nor 1.2 metres (4 feet) in height and is intended for:
 - i. Advertising the sale or lease of a dwelling unit or property for which a development permit has been issued for the development of said property; or
 - ii. Identifying a construction or demolition project for which a development permit has been issued for such project; or
 - iii. Identifying a political campaign, such a sign may be displayed for 30 days prior to an election or referendum, and must be removed within 7 days following the election or referendum; or
 - iv. Advertising a campaign drive which has been approved by Council; such campaign may be posted for a maximum period of 14 days, and must be removed after the expiration of this time period.
- (l) Accessory structures less than 3.66 metres by 3.66 metres (12 feet by 12 feet). Accessory structures must be located in the side or rear yard, have a height of less than 4.57 metres (15 feet), comply with all setback requirements, and be below maximum site coverage.

SECTION 18. APPLICATION FOR DEVELOPMENT PERMIT

- (1) An application for a development permit shall be made to the Development Officer in writing on the application form provided by this bylaw and shall be signed by the owner and his/her agent. The Development Officer shall require the following with the application:
 - (a) The application fee for a Development Permit, as set by Council.

Bylaw 828-15
2015/10/28

(b) A site plan, in duplicate, showing all of the following, as required by the Development Authority:

- i. The legal description and municipal address;
- ii. Dimensions of the site;
- iii. The height, dimensions and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping, other features and location of fencing if deemed necessary by the Development Authority; and
- iv. Utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines;
- v. On applications for multiple-residential, commercial, industrial, recreational and institutional uses:
 1. Loading and parking provisions;
 2. Access locations to and from the site;
 3. Garbage and storage areas, and the fencing and screening proposed for site;
 4. Location and approximate dimensions of existing and proposed culverts and crossing; and
 5. A landscaping plan prepared in accordance with Section 31.

Bylaw 828-15
2015/10/28

Bylaw 828-15
2015/10/28

(c) At the discretion of the Development Authority, building plans, in duplicate, showing the following:

- i. Floor plans,
- ii. Elevations,
- iii. Exterior finishing materials; and
- iv. Any other information deemed necessary by the Development Authority.

(d) A statement of ownership of land and interest of the applicant therein;

(e) The estimated commencement and completion dates; and

Bylaw 828-15
2015/10/28

(f) Such additional information as the Development Authority may require.

Bylaw 827-15
2015/07/08

(g) An approved roadside development permit from Alberta Transportation where the site to be developed is located within 300 m (984 ft.) of a Provincial Highway.

SECTION 19. SITE AUDITS AND ENVIRONMENTAL SITE ASSESSMENT

Bylaw 828-15
2015/10/28

- (1) The Development Authority may require a site audit and/or an environmental site assessment as part of a development permit application, an application to amend this Bylaw, an application for subdivision or an application to adopt or amend a statutory plan.

- (2) A site audit or environmental site assessment means a comprehensive site analysis to determine:
 - (a) Actual or potential site contamination;
 - (b) If there are any hazardous substances above, on or below the surface of the subject property that may pose threat or risk to the environment and/or human health;
 - (c) If there are any breaches of Federal, Provincial and/or Municipal environmental standards;
 - (d) The level of risk that a contaminated site poses to the environment and/or human health; and
 - (e) What remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level.
- (3) The site audit or environmental site assessment report shall include:
 - (a) A history of the subject property's ownership and use;
 - (b) A description of the natural environment and social environment surrounding the subject property which may be sensitive to contamination;
 - (c) An inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on-site and off-site disposal operations and facilities;
 - (d) Documentation of existence, location and use of above ground and underground storage tanks and other related facilities;
 - (e) A history of environmental regulatory activity affecting the subject property;
 - (f) A review of the condition and uses of adjoining properties;
 - (g) A completed sampling program to determine type and level of contamination of soil, ground and surface water, site facilities, etc.;
 - (h) Determination of the extent of contamination; and
 - (i) Comprehensive site and area maps noting the locations of natural and built features and other elements of the site audits, as noted above.
- (4) The site audit or environmental site assessment shall be conducted by qualified persons.

- (5) The site audit or environmental site assessment report shall be referred to Alberta Environment for comment.
- (6) The Town may use the recommendations contained in the site audit or environmental site assessment report as:
 - (a) Reasons for issuing or not issuing a development permit, with or without conditions;
 - (b) Reasons to amend or not amend this Bylaw;
 - (c) As a basis for recommendations to the Subdivision Authority related to applications for subdivision;
 - (d) Reasons to adopt or amend a statutory plan; and
 - (e) Reasons to refuse to adopt or amend a statutory plan.

SECTION 20. ENVIRONMENTAL IMPACT ASSESSMENT

Bylaw 828-15
2015/10/28

- (1) The Development Authority may require an environmental impact assessment as part of a development permit application, an application to amend this Bylaw, an application for subdivision or an application to adopt or amend a statutory plan.
- (2) An environmental impact assessment means a comprehensive analysis to determine:
 - (a) The potential environmental impact of the proposed development on site;
 - (b) The potential environmental impact of the proposed development upon adjacent properties or land uses; and
 - (c) The potential environmental impact the proposed development may have on the future land use potential of the site.
- (3) The environmental impact assessment shall be conducted by qualified persons.
- (4) An environmental impact assessment report means a written document containing the result of an environmental impact assessment.
- (5) The environmental impact assessment report shall be referred to Alberta Environment for comment.
- (6) The Town may use the recommendations contained in the environmental assessment report as:
 - (a) Reasons for issuing or not issuing a development permit, with or without conditions;
 - (b) Reasons to amend or not amend this Bylaw;
 - (c) As a basis for recommendations to the Subdivision Authority related to applications

for subdivision;

(d) Reasons to adopt amend, or refuse a statutory plan; and

SECTION 21. SUBDIVISION STANDARDS

- (1) Notwithstanding the district requirements in all districts for lot width, lot depth, and lot size, the Council may recommend a variance to the district requirements.
- (2) Upon recommendation from Council, the subdivision approving authority may approve a subdivision application which requires a variance in accordance to Sub-section (1).
- (3) Where Council has deemed it necessary to allow for a variance, written reasons for their recommendation will be sent to the subdivision approving authority.
- (4) Prior to making a recommendation for a subdivision variance, Council may notify adjacent land owners and indicate a time and place at which they may speak for or against the proposed variance, if Council deems it necessary.

SECTION 22. CONDITIONS OF A DEVELOPMENT PERMIT

- (1) A development permit lapses and is automatically void if the development authorized is not commenced within 12 months from the date of issuing the permit.
- (2) A development permit is automatically effective 17 days after its issuance unless an appeal is lodged with the Development Appeal Board.
- (3) A development permit, which has had been issued, shall not come into effect until the appeal has been determined, at which time the permit may be approved, modified or refused.
- (4) When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a development permit on the same parcel of land and for a similar use of the land by the same or another applicant may not be accepted by the Development Officer for at least 6 months after the date of the refusal.
- (5) Notwithstanding Sub-section (4), the Development Officer may receive an application for a development permit within the said 6 months period if, in his/her discretion, the situation warrants a relaxation of this provision.

SECTION 23. DEVELOPMENT PERMIT – CONDITIONS

Bylaw 828-15
2015/10/28

- (1) The Development Authority may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this Bylaw.

Bylaw 828-15
2015/10/28

- (2) The Development Authority may impose, with respect to a discretionary use, such

conditions as are required to ensure compliance with this Bylaw.

Bylaw 828-15
2015/10/28

- (3) The Development Authority may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of cost of installation or constructing any such utility or facility by the applicant.

Bylaw 828-15
2015/10/28

- (4) The Development Authority may, as a condition of issuing a development permit, require an applicant to enter into an agreement, which shall be attached to and form part of such development permit, 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.
- (b) To construct, or pay for the construction of:
 - i. A pedestrian walkway system to serve the development; and
 - ii. 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.
- (c) To specify the location and number of vehicular and pedestrian access points to sites from public roadways.
- (d) To install, or pay for the installation of utilities that are necessary to serve the development.
- (e) To construct, or pay for the construction of off-street or other parking facilities, or loading and unloading facilities.
- (f) To install, or pay for the installation of, landscaping and screening that is necessary to serve the development.
- (g) To install, or pay for the installation of, recreation areas that are necessary to serve the development
- (h) To repair or reinstate, or to pay for the repair or reinstatement to original condition any street furniture, curb, sidewalk, boulevard landscaping and tree planting, which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.

Bylaw 828-15
2015/10/28

- (5) The Development Authority, as a condition of issuing a development permit, may require that an applicant enter into an agreement which shall be attached to and form part of such permit, to pay an off-site levy or redevelopment levy or both,

imposed by bylaw adopted pursuant to the Act.

Bylaw 828-15
2015/10/28

(6) The Development Authority may require an agreement entered into pursuant to Sub-section (4) and (5) of this Section of this Bylaw, to be caveated against the title to the site at the Land Titles Office.

(7) When, in the opinion of the Development Officer, insufficient details of the proposed development have been provided by the applicant for a development permit, the Development Officer may return the application to the applicant for further details. The application, if returned, shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.

Bylaw 828-15
2015/10/28

(8) The Development Authority shall consider and decide on the development permits within 40 days of receipt of the application in its complete and final form.

(9) Notwithstanding Sub-section (8), the application shall, at the opinion of the applicant, be deemed refused when a decision is not made within 40 days of the receipt of the application in its complete and final form.

(10) Whenever, in the opinion of the Development Officer, satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage and street access, or any of them, including payment of the costs of installation or construction, the Development Officer shall refuse to issue a development permit.

Bylaw 828-15
2015/10/28

(11) The Development Authority may require an application to be referred to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment or advice.

Bylaw 828-15
2015/10/28

(12) Notwithstanding any specific provisions and standards set out in this Bylaw, the Development Authority may establish a more stringent standard for discretionary uses when it is deemed necessary to do so.

SECTION 24. DEVELOPMENT PERMIT – NOTIFICATION

(1) When an application for a development permit is approved for a “permitted use” in a residential district, an official of the Municipality shall post a notice of the decision conspicuously on the property for which the application has been made, for a period of 14 days, stating the location of the property and the development permit approved.

(2) When an application for a development permit is approved for a “permitted use” in a non-residential district or when an application for a development permit is approved for a “discretionary use” under any district, an official of the Municipality shall:

(a) Post a notice of the decision conspicuously on the property for which the application

has been made, for a period of 14 days, stating the location of the property and the development permit approved; and

(b) Publish a notice in one issue of a newspaper circulating in the Town of Manning, stating the location of the property and the development permit approved.

Bylaw 828-15
2015/10/28

(3) When an application of a development permit is refused, an official of the Municipality shall immediately mail a notice of decision, in writing, to the applicant or his/her agent stating the reasons for refusal and shall immediately publish a notice in one issue of a newspaper circulating in the Town of Manning, respecting the decision of refusal by the Development Authority or by the Development Appeal Board.

Bylaw 828-15
2015/10/28

(4) For the purposes of this Bylaw, notice of the decision of the Development Authority is deemed to have been given on the day when Notice of Decision has been posted on the site, and/or received by the affected property owners, and/or published in a newspaper, and upon a decision of refusal being received by the applicant.



PART 2 LAND USE PROVISIONS

DIVISION 1: GENERAL LAND USE PROVISIONS

Regulations contained in this Division shall apply to all Land Use Districts within the Town of Manning.

SECTION 25. ACCESSORY BUILDINGS AND STRUCTURES

Bylaw 838-16
2016/10/12

- (1) For the purpose of calculating yard setbacks and site coverage requirements as provided for in the Bylaw, when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation it is to be considered a part of the principal building and not an accessory building or structure.
- (2) Any accessory building or structure shall be located at least 1.8 metres (6 feet) from any principal building.
- (3) Any accessory building or structure erected on a site in a district permitting residential uses shall not be used as a dwelling, unless otherwise provided for in this bylaw.
- (4) The total combined area of all accessory buildings and structures shall not exceed 10% of the site area.
- (5) No accessory buildings or structures shall be located on or over any utility right-of-way or easement or any drainage right-of-way or easement.
- (6) Notwithstanding the setback requirements prescribed in the land use districts, the minimum side yard setback requirement for carports and patios including the overhang shall be 0.3 metres (1 foot).
- (7) Notwithstanding the setback requirements prescribed in the land use districts, in the case of a detached garage, there shall be a minimum setback requirement of 6.1 metres (20 feet) from the side yard line to the entrance of the garage.

Bylaw 828-15
2015/10/28
Bylaw 838-16
2016/10/12

- (8) The construction and appearance of an accessory building or structure shall be subject to the approval of the Development Authority.
- (9) Accessory buildings or structures shall not be constructed of canvas, straw or other similar materials.
- (10) Accessory buildings or structures shall not be located in the front yard.
- (11) The use of a shipping container as an accessory building or structure is subject to the following regulations:
 - (a) Shipping containers are not enabled and will not be considered in residential districts.

- (b) Shipping containers are discretionary and are considered as an accessory use to a legal primary use in the non-residential districts.
- (c) Shipping containers are considered accessory buildings and are to be used for cold storage purposes only, excluding dangerous or hazardous materials or containers.
- (d) Shipping containers shall not be used as a dwelling nor shall they have services connected to them.
- (e) Prior to the Development Authority accepting an application for a Development Permit for a shipping container, colour photographs of all four sides of the proposed container(s) shall be provided.
- (f) In addition to obtaining a Development Permit, a Building Permit must also be obtained.
- (g) Shipping containers shall not be stacked one upon another.
- (h) Shipping containers may be located in the rear or side yard.
- (i) Shipping containers must have an exterior finish to match or complement the exterior finish of other buildings on the subject property and/or be screened from view to the satisfaction of the Development Authority. If the exterior finish is not acceptable, the Development Authority may require the container be painted to match the surrounding building colours. Note: Addition of exterior cladding materials or structural alterations to the container may affect the required separation distances.
- (j) Shipping containers must be kept clean and well maintained and must comply with all other applicable provisions contained within the current Land Use By-law. Any breach of these conditions may result in the cancellation of the Development Permit and removal of the container at the owner's expense.
- (k) The maximum number of containers that may be allowed per lot is as follows:
 - i. less than 0.40 ha (1.0 acre) – two (2) containers;
 - ii. 0.41 ha (1.01 acres) to 1.21 ha (3.0 acres) – three (3) containers;
 - iii. 1.22 ha (3.01 acres) or more – five (5) containers.
- (l) Section 25 (11) (k) does not apply where containers are being sold or rented as part of an authorized storage or shipping container related business.
- (m) Shipping containers may be used temporarily in any districts for the storage of equipment and materials during the period of construction at the construction site subject to the following:
 - i. new construction must have an approved Development Permit issued by the

Town; and

- ii. containers must be placed wholly within the subject property and not within any Town road right-of-ways; and
- iii. the container shall be removed from the property no later than seven (7) calendar days after completion of the project and for no longer than a maximum of twelve (12) months; and
- iv. if construction ceases for a period of thirty (30) days or is abandoned, the shipping container shall be removed no later than seven (7) days after notice to remove is issued by the Town; and
- v. shipping containers temporarily used in the Restricted Residential and Low Density Residential Districts shall not exceed 6.0 metres (20 feet) in length.

SECTION 26. ENTRANCES AND EXITS

- (1) Curb cuts shall be set back to a minimum distance of 6.1 metres (20 feet) from the intersection of site boundaries on corner lots.
- (2) Notwithstanding Subsection (1), the setback distance for a curb cut may be increased where, in the opinion of the Development Authority, such increase is necessary for reasons of public safety and convenience.
- (3) The maximum width of curb cutting shall not exceed 10.7 metres (35 feet).
- (4) The sides of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle extended between the curb and the edge of the driveway shall be between 30 degrees to 60 degrees.
- (5) All parts of the site to which the vehicles may have access, shall be developed so as to provide a durable dust free surface.

SECTION 27. EXCAVATION, STRIPPING AND GRADING OF PARCELS

- (1) All excavation, stripping and grading in excess of normal landscape maintenance requirements shall require a development permit.
- (2) A temporary fence shall be erected around all excavations that are deemed by the Safety Codes Officer to be possibly hazardous to the public.
- (3) Where finished ground elevations are established, all grading shall comply with the established elevations.
- (4) All parcels shall be graded to ensure that storm water is directed to a road without crossing adjacent land.
- (5) All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

SECTION 28. FRONT, SIDE AND REAR YARD SETBACKS

- Bylaw 828-15
2015/10/28
- (1) On each site there shall be established and maintained front, side and rear yards of such dimensions as will meet the requirements prescribed in the districts of this Bylaw.
 - (2) Notwithstanding any specific provisions, yard setbacks in excess of the minimum requirements may be required when deemed necessary by the Development Authority.
 - (3) In determining front, side and rear yard setbacks, all measurements shall be taken from the foundation or footing of the principal building.

SECTION 29. HEIGHT OF BUILDINGS

- (1) No building shall be erected to a greater height than the maximum height prescribed for buildings in the district in which the building is proposed to be located.

SECTION 30. INDUSTRIAL STANDARDS

- Bylaw 828-15
2015/10/28
- (1) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to this section of the Bylaw. The Development Authority may consult with the Public Health Officer, Alberta Environmental Protection, Alberta Labour – General Safety Services Division, or any other qualified consultant prior to making a decision on an application for a Development Permit.
 - (2) Obvious toxic or noxious materials or dust, or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public.
 - (3) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties.
 - (4) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
 - (5) The location of bulk storage facilities for liquefied petroleum gas and anhydrous ammonia shall conform to the following:
 - (a) All provincial regulations regarding the location of such facilities on a site.
 - (b) The slope of any parcel upon which dangerous chemicals are stored shall not be such that drainage of the chemicals onto adjacent properties may occur.

SECTION 31. LANDSCAPING AND SCREENING

Bylaw 827-15
2015/07/08
Bylaw 828-15
2015/10/28

- (1) All areas of the parcel not covered by buildings, driveways, parking, walkways, storage or display areas shall be landscaped to the satisfaction of the Development Authority and in conformity with this section.
- (2) A landscape plan for a proposed development must be submitted as part of each development permit application for any development in commercial, industrial or institutional districts, excepting a school.
- (3) A landscape plan must include the following:
 - (a) Total area of the site as well as the property lines of the site, adjacent land uses, approximate location of buildings and landscaping on adjacent sites;
 - (b) All overhead, surface and underground utilities, limits of easements and right-of-ways;
 - (c) The existing and proposed topography;
 - (d) Existing vegetation labeled by common name, botanical name, size and conditions of health. The sizes shall be graphically illustrated by the spread or canopy and the caliper of the tree trunks shall be identified as well as an indication of whether it will be retained or removed;
 - (e) The layout of berms, open space, pedestrian walkways, soft landscaped areas, and hard landscaped areas;
 - (f) The location, height and materials of all proposed walls, fences and screening;
 - (g) The location, common and botanical names, sizes and quantities of new plant materials;
 - (h) Planting details indicating soil depths, amount of topsoil, and mulch types;
 - (i) Irrigation systems, if proposed;
 - (j) A table indicating the required quantities of plant material, as required by this Bylaw;
 - (k) An indication of buffering setbacks;
 - (l) Location of all existing and proposed buildings, parking areas, driveways and entrances;
 - (m) Playground and public seating areas if the area forms part of a communal area;

- (n) Location of all exterior lights on the site and their projected light patterns in relation to adjacent public roadways and developments;
 - (o) Maintenance procedures to ensure vegetation survival or replacement;
 - (p) Name and/or endorsement of the Landscape Architect or the municipally approved landscape professional;
 - (q) Detailed grading plan showing side slope grades, drainage swales, existing grades on adjacent lands and all proposed site elevations;
 - (r) If landscaping is being proposed within a utility right-of-way the plan must be endorsed by all utility companies that have access to the right-of-way, indicating their approval of the proposed landscaping.
- (4) The Development Authority shall review the landscape plan to verify its compliance with the provisions of this section. The Development Authority may approve, deny or require changes to the landscape plan if it is not in compliance. Provided that the purposes of this section are still achieved, written requests for alternative landscaping schemes may be submitted to the Development Authority and may be considered when the following conditions apply:
- (a) The site has space limitations or an unusual shape;
 - (b) Topography, soil or other site conditions are such that full compliance is impossible or impractical;
 - (c) It can be demonstrated that the alternative proposal will result in better environmental or aesthetic quality and conditions; or
 - (d) Safety considerations are involved and no other alternative exists to reduce potential hazards. Furthermore:
 - i. Revisions to a development site plan may require commensurate revisions to landscape plans to the satisfaction of the Development Authority.
 - ii. The Development Authority may authorize minor changes to an approved landscape plan.
- (5) Landscaping shall be provided in accordance with a landscape plan if applicable, and in conformity with the following requirements:
- (a) A minimum of 10% of the site area shall be landscaped, in accordance with the Landscaping Plan approved by the Town.
 - (b) All landscaping shall be completed in such a way that the finished surface grade does

not direct surface drainage onto an adjoining site.

- (c) On any site, no finished grade shall exceed the general elevation of the street line, by more than 0.6 metres (2 feet).
- (d) The following table outlines the district-specific minimum requirements for landscaping that shall be followed:

DISTRICT	DISTRICT SPECIFIC MINIMUM	LANDSCAPING REQUIREMENTS
HC, HCM, PC	All required yards and any area not devoted to buildings, driveways, parking, walkways, storage or display areas.	A 3 metre landscaped buffer is required where the property line abuts a road.
		1 tree per 93 m ² of landscaped area.
		Additional screening as outlined in Section 7
M	All required yards and any area not devoted to buildings, driveways, parking, walkways, storage or display areas.	A 1.8 metre landscaped buffer between an industrial development and a public road, to the satisfaction of the Development Authority.
		1 tree per 106 m ² of landscaped area.
Other Districts	At the discretion of the Development Authority	

- (e) Three (3) shrubs may be substituted for one tree at the discretion of the Development Authority.
- (f) Existing trees located on a site may be considered to meet the requirements of this section.
- (g) Coniferous trees shall comprise a minimum proportion of 1/2 of all trees planted.

(h) The following table outlines the minimum requirements for planting that shall be followed:

FEATURE	MINIMUM REQUIREMENT AT TIME OF PLANTING
Deciduous Trees	50 mm calliper
Deciduous Shrubs	450 mm Height
Coniferous Trees	2.0 m Height
Coniferous Shrubs	600mm Height/350mm Spread

- (i) When a landscaped area is required adjacent to a boulevard, the tree species chosen must complement the existing boulevard trees.
- (j) The Development Authority may require landscaping within a site that is intended for future development if, in the opinion of the Approving Authority the lack of landscaping creates a potential negative visual impact given the visibility of these areas from adjacent properties and public roadways.
- (k) Parking or the storing of vehicles, including recreational vehicles, is not permitted on landscaped areas unless approved as a display area on Development Permit drawings.
- (l) When new landscaping is required, existing mature trees and established soft landscaping must be retained and augmented where possible.
- (m) At a minimum, all landscaped areas shall be seeded or sodded with grass unless specified otherwise. In no case shall hard landscaping features, such as decorative paving or other impervious surfaces, exceed 25% of the landscaped area.
- (n) materials, soil types and topography typical to the relevant sub-region and plant hardiness zone. Generally, naturalized landscapes would apply to areas adjacent to the Notikewin River, environmental reserves, major utility right-of-ways and public utility lots, and parking lot islands. Naturalized landscapes may be accommodated in any land use district subject to an approved landscape plan. The publication “A Guide to Using Native Plants on Disturbed Soil” by Alberta Government should be referenced for information on the use of native species.
- (o) Naturalized landscapes, where provided, shall be designed to reflect the plant
- (p) All materials shall meet the horticultural standards of the most current edition of the

“Guide Specifications for Nursery Stock”, produced by the Canadian Nursery Landscape Association.

- (q) Noxious or restricted weeds, or invasive plants, as outlined by the Alberta Weed Control Act, shall not be used for landscaping vegetation, and if established, should be controlled as outlined within said Act.
 - (r) Any trees or shrubs which do not exhibit healthy and vigorous growth must be replaced during the next planting season.
- (6) Development Permits shall be required for construction of all fences unless otherwise stated in Section 17(4)(g). No person shall construct a fence on a site in a residential district that is higher than:
- (a) 1.8 m (6 ft.) for the portion of the fence running along the side or rear that does not extend beyond the foremost portion of the principal building on the site; and
 - (b) 1 m (3.3 ft.) for the portion of the fence running in the front yard.
 - (c) Notwithstanding Section 31(6)(b), the maximum height for a chain link fence is 1.2 m (4 ft).
- (7) Notwithstanding the setbacks identified in any commercial or institutional district, any development in a commercial or institutional district:
- (a) shall ensure that off-street loading spaces in any commercial district adjoining or fronting any residential property in a residential district are screened on each side by a wall, fence, berm or hedge not less than 1.8m in height to the satisfaction of the Development Authority;
 - (b) shall screen all outdoor storage areas from view of adjacent roads through the use of fencing, landscaping, masonry wall, berm, or combination thereof, in addition to the other applicable regulations in this section, to the satisfaction of the Development Authority;
 - (c) may require other types of screening, at the discretion of the Development Authority, to reduce visual impact between a residential and non-residential district.
- (8) Where existing site conditions may make it difficult to achieve full compliance as otherwise required by this Bylaw, the Development Authority may allow a variance in the landscaping standards.

If the Development Authority allows a variance from the landscaping rules set out in this section, the Development Authority may impose as a condition of development approval, where feasible and practical, landscaping alternatives that focus on the

enhancement of the streetscape by addition of landscaping between the building and the adjacent road, and in the parking areas adjacent to the road.

Bylaw 828-15
2015/10/28

- (9) In the case of a swimming pool, the property on which the swimming pool is situated will be fenced to the satisfaction of the Development Authority, with the fence height being a minimum of 1.8 metres (6 ft.), while providing for lockable gates for the fencing around the swimming pool.
- (10) The following minimum requirements for landscaping in parking areas shall be followed:
- (a) Landscaping shall be incorporated into the design of parking lots to improve the streetscape and aesthetics of the site, enhance the pedestrian environment, improve internal circulation and allow for storm water infiltration on the site.
 - (b) Landscape islands shall be required for surface parking areas with a capacity of 25 or more vehicles.
 - (c) Curbed islands or peninsulas shall be provided in off-street parking areas as follows:
 - i. Parking spaces must be separated by an island or peninsula at the rate of at least one (1) per each row of twelve (12) consecutive parking spaces (single-row parking) or twenty-four (24) consecutive parking spaces (double-row parking);
 - ii. Trees shall be planted at a ratio of one (1) tree and one (1) shrub per twelve (12) parking spaces (single-row parking) or two (2) trees and two (2) shrubs per twenty-four (24) parking spaces (double-row parking) in the islands or peninsulas, or within 3.0 metres (9.8 ft.) of the periphery of the parking area;
 - iii. Where practical, islands and peninsulas shall be placed at ends of parking rows or along designated pedestrian areas. Planted medians separating double-row parking featuring trees planted at a rate of 1 per 10 linear metres may be considered as an alternative to islands and peninsulas;
 - iv. Each island, peninsula or median shall be:
 - 1. designed to protect all plant material from damage;
 - 2. a minimum area of a standard parking space;
 - 3. raised at least 15 cm (5.9 in) above grade; and
 - 4. finished with tree grates or ground cover vegetation.
 - (d) The Development Authority may approve a different parking area landscape plan where the landscaped island contains a naturalized planting scheme, and/or where the landscaped island is used to detain storm water.

(11) Securities and Letters of Credit:

- (a) At the time of subdivision, or as a condition of a development permit, an irrevocable letter of credit may be required, up to 125% of the estimated cost of the proposed landscaping to ensure that the landscaping is carried out with reasonable diligence. The condition of the security shall be that the landscaping shall be completed in accordance with this Bylaw and the landscaping plan within one (1) growing season after completion of the development. If the landscaping does not survive the specified two (2) year maintenance period, the Town may apply the securities to the cost of replacing the landscaping.
- (b) The amount required for landscape securities shall be based on the approved landscape plan and is subject to review and verification by the Development Authority. The quoted landscaping costs must be valid for the required work. The amount shall include:
 - i. Rough grading of the landscaped area;
 - ii. Minimum of 300mm of topsoil and sod or seed;
 - iii. Trees and shrubs in accordance with this section; and
 - iv. 150mm height concrete curb separating landscaped areas and parking areas.
- (c) The Letter of Credit shall be released to the developer/applicant, upon written request, once an inspection of the site demonstrates to the satisfaction of the Development Authority that the plant material has been well maintained and is in a healthy condition two growing seasons after completion of the landscaping.

In the event that abnormal weather conditions prohibit the completion of landscaping in the time period specified in Subsection (11)(a), the site shall have all landscaping completed prior to July 15 of the following growing season.

SECTION 32. LIGHTING

- (1) All development in the Town of Manning shall strive to preserve the night environment through the reduction of light pollution by the provision of quality outdoor lighting, while ensuring safety and security.
- (2) The following lighting fixtures, uses or buildings are exempt from the exterior lighting regulations:
 - (a) lighting fixtures with a lumen output of 2,000 lumens or less (a typical 100 watt incandescent light produces about 1,500 to 1,700 lumens);
 - (b) all lighting required by provincial or federal agencies, or installed by the Municipality on a public roadway;
 - (c) lighting used for security purposes controlled by a sensor, or as required for

emergency lighting within the Alberta Building Code;

- (d) temporary lighting used during construction, agricultural activities, civic activities, holiday displays, or an emergency; and
- (e) lighting placed underwater to illuminate outdoor swimming pools or water features.

(3) Exterior lighting fixtures shall be located and arranged to minimize light trespass on adjacent properties, and shall be full cut-off or fully shielded fixtures.

(4) Exterior lighting shall not interfere with the effectiveness of traffic control devices or the vision of motorists, while maintaining a safe and secure on-site illumination level, and shall not be flashing, strobing, or revolving.

Bylaw 828-15
2015/10/28

(5) A lighting plan may be required for a development permit application within Commercial, Industrial, Institutional and Recreation Districts, for multi-dwelling unit developments or for any other development, at the discretion of the Development Authority.

(6) A lighting plan shall contain the following information:

- (a) a description of the type, luminous output and number each light fixture to be used;
- (b) a description of the method of mounting and height of each fixture at mounting;
- (c) a site plan showing the location of all light fixtures.

SECTION 33. NUMBER OF DWELLING UNITS PERMITTED ON A LOT

(1) No person in the Town shall construct or cause to be constructed more than one (1) dwelling unit per lot.

(2) Notwithstanding Section 23(1), multi-unit residential dwellings (i.e., apartments, duplexes, four-plexes, etc.) may be allowed to be developed on a lot in accordance with the provisions of this Bylaw.

(3) Notwithstanding Section 23(1), the Town may allow for an additional single-unit residential dwelling to be developed, on a lot, subject to the approval of the Development Officer who shall consider the following:

- (a) The suitability of the site for the proposed development;
- (b) Access to and from the site
- (c) The provision of proper on-site water and sewer as well as natural gas servicing; and
- (d) Existing and future surrounding land uses.

SECTION 34. OBJECTS PROHIBITED OR RESTRICTED IN DISTRICTS PERMITTING RESIDENTIAL USES

- (1) No person shall allow:
 - (a) A commercial vehicle with a gross vehicle weight (GVW) rating in excess of 9,000 lbs. (4,082 Kilograms), to remain on a site or street in a residential district for a longer than is reasonably necessary to load or unload the vehicle; or
 - (b) An unlicensed, dismantled or derelict vehicle to remain on a site or a street in a residential district for more than 14 days; or
 - (c) Any excavation, building or storage of material upon a site during the construction stage of any development unless all safety requirements are complied with and the owner or developer of any such site, shall assume full responsibility for on-site safety measures; or
 - (d) Any excavation, equipment or construction materials to remain on a site for a period longer than is reasonable necessary for completion of construction; and
 - (e) Any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the area.

SECTION 35. ON-SITE DEMOLITION

- (1) The applicant will be responsible for:
 - (a) The replacement of any boulevard trees that are damaged or cut down to effect the demolition or removal of a structure or building from a site.
 - (b) Removal of all building, structural and foundation materials or debris from the site to a suitable landfill area.
 - (c) Fencing off the demolition and excavation area to protect against any safety hazard on the site until such time as the excavation is filled in and the site is properly levelled and the safety hazard has been mitigated.
 - (d) Filling in of the excavation with a suitable material within a reasonable period of time, contingent upon weather conditions.
 - (e) Levelling of site to provide for proper drainage.
 - (f) Replacement of any sidewalk, curb, and gutter, fire hydrant and water or sewer line damaged as a result of the said demolition or removal of the building or structure from the site.
 - (g) Notification to public utility authorities (Telus, ATCO Electric, ATCO Gas, and the operator of the cable and television system) so that they may disconnect said utilities from the structure or building prior to its demolition or removal and assist with any

moving of the utility to help effect the demolition or removal of the structure or building.

- (2) All of the above conditions to be completed to the satisfaction of the Development Officer.

SECTION 36. PARKING – VEHICLE AND BICYCLE

- (1) When a building is constructed or changed in use as to cause an intensification of the use of that building, provisions shall be made for any additional parking spaces required under the , this section of the Bylaw.
- (2) Where parking spaces are required, they shall be located on the same site as the building or the use in respect of which it is required and shall be designed, located and constructed so that:
 - (a) It is reasonably accessible to the vehicles intended to be accommodated there;
 - (b) It can be properly maintained; and
 - (c) it minimizes the negative impact of the parking on pedestrian and loading zone access to the building or use.
- (3) A bicycle parking space shall be located on the same site as the building or the use for which it is required and shall be designed, located and constructed so that:
 - (a) It meets the needs of the intended parking purpose, addressing either class A, class B or both bicycle parking needs as the site requires.
 - (b) The bicycle racks are as close to an entrance as possible without impeding pedestrian access to the building or use.
 - (c) The bicycle parking racks are provided in a convenient, well-lit location that provides visual surveillance by occupants of the building the racks are intended to serve. If the racks are not readily visible to visitors to a site, directional signage to the racks shall be provided.
 - (d) The racks provide a minimum width of 0.3 metre and 1.8 metre length for each bicycle
 - (e) The bicycle parking racks are constructed of sturdy theft-resistant material and shall have secure theft-resistant anchoring to the floor or ground. The bicycle rack shall support the bicycle frame above the centre of gravity and shall enable the bicycle frame and front wheel to be locked with a U-style lock.
- (4) Unless otherwise allowed for by this bylaw, off-street parking shall be provided as shown in the following table:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
Residential Uses:	
Apartment Building, Row Housing,	Residents: 1.25 space/dwelling unit Visitors: 0.25 space/ resident's parking space, Bicycle: 0.5 spaces/dwelling unit
Other Residential Uses	1 space/dwelling unit
Commercial Uses:	
Office, Financial Institution	1 space/46.5 sq. metres (500 sq. feet) of gross floor area plus one (1) bicycle parking space per five (5) vehicle spaces
Retail Store , Personal Service	1 space/46.5 sq. metres (500 sq. feet) of gross floor area plus one (1) bicycle parking space per five (5) vehicle spaces
Eating and Drinking establishments	1 space/4 seats; plus one (1) bicycle parking space per five (5) vehicle spaces
Accommodation Services	1 space/sleeping unit; plus 1 space/2 employees on maximum shift
<p>Note: Where accommodation services and eating and drinking establishments are grouped in one development, in any combination on a site, the required number of parking spaces may be reduced, at the discretion of the Development Authority, to 75% of the combined total of all specified uses.</p>	
Other Non-Residential Uses:	
Indoor Recreation Facilities	1 space/3.5 seats or 1 space/3.2 sq. metres (35 sq. feet) of indoor floor space
Place of Worship	1 space/10 seats; plus 1 bicycle space per 10 vehicles space
Schools: Child Care Facility Elementary School	1 space per employee; plus 1 bicycle parking space per 2 employees 1 space/employee plus 15% of the employee parking for guest parking ; plus 1 bicycle parking space per 5 students

Bylaw 828-15
2015/10/28

Junior High and Senior High Schools	1 space/15 students and 1 space/employee; plus 15% of the student and employee parking for guest parking; plus 1 bicycle parking space per 10 students based on design capacity
Hospitals, Clinics	1 space/93 sq. metres (1000 sq. feet) plus one (1) bicycle parking space per five (5) vehicle stalls at clinics and one (1) bicycle parking space per ten (10) vehicle stalls at hospitals
Industrial Uses:	
Manufacturing, industrial plants; warehousing, wholesale, storage building, and yards; servicing, repair establishments and public utility buildings	1 space/2 employees on a maximum working shift
Any other uses permitted by this Bylaw	1 space/37 sq. metres (400 sq. feet)

Bylaw 828-15
2015/10/28

- (5) Notwithstanding Section 36 (4), should the Development Authority deem it advisable, he/she may:
- (a) Accept a payment in lieu on the number of off-street parking spaces deficient, which payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the Municipality elsewhere in the district in which the development is proposed;
 - (b) Require the developer to provide the required off-street parking on land other than that to be developed provided that:
 - i. The alternate parking site is within 122 metres (400 feet) of the site where the principal building is located or where the approved use is located;
 - ii. The developer wishing to use an alternate parking site must have absolute control of the site for a length of time equal to the life of the approved use of the building or site, and will use that site for no other purpose than to provide alternate parking;
 - iii. The absolute control is established to the satisfaction of the Council;
 - iv. Should the alternate parking site cease to be available, another parking site that

meets the above criteria, shall be provided, by the owner of the use or building

- v. The developer wishing to use an alternate site shall agree with the Municipality in writing under seal, which document shall be in such form that it can be protected by registration of a caveat under the Land Titles Act, that the site on which the alternate parking site is located shall be used for such purposes as long as it is required by this part.

Bylaw 828-15
2015/10/28

- (6) Unless otherwise allowed for by the Development Authority, off-street parking for use by disabled persons shall be provided as shown in the following table:

NUMBER OF PARKING STALLS REQUIRED	NUMBER OF DESIGNATED STALLS REQUIRED FOR USE BY DISABLED PERSONS
11-25	1
26-50	2
51-100	3
For each additional increment of 100 or part thereof	One additional stall

Bylaw 828-15
2015/10/28

- (7) In the opinion of the Development Authority if all other requirements of the Land Use Bylaw and amendments thereto have been observed the Development Authority may at their discretion, allow a relaxation of required parking spaces as set forth in this Bylaw.
- (8) Off-street parking shall be designed and provided in accordance with the following minimum dimensions:

WIDTH OF STALL METRES (FEET)	ANGLE OF PARKING DEGREES	WIDTH OF AISLE METRES (FEET)	DEPTH OF STALL PERPENDICULAR TO AISLE METRES (FT)
2.5 (8.0)	30	5.5 (18.0)	5.1 (16.5)
2.5 (8.0)	45	5.5 (18.0)	6.0 (19.5)
2.5 (8.0)	60	5.5 (18.0)	6.5 (21.5)
2.5 (8.0)	90	7.0 (23.0)	6.0 (19.5)

- (9) Each parking space for parallel parking on a street shall be a minimum of:
 - (a) 18 square metres (194 square feet) in area, and
 - (b) 3.0 metres (10 feet) in width.

- (10) Disabled Persons off-street parking shall be designed and provided in accordance with the following minimum dimensions:
 - (a) Angled Parking
 - a. 3.7 m (12 ft.) wide;
 - b. 5.5 m (18 ft.) long,
 - (b) Parallel Parking
 - a. 7 m (23 ft.) long;
- (11) Disabled Persons off-street parking shall be designed and provided in accordance with the following minimum standards:
 - (a) have a firm, slip-resistant and level surface;
 - (b) be accessible, close to an entrance and have curb cuts at least 0.92 m (3 ft.) wide where necessary to provide access from the parking space to the sidewalk or building;
 - (c) consider that disabled persons should not need to pass behind parked vehicles to access the building entrance;
 - (d) be clearly identified with the international symbol on a blue or black background.
- (12) Any loading space shall be of a size necessary to accommodate the expected vehicles but shall not be less than the following minimum dimensions:
 - (a) 28 m² (301 ft²) of surface area;
 - (b) 3.5 metres (11.5 feet) in width; and
 - (c) 4 metres (13 feet) of overhead clearance.
- (13) In the Primary Commercial (C-1) District, credit for on-street parking may be given providing such parking stalls about the development and are not pre-empted by Fire Hydrant, Yellow Curb Line, Loading Zone, Entrance or some obstruction which prevents the use of the stall for public parking.
- (14) Any parking space or loading space provided shall be developed and surfaced to the satisfaction of the Development Officer within 12 months of the completion of the development for which the development permit was issued.
- (15) Adequate curbs, concrete bumpers or fences shall be provided to the satisfaction of the Development Officer if it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site, or an abutting site, from contact with vehicles using the parking space or area.

- (16) Notwithstanding anything contained in this section, if the street or land from which access is available to any required parking space is hard-surfaced after the time at which the parking space is provided or required, the person owning the land for which the parking space is required shall forthwith hard-surface such parking space and the access thereto and the whole area contained within the municipal land to which the curb crossing applies.
- (17) Off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer.

SECTION 37. PROJECTIONS INTO YARDS

Bylaw 828-15
2015/10/28

- (1) The following features may project into a required yard in any district permitting residential uses:
 - (a) Verandas, porches, eaves, shade projections, bay windows, chimneys, sills, balconies, unenclosed steps not more than 0.9 metres (3 feet) above ground level, and any other architectural features, which in the opinion of the Development Authority are of similar nature, providing such projections do not exceed 0.9 metres (3 feet) cumulatively totalled.
 - (b) Balconies and exterior fire escapes provided such projections do not exceed 1.2 metres (4 feet).
 - (c) An open hard surface, uncovered terrace or patio, in any yard in a residential district, if such terrace or patio is unenclosed except by a guard rail or parapet wall which does not exceed the height permissible for a fence in the same location. The provision of an awning or similar temporary covering for a terrace or patio shall be permitted.
- (2) Notwithstanding the above, no feature may project into a sight triangle.

SECTION 38. RELOCATED BUILDINGS

- (1) Except as otherwise provided for in this Bylaw, no person shall relocate a building or structure, or portion thereof, to a site without first obtaining a development permit for the relocated building or structure. The relocated building or structure shall comply with the appropriate land use district regulations.
- (2) All relocated buildings shall be considered a discretionary use under this Bylaw.
- (3) All development permit applications for a relocated building will be required to submit the following information, in addition to that normally required under this Bylaw, prior to the processing of the development permit:
 - (a) Recent colour photographs of all sides of the proposed building, which accurately

- depicts the style and general condition of the building ;
- (b) A statement of the age, size and structural conditions of the building, and
 - (c) A statement of any proposed improvements to the building, including a description of the colour, texture and/or finish applied to exterior surfaces, and a map showing the proposed landscaped areas.
 - (d) The applicant shall provide an unconditional right of entry for the Development Officer, or appointed successors, to inspect said premises and building until such time as the building has complied with the requirements of the development permit.
- (4) All applications for relocated buildings shall be advertised in the following manner:
- (a) All development permits shall be advertised; and
 - (b) All adjacent landowners shall be notified in writing of the proposed development.
- (5) Each applicant who applies for a development permit for a relocated building under this Bylaw shall post a performance bond or an irrevocable letter of credit upon which the Town may draw to:
- (a) Bring the building and site development into compliance with the Town's requirements.
 - (b) Repair any damage to municipal infrastructures or any other public property resulting from the development.
 - (c) Remove any building which has been located on site other than the building described in the application.
 - (d) The amount of the performance bond or irrevocable letter of credit shall be established by having the applicant provide an estimated contract cost to complete the conditions set out in the development permit to bring the building and site development into compliance.
- (6) A re-located building and foundation shall be inspected, at the applicant's expense, by a professional engineer and/or certified inspector who will provide the Town with written certification that all codes, bylaws and regulations have been complied with.
- (7) All development permits for relocated buildings , under the authority of this Bylaw, will be reviewed by the Development Officer, based on the following criteria:
- (a) Age and appearance of the building;
 - (b) Building condition and materials;

- (c) Compatibility of the proposed building to the neighbourhood and adjacent properties;
- (d) Aesthetics of the receiving neighbourhood; and
- (e) Other planning considerations deemed necessary by the Development Officer.

SECTION 39. RESTRICTIONS ON CORNER SITES

- (1) On any corner site, except in the Primary Commercial District (C-1), no building, structure, fence, hedge or other visual barrier over 0.9 metres (3 feet) shall be allowed within the area defined as a sight triangle.
- (2) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 9.14 metres (30 feet) from the point where they intersect, or for residential districts, 4.6 metres (15 feet).
- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 metres (2 feet) within the area defined as a sight triangle.

SECTION 40. SIGNS

- (1) No sign of an advertising, directional or information nature shall be erected on land or affixed to any exterior surface of any building or structure, unless an application for this purpose has been approved by the Development Officer.
- (2) Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located, unless otherwise allowed by the Development Officer.
- (3) In considering a development permit for a sign, the Development Officer shall have due regard to the amenities of the district in which the sign is located and to the design of the proposed signs.
- (4) An application for a sign shall include the following:
 - (a) the name and address of
 - (i) the sign company responsible for the sign;
 - (ii) the owner of the sign; and
 - (iii) the registered owner of the land or premises upon which the sign is to be erected.
 - (b) a Site Plan designating the following location details:
 - (i) location of the proposed signage;
 - (ii) the distance to public roadways; and
 - (iii) the distance to aerial power lines from freestanding signs.

- (c) a plan showing the following construction details:
 - (i) the overall dimensions of the sign and the total sign area;
 - (ii) the height of the top and the bottom of the sign above the average ground level at the face of the building or sign;
 - (iii) the method of illumination; and
 - (iv) such other considerations as the Development Authority may deem to be relevant.
- d) non-refundable application fees in accordance with a schedule as set from time to time by resolution of Council, as required.
- (5) Whenever the conditions of installation require unusual structural provisions, the Development Authority may require that a structural drawing be prepared by and bear the seal of a professional engineer.

Bylaw 828-15
2015/10/28

- (6) The quality, aesthetic character and finishing of the sign shall be at the discretion of the Development Authority.
- (7) Flashing, animated or interiorly illuminated signs shall not be permitted in developments where they might, in the opinion of the Development Authority, affect residents in adjacent housing or residential areas; or interfere with the interpretation of traffic signs or controls.

Bylaw 827-15
2015/07/08

- (8) *deleted*
- (9) On each industrial site the following signs may be allowed subject to the following limitations:

Bylaw 828-15
2015/10/28

- (a) No sign shall project more than 1.5 metres (5 feet) above the top of any main wall or parapet to which it is affixed, unless, in the opinion of the Development Authority, it has been designed as an integral part of the building; and
- (b) No sign shall be illuminated unless the source of light is steady and the sign is lit by top-mounted lights pointed downwards or internally illuminated. Lighted signs shall not cause light trespass onto or adversely affect neighbouring properties, and shall adhere to Section 32.

Bylaw 828-15
2015/10/28

- (10) On each commercial site, the following signs may be allowed subject to:
 - (a) Signs and billboards shall be prohibited excepting signs advertising the principal use of the premises or the principal products offered for sale on the premises;
 - (b) Signs shall be only illuminated by top-mounted lights or internally illuminated. Lighted signs shall not cause light trespass onto or adversely affect neighbouring properties, and shall adhere to Section 32.
 - (c) Signs shall not protrude from the face of the building a distance exceeding 1.5 metres (5 feet).
 - (d) Signs that will be placed on a buildings wall shall not exceed 30% coverage of the building wall, unless otherwise allowed by the Development Authority.
- (11) No person shall erect or place a sign on public property without prior approval from Council, and where applicable, subject to the conditions of a development permit.
- (12) Neither the granting of a development permit for a sign, the approval of the plans, nor any inspections made by the Development Authority shall in any way relieve the owner from full compliance with this Bylaw or other applicable legislation.
- (13) Signage associated with a home-based business or bed and breakfast shall be regulated in accordance with Section 50 and Section 43 respectively.
- (14) Rotating, flashing signs, animated signs or electronic variable message signs are prohibited.
- (15) To ensure safe vehicle and pedestrian movement, no sign which is higher than 1.0 m (3.3 ft.) in height or lower than 4.0 m (13.2 ft.) in sign height shall be located within the sight triangle.
- (16) Signs shall not cover architectural details of a building, including but not limited to windows, cornices, arches, sills or mouldings.
- (17) No development permit for a sign on public property or projection over public property will be issued until a certificate of insurance co-insuring the Town of Manning to amounts satisfactory to Council has been filed with the Town of Manning's Secretary-Treasurer.
- (18) Owners of signs are responsible for their maintenance, appearance, construction and for correcting any damage as a result of vandalism.

- (19) Where the Town of Manning finds a sign to be abandoned, the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or building, or the person responsible for the abandoned sign to:
- (a) Remove the sign within a specified time period, as outlined in the written notice, or
 - (b) Take such measures as are specified in the written notice to alter and refurbish the sign.
- (20) Board signs
- (a) Shall be allowed on sidewalks, in line with light poles.
 - (b) Shall not impede the view of pedestrian or vehicular traffic.
 - (c) Shall be allowed on sidewalks during hours of business.
- (21) Awning and canopy signs:
- (a) Awning and canopy signs shall be clear, legible, visually attractive and compatible with the building it is attached to and with the surrounding streetscape.
 - (b) Awnings and canopies attached to a building that are used for signs shall:
 - i. only extend 75% of the length of the building or bay to which it is attached;
 - ii. have maximum of 1.5 m (4.9 ft.) vertical distance from the bottom to the top of the awning or canopy; and
 - iii. have a minimum clearance of 2.8 m (9.2 ft.) above grade.
 - iv. Freestanding canopies, or canopies that are intended to cover a motor vehicle used for signs shall: (i) be a maximum of 1.0 m (3.3 ft.) vertical distance from the bottom to the top of the awning or canopy;
 - v. have a minimum clearance of 4.2 m (13.9 ft.) and shall not exceed 5.2 m (17.1 ft.) in height above grade;
 - vi. be located a distance of 0.6 m (2.0 ft.) from a site boundary.
 - (c) Awning and canopy signs are encouraged to be lit by top-mounted lights, but internally illuminated signs may be permitted to enhance visibility where required.

(22) Fascia signs

- (a) Fascia signs shall:
 - i. not project more than 0.4 m (1.3 ft.) from the building face; and
 - ii. not exceed a copy area greater than 15% of the face of the building or bay to which the sign is attached.
- (b) Fascia signs may be permitted to be located below the floor level of the second and third storeys of a building.
- (c) Fascia signs are encouraged to be lit by top-mounted lights, but internally illuminated fascia signs may be permitted to enhance visibility where required.

(23) Fence signs

- (a) A fence used for a sign shall be in good condition and properly maintained. An applicant may be required by the Development Authority to provide evidence of the fence condition upon application for a development permit.
- (b) Fence signs shall not exceed the height above grade of the fence to which it is attached, and shall be securely fastened.
- (c) A fence sign shall not exceed 2.0 m² (21.5 ft²) in sign area.

(24) Freestanding signs

- (a) One freestanding sign shall be permitted per lot frontage, which is encouraged to be no larger or higher than necessary for viewing by the travelling public, but in no case shall exceed:
 - (i) a maximum sign area of 6.0 m² (64.6 ft²) on each sign face; and
 - (ii) a maximum height of 3.0 m (9.8 ft.) above grade, excepting a maximum sign height of 6.0 m (29.5 ft.) above grade in a Commercial District adjacent to Highway 35.
- (b) A freestanding sign which identifies a condominium or subdivision development shall be a maximum of 3.0 m² (32.3 ft²) in sign area and 1.2 m (3.9 ft.) in sign height above grade.
- (c) A support structure for a freestanding sign shall be setback a minimum of 0.6 m (2.0 ft.) from any property line and no part of the sign shall encroach on to or overhang an adjacent property or road right-of-way.
- (d) Freestanding signs shall be designed in a manner that is compatible with and enhances the character of the building or the surrounding streetscape.

- (e) Freestanding signs are encouraged to be lit by top-mounted lights, but internally illuminated freestanding signs may be permitted to enhance visibility where required.
- (f) The electrical supply to a lighted freestanding sign shall be located underground.
- (g) For a service station, the Development Authority may allow a maximum of 3 additional freestanding signs containing advertising sign messages to be located on a site. Each sign shall be a maximum of 1.5 m² (16.1 ft²) in sign area and 2.0 m (6.6 ft.) in sign height above grade.

(25) Portable Signs

Bylaw 828-15
2015/10/28

- (a) The Development Authority shall, in the case of a development permit for a portable sign, specify the length of time that the permit remains in effect.
- (b) No more than one portable sign shall be displayed on a site.
- (c) Notwithstanding Subsection (11)(b), one portable sign shall be permitted for each business in a multiple occupancy development provided that no portable sign is located within 15.2 m (50 ft.) of another.
- (d) Portable signs shall be allowed only within Primary Commercial (C-1) District, Mixed Commercial-Residential (C-M) District and Highway Commercial (C-H) District.
- (e) Portable signs shall not be placed upon a site so as to conflict with parking, loading or walkway areas.
- (f) No portable signs are permitted within any roadway right-of-way.
- (g) Portable signs shall be located in a manner so as not to interfere with vehicle or pedestrian traffic movement and safety.
- (h) No portable signs shall be permitted on or within 1 m (3 ft.) of public property.
- (i) The following information shall be required for an application for a development permit for a portable sign:
 - i. The municipal address and legal description of the land or building where the sign is to be located;
 - ii. The applicant's name, address and phone number;
 - iii. An indication on where the sign is to be located;
 - iv. The length of time the sign is to be displayed at the location proposed;
 - v. A letter from the owner or his agent authorizing the placement of the sign on the subject property; and

vi. The size, height and the nature of the sign.

A portable sign shall be removed on or before the expiry date specified in the development permit.

(26) Projecting signs

(a) Projecting signs shall only contain identification messages.

(b) No more than two (2) projecting signs shall be permitted per site, or where a building contains multiple businesses, not more than 1 projecting sign shall be permitted per bay.

(c) Projecting signs shall:

- i. have a maximum sign area no greater than 1.0 m² (10.8 ft²);
- ii. have a vertical clearance of not less than 2.8 m (9.0 ft.) above grade;
- iii. not project greater than 1.5 m (4.9 ft.) from the building face; and
- iv. be spaced at a minimum horizontal distance of 5.0 m (16.4 ft.).

(d) Supports and structures for a projecting sign which are visible shall be of a style and character that is complimentary to the building to which it is attached.

(27) Roof signs

(a) The vertical height of a roof sign shall not exceed 3.0 m (9.8 ft.), and together with the building to which the roof sign is attached, shall not exceed the maximum height limit specified for the land use district in which it is located.

(b) Roof signs may only be allowed where due consideration has been taken for public safety and aesthetics of the sign, in the opinion of the Development Authority.

(c) Roof signs shall not be used in conjunction with fascia signs.

(28) Temporary signs

(a) Temporary signs may be permitted at the discretion of the Development Authority, which shall take into consideration the sign message and intent, and the use of the site.

- (29) Wall signs
 - (a) Wall signs may be permitted to be painted, fastened to or engraved into the surface of a building, wall or surface of any structure at the discretion of the Development Authority, which shall take into consideration:
 - i) the use of the site; the height and setback of the building or structure;
 - ii) the proposed size, design, appearance, illumination and visibility of the sign; and
 - iii) the potential impact of such sign on adjacent properties.
- (30) Where a sign does not conform to any of the identified sign types defined in this Bylaw, the Development Authority shall consider a development permit application for a sign on its merits.

SECTION 41. SITE COVERAGE

- (1) The maximum area of site that may be covered with either principal buildings, accessory buildings or both shall not be greater than the maximum limits prescribed for the district in which the site is located.

SECTION 42. SITE DIMENSIONS

Bylaw 828-15
2015/10/28

- (1) No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the minimum area or width specified for the district may be used subject to the discretion of the Development Authority if all other requirements of the Bylaw and amendments thereto are observed.

DIVISION 2: SPECIAL LAND USE PROVISIONS

Notwithstanding any other provisions contained in this Bylaw, the following Special Land Use Provisions shall apply to all development within the Town of Manning Land Use Districts.

SECTION 43. BED AND BREAKFAST ACCOMMODATION

(1) Any person wanting to establish and/or develop a bed and breakfast accommodation operation shall require a development permit.

(2) The following regulations shall apply to the development of a bed and breakfast accommodation operation:

(a) Maximum size of a sign shall be 0.28 square metres (3 square feet);

Bylaw 828-15
2015/10/28

(b) One (1) on-site parking stall be provided for each bed and breakfast unit, unless otherwise approved by the Development Authority; and

(c) The bed and breakfast operation shall be contained entirely within the principal building.

Bylaw 828-15
2015/10/28

(3) When reviewing a development permit application for a bed and breakfast accommodation operation, the Development Authority shall consider the following:

(a) The impact of the bed and breakfast accommodation operation on surrounding properties;

(b) Parking and/or traffic generated from the operation and its effect on the general area; and

(c) Any other matters as deemed necessary by the Development Authority.

(4) A Bed and Breakfast must comply with provincial health regulations.

SECTION 44. CAR/TRUCK WASHING ESTABLISHMENTS

(1) The minimum site area shall be 743.2 m² (8,000 ft²) and shall contain storage space for five (5) vehicles prior to their entry into any part of the cleaning process. In the case of service stations including carwashes, the minimum site area shall be 1,114.8 m² (12,000 ft²).

(2) All car/truck washing establishments must be equipped with filtration apparatus to an acceptable engineering standard to serve the establishment, precise details of which shall accompany the development permit application.

SECTION 45. CHILD CARE FACILITIES

- Bylaw 828-15
2015/10/28
- (1) All child care facilities, as defined in this Bylaw, shall be licensed by the appropriate provincial department and/or agency, and shall meet provincial health requirements and fire protection requirements.
 - (2) When deciding on a development permit application for a child care facility, the Development Authority shall take into consideration the following:
 - (a) Provision of 1 parking space/5 staff members;
 - (b) Provision of a safe and adequate loading/unloading area for children;
 - (c) Provision for a safe play area or location of public playground within a safe walking distance;
 - (d) Surrounding land uses and the character of the area; and
 - (e) Other matters as deemed necessary by the Development Authority.

SECTION 46. DWELLING UNIT, GARAGE SUITE

- (1) A garage suite is an accessory dwelling and a permitted use in the R-1, R-2 and R-3 districts on lots containing a single detached dwelling.
- (2) The following regulations shall apply to the development of garage suites:
 - (a) Not be located on any parcel or site which contains two or more permanent dwelling units.
 - (b) Not be located on the front yard.
 - (c) A Garage Suite shall not exceed the height of the principal dwelling.
 - (d) The minimum side yard setback is the same as the district standard.
 - (e) Maintain a rear yard setback of 0.9 metres (3 feet) when there is a lane; and
 - (f) Have a minimum separation distance of 2.4 metres (8 feet) from the principal building and 1.2 metres (4 feet) from all other buildings on the same parcel of land.
 - (g) Not be developed on the same site as a principal dwelling containing a Home Business (Level 2), Bed and Breakfast, Secondary Suite or Garden Suite.
 - (h) Not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
 - (i) Windows contained within a garage suite shall be sized and placed to minimize overlook into yards and dwellings of abutting properties.

- (j) One on-site parking space shall be provided for each garage suite containing two bedrooms or less. A garage suite containing three bedrooms shall provide two on-site parking spaces.
- (k) A Garage Suite must have a separate and direct access to grade.
- (l) A Garage suite must have an amenity space that is a minimum area of 7.62 square metres (25 square feet) with no dimension less than 1.5 metres. A private amenity space may be provided in the form of a balcony, deck or patio.
- (m) The minimum floor area for a garage suite shall be 30.0 m² (322.9 ft²).

SECTION 47. DWELLING UNIT, GARDEN SUITE

- (1) A garden suite is an accessory dwelling and a permitted use in the R-1, R-2, R-3 and U-R districts on lots containing a single detached dwelling.
- (2) The following regulations shall apply to the development of garden suites:
 - (a) Not be located on any parcel or site which contains two or more permanent dwelling units.
 - (b) Not be located on the front yard.
 - (c) Not exceed 1 story in height.
 - (d) The minimum side yard setback is the same as the district standard.
 - (e) Maintain a rear yard setback of 0.9 m (3 ft.) when there is a lane; and
 - (f) Have a minimum separation distance of 2.4 m (8 ft.) from the principal building and 1.2 metres (4 feet) from all other buildings on the same parcel of land.
 - (g) Not exceed a floor area of 60m² (645 ft²).
 - (h) Not be developed on the same site as a principal dwelling containing a Home Business (Level 2), Bed and Breakfast, Secondary Suite or Garage Suite.
 - (i) Not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
 - (j) Windows contained within a garden suite shall be sized and placed to minimize overlook into yards and dwellings of abutting properties.
 - (k) A Garden Suite must have a separate and direct access to grade.

- (l) One on-site parking space shall be provided for each garden suite containing two bedrooms or less. A garden suite containing three bedrooms shall provide two on-site parking spaces.
- (m) A Garden suite must have an amenity space that is a minimum area of 7.62 m² (82 ft²) with no dimension less than 1.5 metres. A private amenity space may be provided in the form of a balcony, deck or patio
- (n) The minimum floor area for a garden suite shall be 30.0 m² (323.0 ft²).

Bylaw 827-15
2015/07/08

SECTION 48. DWELLING UNIT, SECONDARY SUITE

- (1) A secondary suite is an accessory dwelling and a permitted use in the R-1, R-2, R-3 and U-R districts containing a single detached dwelling.
- (2) Only one secondary suite may be developed in conjunction with a single detached dwelling.
- (3) The following regulations shall apply to the development of secondary suites:
 - (a) Not be located on any parcel or site which contains two or more permanent dwelling units.
 - (b) not be developed on the same site as a principal dwelling containing a Home Business (Level 2), Bed and Breakfast, Garage Suite or Garden Suite.
 - (c) Not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
 - (d) One on-site parking space shall be provided for each secondary suite containing two bedrooms or less. A secondary suite containing three bedrooms shall provide two on-site parking spaces.
 - (e) The separate entrance to the secondary suite shall be accessed either from a common indoor landing or directly from the side or rear of the building.
 - (f) A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.
 - (g) A secondary suite must have an amenity space that is a minimum area of 7.62 m² (82 ft²) with no dimension less than 1.5 m. A private amenity space may be provided in the form of a balcony, deck or patio.

Bylaw 827-15
2015/07/08

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- (h) The maximum floor area of a secondary suite shall be as follows:
 - i. for a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;
 - ii. for a secondary suite developed at grade, or completely/partially above grade, the floor area (excluding the area covered by stairways) shall not exceed the lesser of the following: 92.9 m² (1000.0 ft²) or 50% of the total floor area of the first storey of the associated principal dwelling.
 - (4) The minimum floor area for a secondary suite shall be 30.0 m² (323.0 ft²).

SECTION 49. GAS STATIONS

- (1) Site location:
 - (a) Gas stations may only be located along the highway with a service road.
- (2) Site area and coverage:
 - (a) The maximum area shall be 557.4 m² (6,000 ft²) and the maximum building coverage shall be 15 %of the site area.
 - (b) Where a gas station forms part of a shopping centre development the minimum site area and maximum building coverage may be varied at the discretion of the Development Authority.
- (3) Site and building requirements:
 - (a) All parts of the site to which the vehicle may have access shall be hard-surfaced and drained to the satisfaction of the Development Authority.
 - (b) No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odours, smoke or vibration.
 - (c) The site of the building shall be maintained in a clean and tidy condition and free from all rubbish and debris.
 - (e) Fencing of at least 1.5 metres (5 feet) in height but no higher than 2.1 metres (7 feet) shall be provided along the boundary of a site where it abuts a residential district.
 - (f) All pump islands shall be located at least 6.1 metres (20 feet) from any boundary of the site, parking area on the site or laneways intended to control traffic circulation on the site.

Bylaw 828-15
2015/10/28

Bylaw 828-15
2015/10/28

(g) A canopy over a pump island may extend to within 3.0 metres (10 feet) of the boundary of the site.

(h) All service stations, gas stations and gas bars, must be equipped with filtration apparatus to an acceptable standard to serve the establishment, precise details of which shall accompany the development permit application.

SECTION 50. HOME-BASED BUSINESS LEVEL 1 AND LEVEL 2

- (1) Home-based businesses shall be operated as secondary use only to a residential use.
- (2) A home-based business Level 1 is a permitted use in all residential districts provided that it complies with this section.
- (3) Home-based businesses Level 2 are limited to those uses which are approved by the Development Authority for the dwelling unit or accessory building.
- (4) A home-based business shall conform to the following provisions:

Bylaw 828-15
2015/10/28

Standard	Level 1	Level 2
Maximum Area	30% of the gross floor area of the dwelling	30% of the gross floor area of the dwelling; or 50% of the floor area within an attached garage other accessory building.
Structure	Shall not change the residential character or external appearance of the dwelling	shall not change the residential character or external appearance of the dwelling
Storage	No outside storage materials, commodities or finished products	may include limited use of a rear yard for the storage of goods related to the business, at the discretion of the Development Authority
Traffic Generation	No more than one home-based business related vehicle trip at a time.	A maximum of six home-based business related vehicle trips per day. No more than one commercial delivery per week.
Parking	No more on-site parking spaces than those required for the dwelling.	One on-site parking space in addition to those required for the dwelling
Employees	Only those who reside in the residence	May employ a maximum of two non-resident employees

Business-related Vehicles	No commercially plated (licensed) vehicles	One commercially plated (licensed) vehicle up to 8,000 Kg GVW and 6.1m or less in length on site
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- (a) At all times the privacy of the adjacent residential dwellings shall be preserved and the home-based business shall not unduly offend neighbouring or adjacent residents by way of excessive lighting, late calling of clients of an unreasonable number, traffic congestion, or excessive on-street or off-street parking, etc.
- (b) Not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority.
- (5) The signage for advertising a home-based business shall:
 - (a) Consist of a single sign;
 - (b) Be attached to the residence;
 - (c) Not protrude from the residence; and
 - (d) Be no greater than 0.6 m x 0.6 m (2 ft. x 2 ft.) in area.
- (6) Development permit requirements for a home-based business shall:
 - (a) All development permits for home-based business will be reviewed by the Development Authority, based on the following criteria:
 - i. Building conditions;
 - ii. The compatibility of the proposed business to neighbourhood and adjacent properties;
 - iii. The proposed location within the Town;
 - iv. The aesthetics of the receiving neighbourhood;
 - v. The compatibility of the proposed dwelling unit with the proposed future development of the area; and
 - vi. Other planning considerations deemed necessary by the Development Authority.
 - (b) The Development Authority shall not issue a development permit for a home-based business Level 1 which would:
 - i. Unduly interfere with the amenities of the receiving neighbourhood;
 - ii. Materially interfere with or affect the use or enjoyment of neighbouring properties;
 - iii. Cause or create traffic noise, dust, smell, smoke or vehicular traffic, in excess of that which is characteristic of the area in which it is located; or
 - iv. Be more suitably located in a Commercial or Industrial District

Bylaw 828-15
2015/10/28

- (7) A development permit for a home-based business (either Level 1 or 2), when approved, shall be issued for a period of one year and shall be renewed annually on its anniversary date, unless:
 - (a) The permit holder ceases to carry on the business;
 - (b) A written complaint has been received regarding the home business and in this case a new application is made; or
 - (c) The home business relocates, and in this case a new application is made.

Bylaw 828-15
2015/10/28

- (8) A development permit issued for home-based business shall be subject to the condition that the development permit may be revoked at any time, if, in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighbourhood.

SECTION 51. LAND WITHIN ENVIRONMENTALLY SENSITIVE OVERLAY

Bylaw 833-16
2016/06/08

- (1) No development that would adversely affect flood elevations or increase threats to public safety shall be permitted on lands within Schedule D: Environmentally Sensitive Overlay.

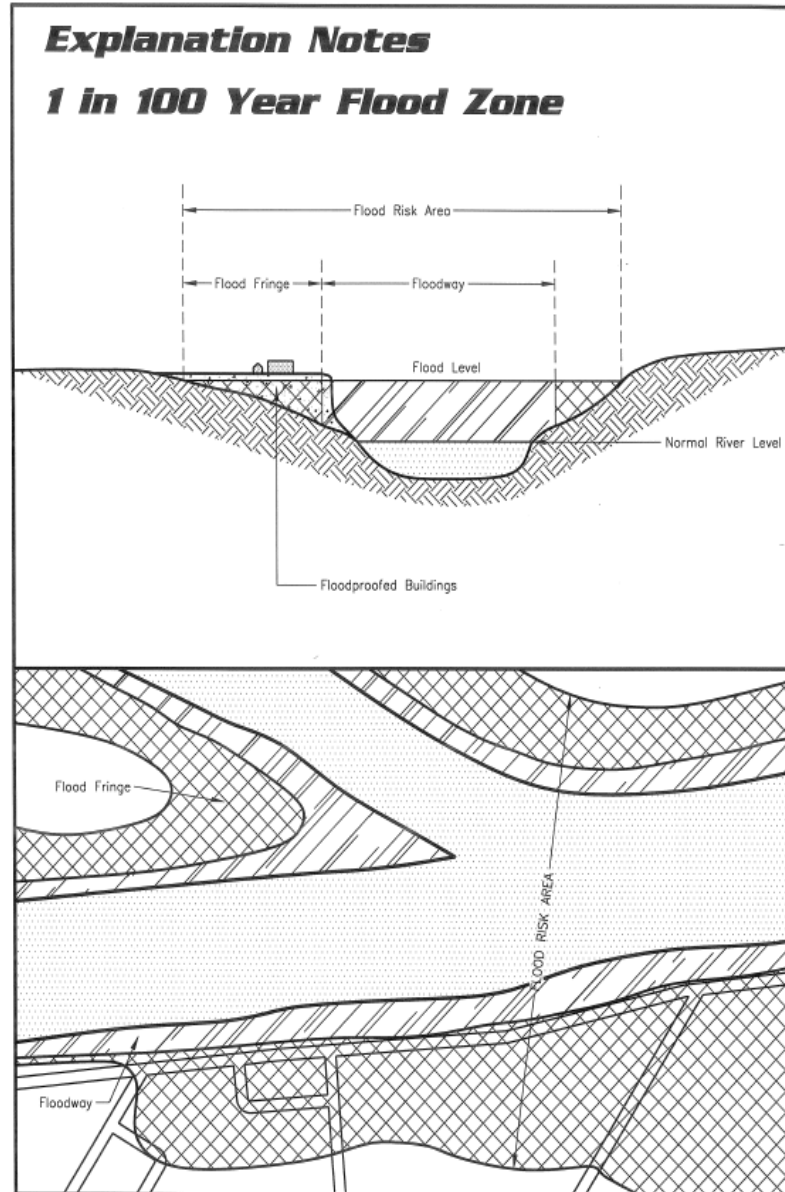
Bylaw 828-15
2015/10/28

- (2) The Development Authority may require an Environmental Impact Assessment to determine the appropriateness of the development proposal with respect to flood hazard.
- (3) Notwithstanding Section 51 (1), redevelopment of lands contained within the environmentally sensitive overlay shall be considered.

Bylaw 828-15
2015/10/28

- (4) In reviewing a development permit application for a development within the Environmentally Sensitive Overlay the Development Authority shall consider flood hazard risk mitigation strategies and may approve the proposed development subject to any or all of the following:
 - (a) The usage of fill, posts or piers, to raise the development above the 1:100 year flood level;
 - (b) “Wet flood-proofing” standards, which allow basements to be flooded without significant damage to the structure;
 - (c) Other flood reduction measures as approved by Canada Mortgage and Housing Corporation.
 - (d) Increased development setbacks from the watercourse;
 - (e) Specification of development locations and/or orientation;

- (f) The usage of back-flow prevention valves (stop valves); and
- (g) Any other flood abatement measures as identified by an Environmental Impact Assessment
- (h) Comments and recommendations from the Province.



SECTION 52. MANUFACTURED HOMES

Bylaw 827-15
2015/07/08

- (1) Before a development permit is issued for a manufactured home, the Development Authority shall normally receive verification that the home fully complies with the Alberta Building Code (ABC) and either the CSA Z240 MH National Manufactured Home Standard or CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA Z240/A277 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- (2) Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA Z240/A277 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
- (3) In addition to the requirements of subsection (1) and (2) above, a manufactured home must meet the following aesthetic regulations:
 - (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area;
 - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area;
 - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition;
 - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate or general area;
 - (e) The undercarriage of a manufactured home shall be completely screened from view by fireproof skirting or by such other means satisfactory to the Development Officer or the Municipal Planning Commission;
 - (f) The design of each manufactured home shall ensure the side or end of the building facing the street contains a prominently placed front door, and/or windows in quantity and size to provide a strong visual connection between the building and the street;
 - (g) Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed;

- (h) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be covered in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area;
- (i) All accessory structures, additions, porches, and skirting shall:
 - i. be of a quality and appearance equivalent to that manufactured home,
 - ii. considered as part of the main building; and
 - iii. erected only after obtaining a development permit.
- (j) Additions shall not exceed 30 % of the gross floor area of the manufactured home subject to setback requirements being met;
- (k) For the purposes of storage, any domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally, and shall conform to the Alberta Building Codes (ABC) standards;
- (4) The hitch and wheels are to be removed from the manufactured home.
- (5) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
- (6) Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- (7) With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park or any residential district.
- (8) In the event of oil being used for heating purposes, the oil receptacle to be provided shall be concealed and enclosed with external screening compatible with the manufactured home.
- (9) Manufactured homes shall be located in areas free from shifting due to frost and readily accessible for water line hook-up.
- (10) Used manufactured homes over the age of 5 years under consideration or relocation on a parcel shall meet the following criteria:

- (a) not be older than 15 years of age;
- (b) enclosed by a peaked roof;
- (c) be architecturally similar to existing dwellings in the vicinity of the proposed development.

SECTION 53. MODULAR HOMES

(1) All modular homes shall conform to the Alberta Safety Codes Act.

Bylaw 828-15
2015/10/28

(2) All modular homes shall be presentable in the opinion of the Development Authority, and of an appearance similar to neighbouring properties.

SECTION 54. RECYCLING CENTRE

(1) Proper and safe access to and from recycling centre shall be provided by the developer.

Bylaw 828-15
2015/10/28

(2) The appearance of the site and any buildings related to the recycling centre shall be subject to the satisfaction of the Development Authority.

(3) The storage of recycling materials shall be kept in a neat manner and screened from any public thoroughfare.

DIVISION 3: LAND USE DISTRICTS AND OVERLAYS

SECTION 55. DISTRICT CLASSIFICATION

Bylaw 833-16
2016/06/08

- (1) For the purpose of this Bylaw, all lands within the municipality are divided into Districts as shown in Schedule C and are classified into the following districts:

DISTRICTS

RESIDENTIAL DISTRICTS	
▪ Restricted Residential District	R-1
▪ Low Density Residential District	R-2
▪ High Density Residential District	R-3
▪ Manufactured Home Residential District	MHR
COMMERCIAL DISTRICTS	
▪ Commercial District	C
▪ Mixed Commercial-Residential District	CR
▪ Highway Commercial District	HC
▪ Mixed Highway Commercial-Service Industrial District	HCM
INDUSTRIAL DISTRICTS	
▪ Industrial District	M
OTHER DISTRICTS	
▪ Public Civic District	PC
▪ Municipal Infrastructure District	PI
▪ Parks and Recreation District	PR
▪ Urban Reserve District	UR

SECTION 56. OVERLAY CLASSIFICATION

- (1) Overlays provide a means to alter or specify regulations for Permitted and Discretionary Uses in otherwise appropriate districts in order to achieve the local planning objectives in specially designated areas throughout the Town.
- (2) The regulations provided in the Overlay shall be substituted for the specified regulations of the underlying district. Where there appears to be a conflict between the provisions of the Overlay and those of the underlying district, the provisions of the overlay shall take precedence and effect.

SECTION 57. DISTRICT SYMBOLS

- (1) Throughout this Bylaw and amendments thereto, a district may be referred to either by its full name or by its abbreviation, as set out in Section 55.

SECTION 58. LAND USE BYLAW DISTRICT MAP

- (1) The district map, as may be amended or replaced by bylaw from time to time, is that map attached to and forming part of this Bylaw, and among other things bears the following identification:

Bylaw 833-16
2016/06/08

- (a) The title of “Schedule C: Land Use Bylaw Districts”.
- (b) Adopted by Council this 10th day of December, 2014.
- (c) Signatures of the Mayor and Town Administrator or their delegates.

Enabled Uses

Uses	District													Number of District Use is Enabled in
	R-1	R-2	R-3	MHR	C	CR	HC	HCM	M	PC	PR	PI	UR	
Accessory Building, Structure and/or Use (Bylaw 838-16 16/10/12)	D	D	D	D	D	D	D	D	D	D	D	D	D	14
Agricultural Enterprises								P	D				D	3
Auto Body Shop									P					1
Auto Service								P	P	D				3
Automobile / Recreation Dealer								D	P	P				3
Bed and Breakfast	D	D	D	D									D	4
Campground	D	D	D	D									D	5
Carwash								D	P					2
Child Care Facility	D	D	D	D						P				5
Convenience Store					D			D	P					3
Dwelling Unit, Apartment		D	P		D	P								4
Dwelling Unit, Caretaker's Residence					D			D	D			D		4
Dwelling Unit, Duplex		P	P											2
Dwelling Unit, Garage Suite	P	P	P										D	4
Dwelling Unit, Garden Suite	P	P	P										D	4
Dwelling Unit, Manufactured Home		D		P										2
Dwelling Unit, Row Housing		D	P											2
Dwelling Unit, Secondary Suite	P	P	P										D	4
Dwelling Unit, Semi-Detached		P	P											2
Dwelling Unit, Single-Detached	P	P	P										D	4
Financial institutions					P	P								2
Gas Station								D	P					2
General Industrial Uses									D	D				2
Group Care Facility	D	D	D											3
Home-Based Business Level 1	P	P	P	P		D								5
Home-Based Business Level 2	D	D	D	D										4
Hotel/Motel					P	D	P	P						4
Liquor Store					D	D	D	D						4
Market gardening													P	1
Office					P	P		D						3
Parking lots					D	D	D	D			D			5
Personal service					P	P								2
Place of worship											P			1
Public use					P	P	P			P		P	P	6
Public utility						D		D				P		3
Recreation Facility, Indoor					D	D				P				3
Recreation Area, Outdoor	P	P	P	P	D						P		D	7
Recycling Center								D	D					2
Residential Care Facility		D	D											2
Residential Support Home Type 1	P	P	P											3
Residential Support Home Type 2		D	D											2
Restaurant					P	P	P	D						4
Retail Store					P	P	D							3
School										P				1
School, Commercial					D	D								2
Sign	D	D	D	D	P	P	P	P	P	P	D	D		13
Veterinary service					D			D	D	D				4
Total Enabled Uses In Each District	14	21	20	9	18	16	15	18	9	8	5	4	9	

SECTION 59. RESTRICTED RESIDENTIAL DISTRICT (R-1)

(1) Purpose:

The purpose of the Restricted Residential District is to provide for low-density residential development in the form of single-detached dwellings.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

a) Permitted Uses:

- Dwelling Unit, Garage Suite
- Dwelling Unit, Garden Suite
- Dwelling Unit, Secondary Suite
- Dwelling Unit, Single-Detached
- Home-Based Business Level 1
- Recreation Area, Outdoor
- Residential Support Home Type 1

b) Discretionary Uses:

- Accessory Building, Structure and/or Use
- Bed and Breakfast
- Campground
- Child Care Facility
- Group Care Facility
- Home-Based Business Level 2
- Sign

Bylaw 838-16
2016/10/12

(3) Site Provisions

In addition and subject to regulations contained in Part 2: Land Use Provisions being Division 1 and 2, the following regulations shall apply to every development in the R-1 District:

(a) Minimum Requirements:

- i. Site Area: 510.9 square metres (5,500 square feet).
- ii. Front Yard Setback: 7.6 metres (25 feet).
- iii. Interior Side Yard Setback: 1.5 metres (5 feet).
- iv. Exterior Side Yard Setback: 3.0 metres (10 feet).
- v. Rear Yard Setback:

Principal Building: 7.6 metres (25 feet)

Accessory Buildings: 0.6 metres (2 feet)

vi. Floor Area: 83.6 square metres (900 square feet)

(b) Maximum Requirements:

i. Site Coverage: 40%

ii. Building Height:

Principal Building: 2 stories or 10.6 metres (35 feet), whichever is greater.

Accessory Buildings: 4.2 metres (14 feet)

SECTION 60. LOW DENSITY RESIDENTIAL DISTRICT (R-2)

(1) Purpose:

The purpose of the Low Density Residential District is to provide for low-density residential development in the form of single-detached dwelling, semi-detached dwellings, duplexes and manufactured homes.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

a) Permitted Uses:

- Dwelling Unit, Duplex
- Dwelling Unit, Garage Suite
- Dwelling Unit, Garden Suite
- Dwelling Unit, Secondary Suite
- Dwelling Unit, Semi-Detached
- Dwelling Unit, Single-Detached
- Home-Based Business Level 1
- Recreation Area, Outdoor
- Residential Support Home Type 1

b) Discretionary Uses:

- Accessory Building, Structure and/or Use
- Bed and Breakfast
- Campground
- Child Care Facility
- Dwelling Unit, Apartment
- Dwelling Unit, Manufactured Home
- Dwelling Unit, Row Housing
- Group Care Facility
- Home-Based Business Level 2
- Sign
- Residential Care Facility
- Residential Support Home Type 2

Bylaw 838-16
2016/10/12

(3) Site Provisions:

In addition and subject to regulations contained in Part 2: Land Use Provisions being Division 1 and 2, the following regulations shall apply to every development in the R-2 District:

(a) Minimum Requirements:

i. Site Area:

Apartment: 743.2 square metres (8,000 square feet)

Semi-detached dwelling: 278.7 square metres (3,000 square feet), for each interior unit, and 325.1 square metres (3,500 square feet), per each end unit.

Duplex: 557.4 square metres (6,000 square feet).

Single detached dwelling: 510.9 square metres (5,500 square feet).

Row housing: 232.2 square metres (2,500 square feet) for each interior unit, and 287.7 square metres (3,000 square feet) for each end unit.

ii. Width of Site:

Apartment: 24.3 metres (80 feet).

Semi-detached dwelling: 9.1 metres (30 feet) for each interior unit and 10.6 metres (35 feet) for each end unit.

Duplex: 18.2 metres (60 feet).

Single detached dwelling: 15.2 metres (50 feet).

Row housing: 7.6 metres (25 feet) for each interior unit, and 9.1 metres (30 feet) for each end unit.

iii. Front Yard Setback: 7.6 metres (25 feet)

iv. Side Yard Setback :

Apartment, row housing: 4.5 metres (15 feet).

Single detached dwelling, duplex, semi-detached dwelling: 3.0 metres (10 feet) on corner site, and 1.5 metres (5 feet) on all other sites.

Other uses: 1.5 metres (5 feet)

v. Rear Yard Setback:

Principal Building: 7.6 metres (25 feet)

Accessory Buildings: 1.5 metres (5 feet)

vi. Floor Area:

Apartments: 51.0 square metres (550 square feet) per unit.

Row housing: 74.3 square metres (800 square feet) per unit.

Manufactured homes: 65.0 square metres (700 square feet)

(b) Maximum Requirements:

i. Site Coverage: all buildings together 40% of site

Bylaw 838-16
2016/10/12

ii. Building Height:

Principal Building: 10.9 metres (36 feet)

Accessory Buildings: 4.5 metres (15 feet)

iii. Density:

Apartments: the total floor area of the building shall not exceed the ratio of 9.2 square metres (100 square feet) of building to every 11.6 square metres (125 square feet) of site area.

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

(a) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the purpose of this district.

Bylaw 827-15
2015/07/08

(b) *deleted*

(c) A minimum of 30% of a site to be used for an apartment shall be required for recreational and landscaping purposed to the satisfaction of the Development Authority. The area of balconies and recreational facilities within the building including patios, swimming pools, and communal lounges for the free use of the tenants may, at the discretion of the Development Authority, be used in the calculation of total requirements for recreational and landscaping areas.

(d) In addition to the above regulations, apartment developments shall satisfy the Development Authority as to parking design, building design and location, garbage storage location, access for safety purpose, and amenity or leisure space.

SECTION 61. HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

(1) Purpose:

The purpose of the High Density Residential District is to provide for higher density residential development in the form of units of greater than 2 attached dwelling units.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

a) Permitted Uses:

- Dwelling Unit, Apartment
- Dwelling Unit, Duplex
- Dwelling Unit, Garage Suite
- Dwelling Unit, Garden Suite
- Dwelling Unit, Row Housing
- Dwelling Unit, Secondary Suite
- Dwelling Unit, Semi-Detached
- Dwelling Unit, Single-Detached
- Home-Based Business Level 1
- Recreation Area, Outdoor
- Residential Support Home Type 1

b) Discretionary Uses:

- Accessory Building, Structure and/or Use
- Bed and Breakfast
- Campground
- Child Care Facility
- Group Care Facility
- Home-Based Business Level 2
- Residential Care Facility
- Residential Support Home Type 2
- Sign

Bylaw 838-16
2016/10/12

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the R-3 District:

(a) Minimum Requirements:

Bylaw 828-15
2015/10/28

- i. Site Area:
At the discretion of the Development Authority.
- ii. Site Width:
Apartments: 24.4 metres (80 feet).
Single detached dwelling: 15.2 metres (50 feet).
Semi-detached dwellings: 9.1 metres (30 feet).
Other uses: at the discretion of the Development Authority.
- iii. Front Yard Setback: 7.6 m (25 feet) or at the discretion of the Development Authority.
- iv. Side Yard Setback:
Street side of corner site: 3.0 metres (10 feet).
All other sites: 1.5 metres (5 feet).
- v. Rear Yard Setback: 7.6 m (25 feet) or at the discretion of the Development Authority.

(b) Maximum Requirements:

- i. Site Coverage: At the discretion of the Development Authority.
- ii. Building Height:
Principal Building: 11.0 metres (36 feet).
Accessory Buildings: 4.6 metres (15 feet)

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

- (a) The Development Authority may decide on such other requirements as are necessary having regard to the nature of the proposed development and the intent of the district.
- (b) Accessory buildings shall be of comparable quality and construction as the principal building to the satisfaction of the Development Authority.
- (c) Screening, such as a landscape buffer, may be required to the satisfaction of the Development Authority.

Bylaw 827-15
2015/07/08

- (d) *deleted*
- (e) A minimum of 30% of a site to be used for an apartment shall be required for recreational and landscaping purposes to the satisfaction of the Development Authority.

- (f) In addition to the above regulations, any apartment projects shall satisfy the Development Authority as to:
 - i. Provisions for garbage storage with appropriate access;
 - ii. Access for emergency vehicles;
 - iii. Light between buildings;
 - iv. Privacy for dwelling units in and adjacent to development;
 - v. Orientation of buildings and general appearance of project;
 - vi. Safe pedestrian access to and from the public sidewalk fronting the building; and
 - vii. Adequate lighting of parking areas.

- (g) When considering a development permit for an office, the Development Authority shall consider the following:
 - i. Existing surrounding land uses and the character of the neighbourhood in which the professional office is to be located;
 - ii. The availability of on-site parking;
 - iii. The proposed landscaping of the lot on which the professional office is to be located;
 - iv. The appearance of the building;
 - v. The height of the building in relation to surrounding buildings; and
 - vi. The location, size, appearance and type of signs to be located on site.

- (h) No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system.

SECTION 62. MANUFACTURED HOME RESIDENTIAL DISTRICT (MHR)

(1) Purpose:

The purpose of this District is to provide for lots within a manufactured home residential neighbourhood in which manufactured homes are accommodated on an individual site basis with permanent foundations and individual service connections.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Permitted Uses:

Dwelling Unit, Manufactured Home
Home-Based Business Level 1
Recreation Area, Outdoor

(b) Discretionary Uses:

Accessory Building, Structure and/or Use
Bed and Breakfast
Campground
Child Care Facility
Home-Based Business Level 2
Sign

(3) Site Provisions:

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the MHR District:

(a) Minimum Requirements:

- i. Site Area: 464.5 square metres (5,000 square feet).
- ii. Site Width Setback: 12.1 metres (40 feet).
- iii. Front Yard Setback: 6.0 metres (20 feet) or may be varied at the discretion of the Development Authority.
- iv. Side Yard Setback – Principal Building and Accessory Buildings:
Street side of a corner site: 3.0 metres (10 feet).
All other sites: 1.5 metres (5 feet).
- v. Rear Yard Setback:
Principal building: 4.5 metres (15 feet)

Bylaw 838-16
2016/10/12

Bylaw 828-15
2015/10/28

Accessory building: 1.5 metres (5 feet)

vi. Floor Area: 55.7 square metres (600 square feet)

(b) Maximum Requirements:

i. Site Coverage:

40% of the site

ii. Building Height:

Principal Building: 5.4 metres (18 feet).

Accessory building: 4.5 metres (15 feet).

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

(a) Accessory buildings shall be comparable quality and construction as the principal building to the satisfaction of the Development Authority.

Bylaw 827-15
2015/07/08

(b) *deleted*

(c) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

(5) Manufactured Home Park Site Provisions:

Where manufactured homes are placed on land within a manufactured home park owned under one title and the individual lots are rented, the following requirements apply.

(a) Minimum Requirements:

i. Site Area:

Manufactured Home Park: 1.2 hectares (3 acres).

Manufactured Home Parks:

1. No lot in a manufactured park shall have a mean width of less than 10.6 metres (35 feet) and a total area of less than 325.1 m² (3,500 ft²).
2. A minimum of 70% of the lots in the total development shall have a mean width of 12.1 metres (40 feet) or greater and contain an area of 371.6 square metres (4,000 square feet) or greater.
3. The mean width shall be computed by adding the front and rear lots widths and dividing by two (2).

ii. Floor Area: 55.7 square metres (600 square feet)

(b) Maximum Requirements:

i. Site Coverage:

- 40% of the site

- ii. Building Height:
 - Principal Building: 5.4 metres (18 feet).
 - Accessory building: 4.5 metres (15 feet).

(6) Manufactured Home Park Requirements:

Bylaw 828-15
2015/10/28

- (a) All manufactured homes older than five (5) years which have been moved in into this District must have a development permit approved by the Development Authority.
- (b) The park owner shall obtain written permission from the local Board of Health prior commencing operation of the park.
- (c) Compliance with the requirements as set out in this Bylaw does not afford relief from compliance with any Board of Health regulations.
- (d) All manufactured homes shall be located on lots defined on the plan approved by the Development Authority.
- (e) All manufactured home lots shall meet the minimum requirements as set out in this Bylaw, but shall be varied in size to accommodate manufactured homes of varying dimensions.
- (f) Prior to the location of manufactured homes in the park, the park owner shall establish guidelines and standards satisfactory to the Development Authority governing the design and materials of carports, patios, porches, storage buildings, skirting (including hitches), fences, fuel storage and supply facilities and other attached or detached structures.

Bylaw 828-15
2015/10/28

- (g) *deleted*
- (h) The Development Authority may decide on such other requirements as are necessary having regard to the nature of the proposed development and the purpose if this district.

(7) Manufactured Home Park Lot Requirements:

- (a) Each lot shall be provided with a horizontal, stable parking apron suitable for blocking and levelling.
- (b) Manufactured homes shall be sited on parking aprons and the homes, including attached structures shall be:
 - i. Within the boundaries of the lot;
 - ii. At least 4.5 metres (15 feet) from every adjacent manufactured home, carport, porch, or any structure and 3.0 metres (10 feet) from any park boundary;
 - iii. At least 3.0 metres (10 feet) from any park street; and

- iv. At least 15.2 metres (50 feet) from any manufactured home, including any attached structures, or permanent park structures, located directly on the opposite side of a park street.
- (c) Each manufactured home lot shall:
- i. Abut a street and have an access way, with a minimum width of 4.2 metres (14 feet) from the park street;
 - ii. Be clearly defined on the ground by permanent flush stakes, markers or other means, and permanently marked with a lot number or other address system; and
 - iii. Be landscaped by the park owner.
- (8) General Manufactured Home Park Development:
- (a) The park owner shall inform residents of their responsibilities with respect to this Bylaw and shall be responsible for the development of the park and its operation in compliance with it.
 - (b) The park owner shall provide adequate convenient, on-site containerized garbage collection facilities or garbage cans in compliance with the requirements of the Department of Health Regulations. Such provisions must be indicated on the plan submitted with the application for development permit.
 - (c) The park owner shall ensure that each manufactured home is levelled, blocked, skirted, and the hitch removed or skirted within 30 days of being placed on the lot.
 - (d) A minimum of 15% of the total area of a manufactured home park shall be set aside for the recreational use and enjoyment of the park occupants, in a manner and location satisfactory to the Development Authority.
 - (e) In addition to the above, each park shall provide on its perimeter a buffer strip not less than 3.0 metres (10 feet) wide or other edge treatment satisfactory to the Development Authority.
 - (f) All areas of the park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other development facilities including playgrounds, shall be landscaped by the developer.
 - (g) Outdoor lighting in the park shall be to the satisfaction of the Development Authority.
 - (h) Signs shall be of a character suitable to residential area and of a size, height and type satisfactory to the Development Authority.
 - (i) Vehicular and pedestrian areas shall conform to the following:
 - i. All park roads shall be constructed to the Town's specification which will

Bylaw 828-15
2015/10/28

accommodate their proposed use;

- ii. One off-street space per unit shall be provided either on the manufactured home lot or in small communal parking areas located nearby;
- iii. Internal pedestrian walkways, where provided, shall have a minimum hard surfaced width of 1.2 metres (4 feet) and be constructed to the satisfaction of the Town's engineer; and
- iv. The park owner shall be responsible for the removal of snow from all internal pedestrian walkways and park vehicular areas, excluding individual parking spaces.

(9) Service and Auxiliary Buildings in a Manufactured Home Park:

Bylaw 828-15
2015/10/28

- (a) The location and design of all service and auxiliary facilities are subject to the approval of the Development Authority.
- (b) All service buildings must be accessible by a park street.
- (c) A screened storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, etc., at a location and in a manner satisfactory to the Development Authority.

SECTION 63. COMMERCIAL DISTRICT (C)

(1) Purpose:

The purpose of this District is to provide for office, retail and service commercial developments generally intended to locate in the central business area of the Town.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- Dwelling Unit, Apartment
- Financial Institution
- Hotel/Motel
- Office
- Personal Service
- Public Use
- Restaurant
- Retail Store
- Sign

(b) Discretionary Uses:

- Accessory Building, Structure and/or Use
- Convenience Store
- Dwelling Unit, Caretaker's Residence
- Liquor Store
- Parking Lot
- Recreation Facility, Indoor
- Recreation Area, Outdoor
- School, Commercial
- Veterinary Service

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the C District:

(a) Minimum Requirements:

- i. Site Area: 232.2 m² (2,500 ft²).
- ii. Site Width: 7.6 metres (25 feet).

Bylaw 838-16
2016/10/12

Bylaw 828-15
2015/10/28

- iii. Front Yard Setback: None Required
- iv. Side Yard Setback: at the discretion of the Development Authority.
- v. Rear Yard Setback: 9.1 metres (30 feet).

(b) Maximum Requirements:

- i. Building Height: 10.6 metres (35 feet).

(4) Additional Requirements:

(a) Screening and Fencing

- i. All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Officer.
- ii. All apparatus on the roof of any building shall be screened to the satisfaction of the Development Authority.
- iii. Outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

(b) Signs

- i. All commercial signs shall be designed to the satisfaction of the Development Authority.
- ii. Signs shall not exceed the maximum height requirements of structures in this district.

(c) The design, construction and architectural appearance of any building shall be subject to the satisfaction of the Development Authority.

(d) Landscaping shall be provided in a manner consistent with Section 31 of this bylaw.

(e) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

Bylaw 828-15
2015/10/28

SECTION 64. MIXED COMMERCIAL-RESIDENTIAL (CR)

(1) Purpose:

The purpose of this District is to provide for the development of the Town of Manning’s central business district, with commercial uses adjacent to the street and residential uses above or to the rear of the commercial use.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- Dwelling Unit, Apartment
- Financial Institution
- Office
- Personal Service
- Public use
- Restaurant
- Retail Store
- Sign

(b) Discretionary Uses:

- Accessory Building, Structure and/or Use
- Liquor Store
- Hotel/Motel
- Home-Based Business Level 1
- Parking Lot
- Public Utility
- Recreation Facility, Indoor
- School, Commercial

Bylaw 838-16
2016/10/12

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the CR District:

(a) Minimum Requirements:

- i. Site Area: 232.2 square metres (2,500 square feet).
- ii. Site Width: 7.6 metres (25 feet).
- iii. Front Yard Setback: 1.5 metres (5 feet), or may be varied at the discretion of the

Development Authority.

- iv. Side yard Setback, adjacent to a residential district: 3.0 metres (10 feet).

All other sides: at the discretion of the Development Authority; where no side yard is required a firewall shall be provided and if a side yard is required it shall be a minimum of 1.5 metres (5 feet).

- v. Rear Yard Setback: 9.1 metres (30 feet).

- (b) Maximum Requirements:

- iv. Building Height: 10.6 metres (35 feet).

- (4) Additional Requirements:

- (a) Apartments

- i. Apartments must be a secondary use to a commercial use, located either above or to the rear of the commercial use. The apartment may not front on to the street.

- (b) Screening and Fencing:

- i. All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
- ii. All apparatus on the roof of any building shall be screened to the satisfaction of the Development Authority.
- iii. Outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

- (c) The design, construction and architectural appearance of any building, shall be subject to the satisfaction of the Development Authority.

- (d) Landscaping shall be provided in a manner consistent with Section 31 of this bylaw.

- (e) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

SECTION 65. HIGHWAY COMMERCIAL DISTRICT (HC)

(1) Purpose:

The purpose of this District is to provide commercial services to areas located directly adjacent to major vehicular circulation routes, which may require large display areas.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

- Auto Service
- Hotel/Motel
- Public Use
- Restaurant
- Sign

(b) Discretionary Uses:

- Accessory Building, Structure and/or Use
- Automobile/Recreation Dealer
- Carwash
- Convenience Store
- Gas Station
- Liquor Store
- Parking Lot
- Recycling Center
- Retail Store
- Veterinary Service

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the HC District:

(a) Minimum

- i. Site Width: 30.4 metres (100 feet).
- ii. Front Yard Setback: 9.1 metres (30 feet).
- iii. Side Yard Setback: 3.0 metres (10 feet).
- iv. Rear Yard Setback: 6.0 metres (20 feet).

Bylaw 838-16
2016/10/12

- (b) Maximum Requirements:
 - i. Building Height: 10.6 metres (35 feet).

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

- (a) A minimum of 15% of the site shall be landscaped in a manner consistent with Section 31 of this bylaw. The entire site shall be maintained in a neat and orderly fashion to the satisfaction of the Development Authority.
- (b) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
- (c) The location and appearance of any signs shall be in accordance to Section 40 of this bylaw.
- (d) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the purpose of this district.

SECTION 66. MIXED HIGHWAY COMMERCIAL-SERVICE INDUSTRIAL (HCM)

(1) Purpose:

The purpose of this District is to provide services to the traveling public and industry.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following.

(a) Permitted Uses:

- Agricultural Enterprise
- Auto Service
- Automobile/Recreation dealer
- Carwash
- Convenience Store
- Gas Station
- Hotel/Motel
- Sign

(b) Discretionary:

- Accessory Building, Structure and/or Use
- Dwelling Unit, Caretaker's Residence
- General Industrial Use
- Liquor Store
- Office
- Parking Lot
- Public Utility
- Recycling Center
- Restaurant
- Veterinary Service

Bylaw 838-16
2016/10/12

(3) Site Provisions

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the HCM District:

(a) Minimum Requirements:

- i. Site Area: 464.5 square metres (5,000 square feet).
- ii. Site Width: 15.2 metres (50 feet).
- iii. Front Yard Setback: 7.6 metres (25 feet).

- iv. Side Yard Setback: No side yard setback is required where a firewall is provided, where a side yard setback is provided it must be 1.5 metres (5 feet)
- v. Rear Yard Setback: 6.0 metres (20 feet).

(b) Maximum Requirements:

- i. Building Height: 18.28 metres (60 feet).

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

- (a) A minimum of 15% of the site shall be landscaped in a manner consistent with Section 31. The entire site shall be maintained in a neat and orderly fashion to the satisfaction of the Development Authority.
- (b) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
- (c) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the purpose of this district.

SECTION 67. INDUSTRIAL DISTRICT (M)

(1) Purpose:

The purpose of this District is to provide for the development of light industrial uses that are compatible with the surrounding land uses.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

Auto Body Shop
Automobile/Recreation dealer
Sign

(b) Discretionary Uses:

Accessory Building, Structure and/or Use
Agricultural Enterprise
Auto Service
Dwelling Unit, Caretaker's Residence
General Industrial Use
Veterinary Service

Bylaw 838-16
2016/10/12

(3) Site Provisions

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the M District:

(a) Minimum Requirements:

- i. Site Area: 464.5 square metres (5,000 square feet).
- ii. Site Width: 15.2 metres (50 feet).
- iii. Front Yard Setback: 7.6 metres (25 feet).
- iv. Side Yard Setback: No side yard setback is required where a firewall is provided. Where a side yard setback is provided it must be a minimum of 1.5 metres (5 feet).
- v. Rear Yard Setback: 6.0 metres (20 feet).

(b) Maximum Requirements:

- i. Building Height: 18.28 metres (60 feet).

Bylaw 828-15
2015/10/28

(4) Landscaping Requirements:

- (a) A minimum of 10% of the site shall be landscaped in a manner consistent with Section 31. The entire site shall be maintained in a neat and orderly fashion to the satisfaction of the Development Authority.
- (b) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.
- (c) Industrial development adjoining a public road shall be screened with a 1.8 metre landscaped buffer adjacent to the property line, to the satisfaction of the Development Authority.
- (d) Other than for landscaping, a developer shall apply in writing to the Development Officer for a development permit for excavation, stripping and grading, and shall include the following details:
 - i. The location of the site on which the excavation, stripping and grading is to take place;
 - ii. The proposed location of the stockpile on the site; and
 - iii. The present height of the land of the site, in relation to any abutting thoroughfares and with relation to adjoining sites.

Bylaw 828-15
2015/10/28

(5) Environmental Requirements:

- (a) All uses within this district shall conform to the following standards to the satisfaction of the Development Authority:
 - i. Obvious toxic or noxious materials or dust or ash shall not be released or be permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public;
 - ii. No industrial operation shall be undertaken out which would result in the projection of glare, heat or excessive noise onto adjacent properties; and
 - iii. Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.

Bylaw 828-15
2015/10/28

(6) Appearance Requirements:

- (a) Any building or accessory building shall employ some of the same elevation elements, materials and colours to achieve a complimentary design that will visually tie the structures together to the satisfaction of the Development Authority.
- (b) A building shall have its exterior walls finished with a material or materials that are

acceptable to the Development Authority.

(c) The colour of building materials shall be to the satisfaction of the Development Authority.

(d) The location and appearance of any signs shall be subject to the satisfaction of the Development Authority.

(7) Premises Used for Display and Storage Requirements:

(a) The Development Authority may require that goods be displayed in an orderly manner.

(b) The Development Authority may require that the display area in whole or in part be enclosed by a fence or wall of a design and height approved by the Development Authority.

(8) Garbage Storage Requirements:

(a) Garbage and waste materials shall be stored in weatherproof and animal-proof containers and screened from adjacent sites and public thoroughfares.

(9) Building Requirements:

(a) Only one primary building is allowed per lot.

(b) No temporary buildings are to be permitted on site, except during the construction phase of development.

(c) Offices:

i. Any office development shall be included only as accessory to another industrial use and shall be part of the principal use of the site.

(10) Access Requirements:

(a) All accesses shall be constructed by the developer at the developer's expense, to the Town of Manning engineering standards.

(11) All development shall conform to the Alberta Safety Codes Act.

Bylaw 828-15
2015/10/28

SECTION 68. PUBLIC CIVIC DISTRICT (PC)

(1) Purpose:

The purpose of this District is to provide for the development of community uses that require a building.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

Child Care Facility
Place of Worship
Public Use
Recreation Facility, Indoor
School
Sign

(b) Discretionary Uses:

Bylaw 838-16
2016/10/12

Accessory Building, Structure and/or Use
Parking Lot

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the PC District:

(a) Minimum Requirements:

- i. Front Yard Setback: 9.1 metres (30 feet).
- ii. Side Yard Setback: 4.5 metres (15 feet).
- iii. Rear Yard Setback: 7.6 metres (25 feet).

(b) Maximum Requirements:

- i. Building Height: 12.1 metres (40 feet).

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

- (a) A minimum of 15% of the site shall be landscaped in a manner consistent with Section 31. The entire site shall be maintained in a neat and orderly fashion to the

satisfaction of the Development Authority.

- (b) The design, setting, structure and architectural appearance of any building, structure, accessory building and/or sign shall be to the satisfaction of the Development Authority.
- (c) All development permits shall comply with Federal, Provincial or Municipal fire, health and safety regulations.
- (d) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the purpose of the district.

SECTION 69. MUNICIPAL INFRASTRUCTURE DISTRICT (PI)

(1) Purpose:

The purpose of this District is to provide for the development of local municipal infrastructure that supports the Town of Manning and surrounding rural communities.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

Public Use
Public Utility

(b) Discretionary Uses:

Accessory Building, Structure and/or Use
Sanitary Landfill
Sewage Lagoon
Sign

Bylaw 838-16
2016/10/12

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the PI District:

(a) Minimum Requirements:

- i. Front Yard Setback: 9.1 metres (30 feet).
- ii. Side Yard Setback: 4.5 metres (15 feet).
- iii. Rear Yard Setback: 7.6 metres (25 feet).

(b) Maximum Requirements:

- ii. Building Height: 12.1 metres (40 feet).

(4) Additional Requirements:

Bylaw 828-15
2015/10/28

(a) The design, setting, structure and architectural appearance of any building, structure, accessory building, signs and/or landscaping shall be to the satisfaction of the Development Authority.

(b) All development permits shall comply with Federal, Provincial or Municipal fire,

health and safety regulations.

- (c) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the purpose of the district.

SECTION 70. PARKS AND RECREATION DISTRICT (PR)

(1) Purpose:

The purpose of this District is to provide for the development of formal and informal community green space.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

Recreation Area, Outdoor

(b) Discretionary Uses:

Accessory Building, Structure and/or Use
Campground
Dwelling Unit, Caretaker's Residence
Sign

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the PR District:

(a) Minimum Requirements:

- i. Front Yard Setback: 9.1 metres (30 feet).
- ii. Side Yard Setback: 4.5 metres (15 feet).
- iii. Rear Yard Setback: 7.6 metres (25 feet).

(b) Maximum Requirements:

- iii. Building Height: 12.1 metres (40 feet).

Bylaw 838-16
2016/10/12

Bylaw 828-15
2015/10/28

(4) Additional Requirements:

- (a) The design, setting, structure and architectural appearance of any building, structure, accessory building, signs and/or landscaping must be to the satisfaction of the Development Authority.
- (b) All development permits shall comply with Federal, Provincial or Municipal fire, health and safety regulations.
- (c) The Development Authority may decide on such other requirements as are necessary having regard to the nature of a proposed development and the purpose of the district.

SECTION 71. URBAN RESERVE DISTRICT (UR)

(1) Purpose:

The purpose of this District is to provide for the continuation of existing rural pursuits and to minimize intensification of existing land uses until urban subdivision and development is pre-planned in the framework of an approved Area Structure Plan.

(2) Uses:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

(a) Permitted Uses:

Market Gardening
Public Use

(b) Discretionary Uses:

Accessory Building, Structure and/or Use
Agricultural Enterprise
Dwelling Unit, Garage Suite
Dwelling Unit, Garden Suite
Dwelling Unit, Single Detached
Dwelling Unit, Secondary Suite
Recreation Area, Outdoor

Bylaw 838-16
2016/10/12

(3) Site Provisions :

In addition and subject to regulations contained in Part 2: Land Use Provisions, being Division 1 and 2, the following regulations shall apply to every development in the UR District:

(a) Minimum Requirements:

- i. Site Area: At the discretion of the Development Authority.
- ii. Site Width: At the discretion of the Development Authority.
- iii. Front Yard Setback: 9.1 metres (30 feet)
- iv. Side Yard Setback: 4.5 metres (15 feet)
- v. Rear Yard Setback: 7.6 metres (25 feet)

Bylaw 828-15
2015/10/28

(b) Maximum Requirements:

- i. Building Height: At the discretion of the Development Authority.
- ii. Dwelling Units on Same Parcel: One single-detached dwelling unit and one

accessory -dwelling unit.

(4) Additional Requirements:

- (a) No person shall use land in this district for an intensive agricultural use such as a feed lot, a chicken hatchery or a hog farm.
- (b) When reviewing an application for a subdivision or a development permit application, the Town shall consider the following:
 - i. Access to the subject property and the construction standards for roads to be built;
 - ii. Provision of municipal services and utilities;
 - iii. Water supply for firefighting purposes;
 - iv. Site drainage;
 - v. Provision for parking facilities; and
 - vi. Provision of park or other public reserves.
- (c) Landscaping and screening shall conform to the amenities of the neighbourhood. Trees and other landscaping shall be provided, preserved and protected to the satisfaction of the Development Authority.
- (d) The design, construction and architectural appearance of any building shall be subject to the satisfaction of the Development Authority.
- (e) The Development Authority may decide on such other additional requirements as are necessary having regard to the nature of the proposed development and the purpose of this district.

Bylaw 828-15
2015/10/28

SECTION 72. ENVIRONMENTAL SENSITIVE LANDS OVERLAY

(1) Purpose:

The purpose of this Overlay is to enable the Development Authority to require additional information and set additional regulations for Permitted and Discretionary Uses in otherwise appropriate districts in order to achieve environmentally responsible development and limit the overall risk exposure of the municipality in the Flood Plain

(2) Application:

Bylaw 833-16
2016/06/08

This Overlay applies to all lands shown in as Environmentally Sensitive Lands on Schedule D: Environmentally Sensitive Lands Overlay

All uses within the lands shown in as Environmentally Sensitive Lands shall be considered on a discretionary basis.

DIVISION 4: ENACTMENT

SECTION 73. AMENDMENTS

- (1) Pursuant to the Act, Council may by bylaw amend or repeal this Land Use Bylaw.
- (2) Applications to amend this Bylaw shall be accompanied by a fee, as set by a resolution of Council.
- (3) The cost of advertising for a public hearing on amendments to this Land Use Bylaw shall be borne by the applicant.
- (4) The Council may determine that the whole or part of the application fee shall be returned to the applicant if the proposed amendment is not adopted.

SECTION 74. ENFORCEMENT AND PENALTIES

- (1) Where the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement, finds that a development or use of land or buildings in in contravention with
 - (a) the Municipal Government Act or any amendments thereto;
 - (b) a Development Permit;
 - (c) a subdivision approval; or
 - (d) one or more provisions of this bylaw.

the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement shall provide, in writing, a Stop Order, which orders the registered owner or the person in possession of the land or buildings, or the person responsible for the contravention of all or any of them to:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - (b) demolish, remove or replace the development; or
 - (c) take such other measures as are specified in the notice so that the development or use of the land or building, is in accordance with the Municipal Government Act and regulations thereto, Development Permit, Subdivision Approval or this Bylaw within the time frame specified in the notice.
- (2) A person, who receives a notice stop order pursuant to Subsection (1), may appeal the order to the Development Appeal Board.

- (3) The Development Officer may cause an application to be made to the Alberta Court of Queen’s Bench for an injunction restraining the contravention and/or non-compliance.
- (4) When a person does not comply with an order, Council may, by resolution, direct that the Development Officer enters upon the land or building and take such action as is necessary to carry out the order, and the cost incurred shall be placed on the tax roll as an additional tax against the property.
- (5) Any person, who commits an offence under Section 74 (1), upon summary conviction, is liable to a fine and/or imprisonment in accordance with the provisions of the Act.

Bylaw 827-15
2015/07/08

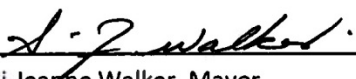
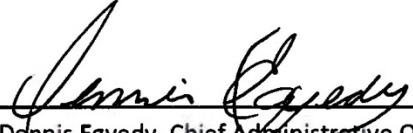
SECTION 75. REPEAL OF EXISTING BYLAW

- (1) The existing Town of Manning Land Use Bylaw No. 775/08 and amendment Bylaws No. 778/08, 781/09/787/10 and 814/14 are hereby repealed.

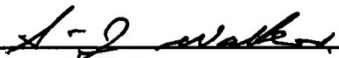

SECTION 76. EFFECTIVE DATE

The adoption of this Bylaw No. 816/14 is effective upon the date of the passing of the third and final reading of this bylaw, having been signed in accordance with the Municipal Government Act.

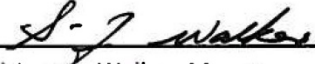
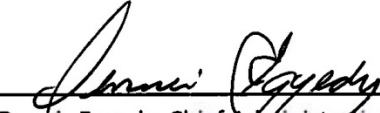
First Reading given on the 12 day of November, 2014

 _____ Sunni-Jeanne Walker, Mayor	 _____ Dennis Egyedy, Chief Administrative Officer
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Second Reading given on the 10 day of December, 2014

 _____ Sunni-Jeanne Walker, Mayor	 _____ Dennis Egyedy, Chief Administrative Officer
--	---

Third Reading and Assent given on the 10 day of December, 2014

 _____ Sunni-Jeanne Walker, Mayor	 _____ Dennis Egyedy, Chief Administrative Officer
--	---



SCHEDULES

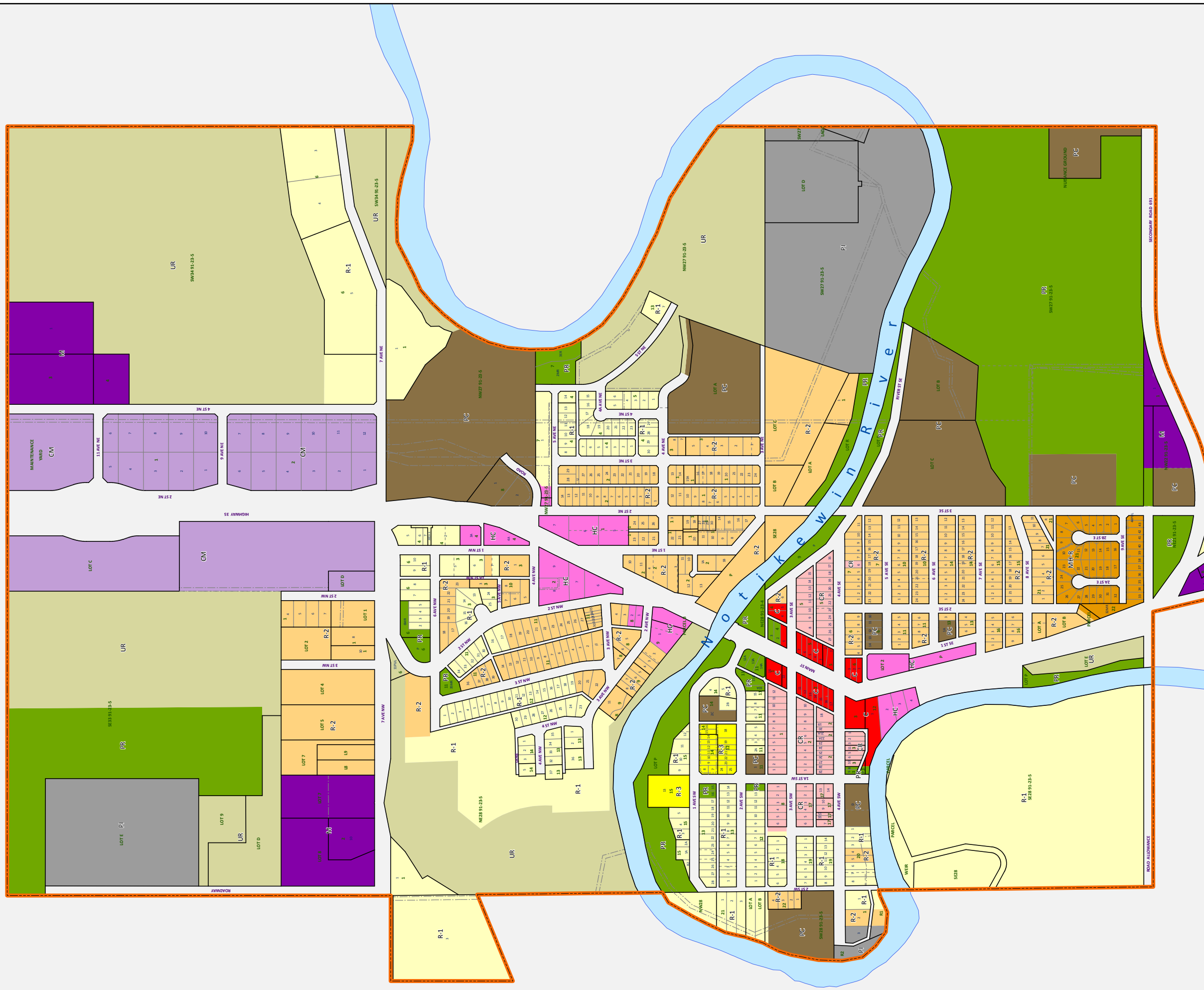
SCHEDULE A FORMS AND NOTICES – DELETED

Bylaw 838-16 2016/10/12

SCHEDULE B DEVELOPMENT PERMIT FEE STRUCTURE – DELETED

Bylaw 838-16 2016/10/12

SCHEDULE C LAND USE DISTRICT MAP



Town Boundary

Land Use Districts

- Restricted Residential (R-1)
- Low Density Residential (R-2)
- High Density Residential (R-3)
- Manufactured Home Residential (MHR)
- Commercial (C)
- Mixed Commercial - Residential (CR)
- Highway Commercial (HC)
- Mixed Highway Commercial - Service Industrial (HCM)
- Industrial (I)
- Public Civic (PC)
- Municipal Infrastructure (PI)
- Parks and Recreation (PR)
- Urban Reserve (UR)

Scale: 1:8,000
 Coordinate System: NAD 1983 UTM Zone 11N

Land Use Bylaw No. 816/14

Schedule C: Land Use Bylaw Districts

Adopted by Council this 10th day of December, 2014

Original Signed By: *Suzanne Walker*
 Mayor: SUZANNE WALKER

Original Signed By: *Dennis Egidio*
 Chief Administrative Officer: DENNIS EGIDIO

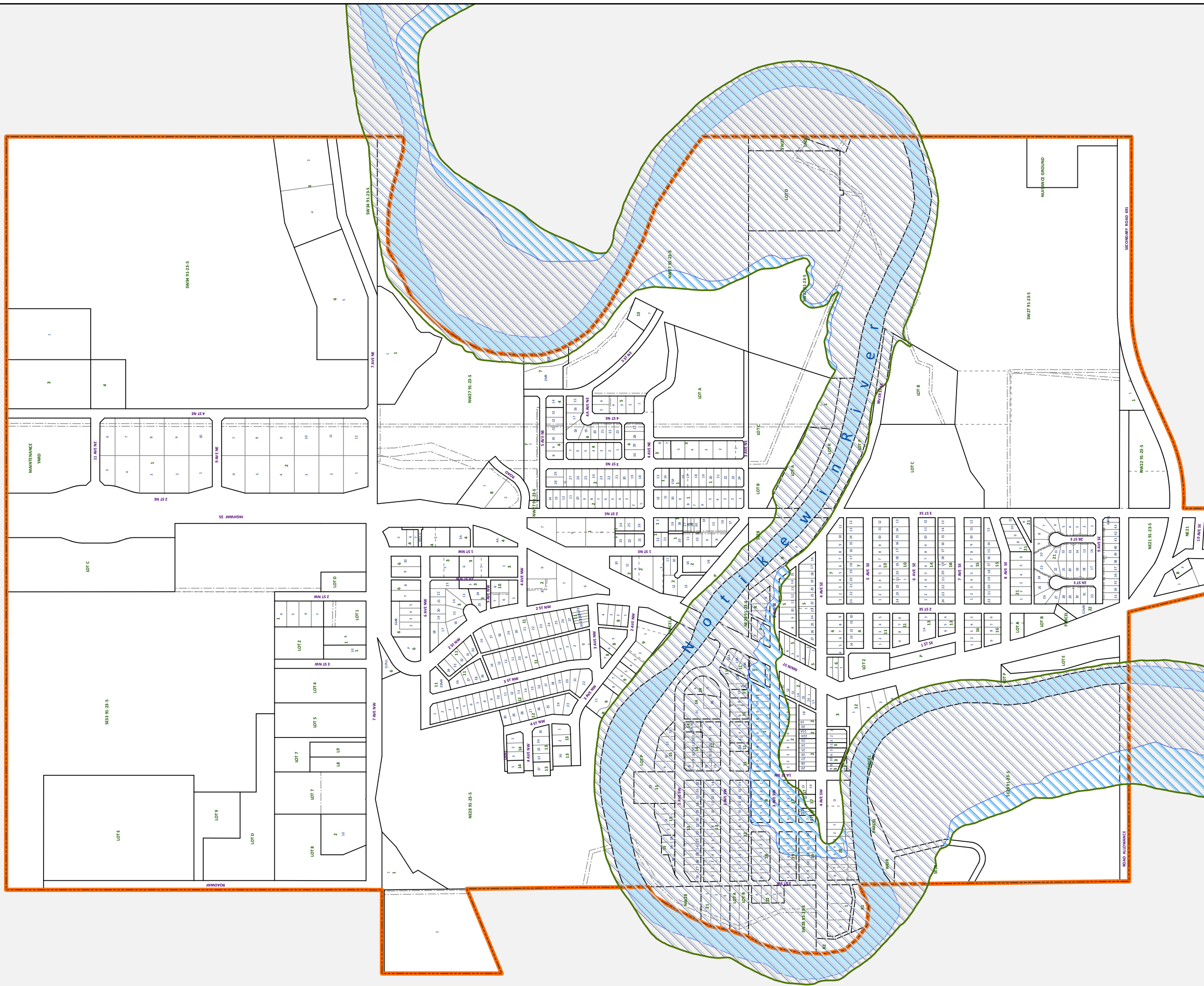
Amendments

Bylaw No.	Date	Bylaw No.	Date
8-22-15	March 30, 2015		
8-35-16	June 8, 2016		

Town of Manning

Cadastral Data Source (Date): Atlas 16 (Aug 2016)
 Updated an Printer: October 2016

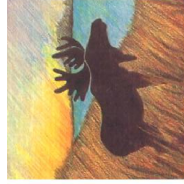
SCHEDULE D ENVIRONMENTALLY SENSITIVE LANDS OVERLAY



Land Use Bylaw No. 816/14

**Schedule D:
Environmentally Sensitive Lands Overlay**

Adopted by Council this 10th day of December, 2014



Town of Manning

Original Signed By: *S. Walker*
 Mayor: SUNNI-HEAN WALKER
 Original Signed By: *Dennis Eyley*
 Chief Administrative Officer: DENNIS EYLEY

Amendments

Bylaw No.	Date	Bylaw No.	Date
822-15	March 30, 2015		
835-16	June 8, 2016		

- Environmentally Sensitive Lands
- Flood Fringe
- Floodway
- Town Boundary
- Notikewin River



1:8,500

Coordinate System: NAD 1983 UTM Zone 11N



Cadastral Data Source (Date): Altalis Ltd (Aug 2016)
 Updated and Printed: October 2016

SCHEDULE E AMENDMENTS

List of Amendments

BYLAW No.	DATE	PURPOSE	LAND AFFECTED
822-15	2015/03/30	Rezone R-1 to HC	Lot 3A, Block 4, Plan 2091NY
827-15	2015/07/08	Replace Manufactured Homes, Landscaping and Screening; Housekeeping amendments	
828-15	2015/10/28	Add Municipal Planning Commission; changes to Development Authority	
833-16	2016/06/08	Remove Schedule A (Development Permit Ap); B (Development Permit Fee Structure) and Section 16 (Forms & Notices)	
835-16	2016/06/08	Rezone R-2 to CR	Lot 6, Blk 7, Plan 93HW
838-16	2016/01/12	Add Shipping Containers definition, replace Accessory Buildings with Accessory Building and Structures , remove Schedule A Forms and Notices	