

TOWN OF PONOKA

LAND USE BYLAW No. 453-21

March 2021
(Amended May 26, 2026)



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Part One: Administration

1. ENACTMENT AND INTERPRETATION

1.1. Title, Purpose and Contents

- 1.1.1 This bylaw is referred to as the Town of Ponoka Land Use Bylaw.
- 1.1.2 The purpose of this bylaw is to regulate and control the uses and development of land and buildings within the Town of Ponoka to achieve fair, orderly and economic development of land.
- 1.1.3 The contents of this bylaw shall include:
 - i. Part 1 comprising Section 1 to Section 3, inclusive, and all Schedules and Appendices to those Sections;
 - ii. Part 2, comprising all of the Development Regulations and Special Regulations, being Section 4 to Section 5, inclusive, and all Schedules and Appendices to those Sections;
 - iii. Part 3, comprising all of the District and Direct Control Provisions, being Section 6 to Section 21, inclusive, and all Schedules and Appendices to those Sections; and
 - iv. Part 4, comprising the Overlay Districts and all Schedules, Maps and Appendices to those sections; and
 - v. Part 5, comprising the Land Use District Map.

1.2. Repeal, Enactment, Transition and Interpretation

- 1.2.1. This bylaw shall come into force and take effect upon the date it receives Third Reading from Town Council (the effective date)
- 1.2.2. The Town of Ponoka Land Use Bylaw 013-97 and all amendments thereto is repealed.
- 1.2.3. Subject only to the provisions in the Municipal Government Act respecting legal non-conforming uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this bylaw govern from the effective date onward.
- 1.2.4. Where there is a conflict between the applicable provisions of Section 4 and/or Section 5 and the provisions of a Land Use District, then the provisions of Section 4 and/or Section 5 shall take precedence.
- 1.2.5. 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 (including Part 4 the Overlay Districts and Part 5 the Land Use District Map) the text shall govern.

- 1.2.6. 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.
- 1.2.7. Where the number of dwelling units, landscaping materials, parking spaces, or any other regulation is determined by reference to a unit such as floor area, or the like, the next higher number shall be taken where the calculation results in a fractional number of 0.5 or more.
- 1.2.8. Where a regulation involves two or more provisions connected by the conjunction “and” it indicates that all the connected items shall apply in combination; “or” indicates that the connected items may apply singly.
- 1.2.9. Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter. Words have the same meaning whether they are capitalized or not.

1.3. Establishment of Fees

- 1.3.1. The Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by bylaw of Council. Council may at any time increase, decrease or establish new fees for matters covered by this bylaw.

1.4. Other Legislative Requirements

- 1.4.1. Nothing contained in this bylaw relieves any person from the requirement to comply with the provisions of any other applicable Federal, Provincial or Municipal law nor the provisions of any caveat, easement or other instrument affecting a building or land.

1.5. Definitions

In this bylaw:

Abattoir means a facility for the killing and/or processing of animals;

Abut or Abutting means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line;

Accessory Building – Non-Residential means a building separate and subordinate to the principal building, the use of which is incidental to that main building and is located on the same lot;

Accessory Building – Residential means a building separate and subordinate to the principal building on a residential parcel, the use of which is incidental to that principal building and is located on the same lot. A garage attached to a principal building is deemed to be part of the principal building;

Accessory Dwelling Unit means in a commercial or industrial district, a separate and subordinate dwelling unit(s) occupying the same structure as a commercial use, or in the industrial district, a separate and subordinate dwelling unit occupying the same or a separate structure for occupancy of an operator or caretaker;

Accessory Use means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building;

Act means the Municipal Government Act and the regulations pursuant thereto;

Adjacent means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream and any other land identified in the land use bylaw as adjacent for the purpose of notifications;

Adult Entertainment means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or the buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, exotic dancing, topless or bottomless waiters or waitresses and nude mud wrestling but does not include an adult mini-theatre.

Adult Mini-Theatre means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides, electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory or similar use to some other business activity which is conducted on the premises;

Agricultural Event Centre means a facility that primarily accommodates a broad range of participant and spectator events related to agricultural life or agricultural industry including, but not limited to, livestock and animal shows and sales, rodeos, equine events and competitions, and agricultural equipment shows and sales. The facility may also accommodate non-agricultural events including, but not limited to, vehicle shows and sales, concerts and festivals, tradeshow, community events involving public assembly, and interpretative/tourist centres. It may include incidental uses such as food and beverage concessions, restaurants, food catering facilities, meeting rooms, commercial lease space for office tenants/uses, recreational vehicle camping stalls, and facilities related to livestock handling and facility operations such as soil, wood shavings and sand stockpiles, storage areas and yards, and manure containment areas;

Agricultural Operation means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes

- (a) the cultivation of land,
- (b) the raising of livestock, including diversified livestock animals within the meaning of the Livestock Industry Diversification Act and poultry,
- (c) the raising of fur-bearing animals, pheasants or fish,
- (d) the production of agricultural field crops,
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
- (f) the production of eggs and milk,
- (g) the production of honey,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes,
- (j) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost, and
- (k) the abandonment and reclamation of confined feeding operations and manure storage facilities;

Amenity Area means indoor or outdoor space on a parcel designed for shared or private recreation or enjoyment;

Animal Services means a commercial establishment for the medical treatment, examination, training, care or grooming, and/or sales of domestic animals and the retail sales of associated animal supplies conducted entirely within a building and on an outpatient basis;

Apartment means a building containing at least three separate dwelling units which share a common entrance from outside the building;

Applicant means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit;

Area Redevelopment Plan means a plan adopted by pursuant to the Municipal Government Act that provides a detailed long range plan that coordinates the conservation and coordinated redevelopment of older neighbourhoods, and sets out the policies for the redevelopment of vacant and underutilized parcels of land and buildings;

Area Structure Plan means a plan adopted pursuant to the *Municipal Government Act* and amendments thereto that provides a framework that describes proposed land uses, density of population, sequence of development, general location of major roadways, public utilities in the area, and any additional requirements that Council may require;

Auction Facility means a parcel and/or building used for the temporary storage of goods, excluding animals, which are to be sold on the premises by public auction from time to time;

Basement means a habitable portion of a building which is partly underground, and has not more than half of the distance between the floor level and the underside of the ceiling joists above the adjacent finished grade elevation;

Bed and Breakfast Establishment means a business operated in a private detached dwelling permanently occupied by the provider of the service, in which up to three rooms are made available for rent to short-term paying guests;

Billboard means a freestanding sign attached permanently and securely to the ground, engineered and maintained to the satisfaction of the Development Authority.

Boarding House means a detached dwelling where the owner lives and supplies lodging and sleeping accommodation, with or without meals, for remuneration to no less than four (4) and no more than six (6) persons, exclusive of the proprietor's family. A boarding house does not include a care facility;

Building means anything constructed or placed on, in, over or under land (e.g. house, shed, fence, sign, parking lot, etc.) but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

Building Demolition means the pulling down, tearing down or razing of a building;

Building Footprint means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns;

Building Permit means a permit authorizing construction and issued under the Safety Codes Act;

Building Sign means a sign attached to or connected to, inscribed, marked or painted onto the façade or outside surface, including windows, of a building or part of a building. Building signs include, but are not limited to, awning or canopy signs, fascia signs, window signs, or painted wall sign;

Bulk Fuel Sales and Storage means a development for handling petroleum products in bulk quantities, and includes retail fuel sales;

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

Campground means a parcel developed and maintained for temporary overnight accommodation in tents, yurts and/or recreational vehicles, and may include accessory facilities which support the use, such as administration offices, washroom and laundry facilities. It does not include the use of manufactured homes or recreational vehicles on a year-round or permanent basis;

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

Cannabis Accessory means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.

Cannabis Lounges means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution;

Cannabis Production and Distribution means an establishment used principally for one or more of the following activities as it relates to Cannabis:

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

Cannabis Retail Sales means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution;

Car Wash means a facility used for the purposes of washing motor vehicles;

Care Facility means a building with two or more accommodation units designed to provide long term housing wherein the residents, who because of circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance;

Caretaker Suite means a portion of the principal or main building not including a manufactured unit attached to the said building, used to provide accommodation for one individual that is employed by the business located on the property to provide janitorial and/or security functions for said property. Only one caretaker's suite per property location shall be permitted. A caretaker's suite may consist of an office, sleeping, kitchen and bathroom facilities, and for the purposes of this Land Use Bylaw shall not be considered a dwelling unit, and cannot be a business unto itself;

Cartage and Freight Terminal means a facility accommodating the storage and distribution of large amounts of freight shipped by air, rail or highway transportation;

Casino means the use of a building for the purposes of gambling;

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

Chief Administrative Officer means the person appointed as the Chief Administrative Officer by Council;

Commercial Recreation and Entertainment Facility means a facility or establishment that provides recreation or entertainment for gain or profit but does not include a casino, adult entertainment establishment or adult mini-theatre;

Commercial School means a facility that provides education or training, which is not maintained at public expense, to students of all ages in general education, recreation, life skills, or business skills, and includes dance schools, athletic training facilities, martial arts schools, business schools, secretarial schools and cosmetology/hair dressing schools but does not include an industrial training facility/school;

Community Garden means a garden plot, or multiple garden plots, gardened and maintained collectively by a group of community participants;

Convenience Store means a retail store which serves the day-to-day needs of neighbourhood residents, passersby and employees;

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

Council means the Town of Ponoka Council;

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

Crime Prevention Through Environmental Design (CPTED) means a set of principles intended to prevent crime by changing or managing the physical environment to produce behavioral effects that will reduce the incidences and fear of crime;

Dangerous Goods Occupancy means any occupancy where dangerous goods, as defined in the Transportation of Dangerous Goods Control Act, are unloaded, loaded stored, processed or otherwise handled on a permanent or ongoing basis;

Day Care Facility means a provincial licensed daycare or group family care home facility that provides care and supervision for seven (7) or more children for more than 3 but less than 24 consecutive hours in each day that the facility is operating, and is operated for at least twelve (12) consecutive weeks per year;

Deck means an uncovered horizontal structure that may adjoin a principal building for the purpose of private amenity area;

Density means a calculation of the number of dwelling units on a hectare (acre) of land and includes all lands within the lot;

Detached Dwelling means a residential building which contains one dwelling unit which is physically separate from any other residential building, and does not include a manufactured home;

Development means:

- a) An excavation or stockpile and the creation of either of them;
- b) A building or an addition to or replacement or repair of a building, and the construction or placing in, on, over or under land of any of them;
- c) A change of use or 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;
- d) A change in the intensity of use of land or a building or an act done in relation to land or a

building that results in or is likely to result in a change in the intensity of use of the land or building.

Development Agreement means an agreement that is a contract between a developer and the municipality regarding the specifications for construction of certain items needed to service a development or subdivision, as a condition of development or subdivision in accordance with the *Act*;

Development Authority means the person or persons appointed pursuant to the Development Authority Bylaw;

Development Officer means a person appointed as a Development Officer pursuant to this Land Use Bylaw;

Development Permit means a document authorizing a development issued pursuant to this Land Use Bylaw;

Discretionary Use means the use of land or a building provided for in this bylaw for which a development permit *may* be issued, with or without conditions, upon an application having been made to the Development Authority;

Distribution Centre means a facility that is used for the receipt, temporary storage and redistribution of small amounts of freight directly to customers;

District Shopping Centre means a group of commercial establishments and/or buildings, planned, owned, developed and managed as a unit with off-street parking established on the same site and shall serve the needs of the urban centre and surrounding municipalities;

Drinking Establishment means an establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, the preparation and sale of food for consumption on the premises, takeout food services and the sale of alcoholic beverages for consumption away from the premises. A drinking establishment includes any premises where license for the sale of liquor, that prohibits minors on the premises at any time, is issued by the Alberta Gaming and Liquor Commission, but does not include adult entertainment, adult min-theatre or cannabis lounges;

Drive-Through means an accessory use that provides services to patrons who remain inside a motor vehicle. A drive-through business may include banking, food services, dry cleaning but does not include a drive-in theatre;

Driveway means a vehicle access route between the carriageway of a road and a use on a parcel;

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

Dwelling Unit means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities and controllable heat/thermostat intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building;

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

Encroachment means any portion of a building, fence, driveway, retaining wall or other structure on a parcel which extends beyond the property line onto adjacent public or privately owned property;

Encroachment Agreement means a legal agreement, registered on title between a property owner and the owner of adjacent property, either a government or private landowner, confirming that an encroachment has been accepted and authorized;

Essential Public Service means a development that is necessary for the continued health, safety or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations and similar uses;

Feed Mills and Grain Elevators means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared;

Financial Services means the provision of services related to financial matters, including deposit or lending of money, the sale of financial investments and the provision of financial planning services;

Floor Area means

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

Fourplex means a separate residential building, other than row housing, containing four dwelling units each with direct exterior access;

Freestanding Sign means a sign that has independent supports placed in the ground that is not part of a building or structure;

Front Parcel Boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the lot lines which abut a street;

Front Yard means that portion of the site extending across the full width of the parcel from the front parcel boundary of the lot to the nearest portion of the foundation of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may determine areas to be treated as front yards;

Funeral Home means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held, but does not include a crematorium;

Gas Bar means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include sales and service outlet for automobile, trucks and recreation vehicles;

Golf Course means an area and accessory buildings and uses related to the playing of the game of golf and without restricting the generality of the foregoing includes pro shop, club house, driving range and picnic area;

Grade means the ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building;

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

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

Heavy Manufacturing and Processing means the manufacturing of products, the process of which may generate fumes, gases, smokes, vapours, vibrations, noise or glare, or similar nuisance factors that may impact users of adjacent land;

Height means the vertical distance between the average grade immediately adjacent to a building, to the highest point of a building, excluding chimneys, skylights, ventilation fans, flagpole, antenna or similar devices or features which are not structurally essential to the building;

Highway means a primary highway and a secondary road numbered between 900 and 999, as defined in the *Public Highways Development Act*;

Home Occupation – Class 1 means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence and undetectable from outside the dwelling unit and does not generate any non-residential traffic, but does not include cannabis retail sales, cannabis production and distribution or medical cannabis counselling;

Home Occupation – Class 2 means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries. The use may generate up to ten (10) associated visits per week. In accordance with the foregoing, home occupation – class 2 uses may include such activities as professional, financial, personal, or office services, but may not include such uses as medical clinics, veterinary clinics, retail sales, cannabis retail sales, cannabis production and distribution or medical cannabis counselling;

Home Occupation – Class 3 means an accessory use of a dwelling unit or private garage by a resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries. The use may generate more than ten (10) associated visits per week. Home occupation – class 3 uses may not include

such uses as medical clinics, veterinary clinics, retail sales, cannabis retail sales, cannabis production and distribution or medical cannabis counselling;

Horse Riding, Training and Boarding Stable means the use of premises for the keeping, training, boarding and riding of horses;

Hotel means a development used primarily for sleeping accommodations in rooms or suites that may contain kitchen facilities. Restaurants and entertainment, convention, sports, fitness/recreation, personal service, office and retail facilities may be incorporated as accessory uses;

Industrial Training Facility/School means a development that provides for technical instruction to students and/or the training of personnel in industrial operations;

Interior Parcel means a parcel abutting only one street other than a lane;

Intermunicipal Development Plan means a plan adopted as an intermunicipal development plan pursuant to the Municipal Government Act and providing the framework for land use coordination and referrals between the Town of Ponoka and Ponoka County;

Kennel means a house, shelter, room or place where more than five (5) dogs and/or cats are kept or boarded at the same time, but does not include premises used for the care and treatment of animals operated by a duly qualified veterinary surgeon;

Light Manufacturing and Processing means the manufacture of products, the process of which does not create and emit fumes, gases, smokes, vapours, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land;

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

Livestock Auction Mart means a facility where agricultural related items including livestock are bought and sold by public auction;

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

Manufactured Home means a single detached dwelling built offsite in one or more sections, and intended to be occupied in a place other than where it is manufactured, and which meets the Canadian Standards Association Z240 or A277 standards and conforms to the Alberta Building Code;

Manufactured Home Park means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupation of manufactured homes on a long-term basis;

Market Garden means a use where plants, such as flowers, herbs, fruit, vegetables or a combination thereof, are cultivated in a commercial greenhouse, fruit farm or outdoor garden plot or plots and sold on-site to the general public;

Mechanized 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;

Medical Cannabis means a substance used for medical purposes authorized by a license issued under the federal government's Cannabis Regulations (SOR/2018-144) or any subsequent legislation which may be enacted in substitution;

Medical Cannabis Counselling means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and may include the ancillary retail sale or rental of merchandise;

Mixed Use Development means a building designed for more than one land use on the same site, including such examples as residential and retail development, residential, office and retail development and office warehouse development;

Mobile Commercial Sales means the sale of items or provision of a service from a motor vehicle, or a trailer capable of being towed by a motor vehicle, or a cart or similar structure with attached wheels, or a portable marquee tent, any of which can be moved off a location in a short period of time;

Modular Home means a detached dwelling which resembles a site-built home in design, construction, and all respects, but which is constructed elsewhere and is assembled after delivery to the site. Modular homes shall be considered detached dwellings for the purposes of this bylaw;

Motel means a development used primarily for sleeping accommodations in rooms or suites that may contain kitchen facilities where each unit has its own exterior access. Restaurants and entertainment, convention, sports, fitness/recreation, personal service, office and retail facilities may be incorporated as accessory uses;

Multi-Attached Dwellings means a residential building containing three or more dwelling units, each unit separated by a common wall and having a direct, separate entrance, whether located on a single site or adjoining individual parcels. This definition applies to forms of housing that include, but is not limited to, row houses, stacked row houses, triplexes and fourplexes;

Multiple Housing Development means two or more buildings containing one or more dwellings units located on a parcel of land, where all of the buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development;

Municipality means the Town of Ponoka;

Municipal Development Plan means a plan adopted as a municipal development plan pursuant to the Municipal Government Act and providing a framework for future land use and development within the municipality;

Municipal Shop and Storage Yard means the facility used by a municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment;

Nightclub means an establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises and may also include entertainment, dancing, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for

consumption away from the premises. A night club includes any premises in which a “Class A” liquor license has been issued and where minors are prohibited on the premises at any time, by the terms of the license as issued by Alberta Gaming and Liquor Commission, but does not include an adult entertainment establishment, adult mini-theatre or cannabis lounge;

Non-Conforming Building means a building,

- a) That is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or land on which the building is situated becomes effective, and
- b) That on the date a land use bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

Non-Conforming Use means a lawful specific use,

- a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- b) That on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw:

Off-Site Levy means a levy imposed pursuant to the *Municipal Government Act*;

Office means a facility primarily for the provision of professional, management, administrative, or consulting services. Typical uses include the offices of lawyers, accountants, engineers, architects, real estate, insurance, clerical, secretarial, employment, telephone answering and office support services;

Outdoor Storage Yard means an outdoor area for the purpose of storing equipment and materials associated with the day to day operations or sales of a business;

Outline Plan means a non-statutory, comprehensive future land use and development plan approved by Council. An outline plan shall include detailed information regarding future lands uses, site servicing, roads and phasing;

Owner means the person who is registered under the Land Titles Act as the owner, or in respect of any property other than land, the person in lawful possession of it;

Parcel means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

Parcel Coverage means the area on a parcel of land or lot covered by buildings, including covered decks and verandas and carports, but does not include cantilevers, steps or uncovered decks;

Parcel Depth means the distance measured along each side parcel boundary of a parcel;

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

Parking Facility means a structure or an area providing for the parking of motor vehicles;

Parks and Playgrounds means areas of public land known for their natural scenery and/or preservation for public recreation either active or passive;

Permitted Use means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit *shall* be issued with or without conditions as provided for in this bylaw;

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

Principal Use or Building means the foremost, primary and most important use or building on a lot;

Projection means a portion of part of a building that extends horizontally above and beyond the foundation of the building including, but not limited to uncovered decks, unenclosed steps, cantilevered windows, fireplace chaises, eaves, or air conditioning and/or heat pump units;

Public & Quasi-Public Use means a use of land or a building for the purposes of public administration and services, including but not limited to government buildings, schools, libraries, hospitals, community centres, community markets, churches and other places of worship, and recreation facilities operated non-commercially;

Public Utility Building means a building in which the proprietor of a public utility

- a) Maintains its offices, or
- b) Maintains or houses equipment used in connection with the public utility;

Railway Uses means a use of land or a building related to the building or operation of a railroad system;

Rear Yard means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line;

Recycle Depot means a development for collecting, sorting and temporarily storing recyclable materials such as bottles, cans, paper, boxes and small household goods, but does not include wrecking and salvage yards;

Retail Sales means the use of a building or portion thereof for the display and retail sale of merchandise to the public, and includes storage in the building of merchandise associated with such display and sale;

Renovations means the alteration of any building that changes the outward appearance of a building façade, but does not structurally alter the building;

Residential Infill Development means the development or re-development of vacant, under-used or deteriorating parcels within existing urban areas for residential uses. This may include the demolition of existing structures to be replaced with new development. Infill development may or may not include a change in the use or intensity of the use on a parcel;

Restaurant means an establishment for the preparation or sale of food for consumption on the premises and may include takeout food service and entertainment, excluding adult entertainment, as accessory uses.

A restaurant may include premises for which a “Class A” liquor license has been issued and minors are not prohibited by the terms of the license. Drinking establishments are a separate use;

Road means the land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway;

Row House means a group of three or more dwelling units, each unit separated by a common or party wall and having a separate front and rear access to the outside grade;

Sales and Service Outlet for Automobiles, Trucks, Recreation Vehicles means a facility providing for the sale, rental, service and repair of automobiles, trucks and recreation vehicles;

Secondary means any subordinate, support or accessory use of building on a lot;

Secondary Suite means a dwelling unit located within the principal dwelling, or on a second storey integral to a detached garage, or as an accessory building where the principal use of the site is a detached dwelling;

Service To Industry and Agriculture means a facility for the purpose of supplying goods, materials and/or services that support agricultural and industrial uses, whether in retail, wholesale or bulk. This may include the sale and storage of seed, feed, fertilizers, chemical products, fuels, lubricants, servicing parts, and building materials, rental, sale, repair, assembly, and/or servicing of farm machinery and industrial equipment;

Setback means the distance between the building foundation and the front, side or rear lot/property line of the lot, measured at right angles to that lot line;

Shipping Container means a steel storage container designed to be used for sea, rail or intermodal shipping and which is used strictly for the storage of materials associated with the principal use of the parcel;

Side Yard means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property boundary;

Sight Triangle means an area at the intersection of two roads or a road and railway in which all buildings, fences, vegetation, all signs except free-standing signs, and finished ground elevations is restricted, in order that vehicle operators may see approaching vehicles in time to avoid collision.

Sign means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

Stacked Row House means a building containing 3 or more dwelling units, each unit separated by a common or party wall and having either a separate front or rear access to the outside grade. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units;

Street means any category of registered street or public roadway except a lane;

Statutory Plan means an intermunicipal development plan, or a municipal development plan, or an area structure plan, or an area redevelopment plan;

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

Studio Unit means a dwelling unit intended for the use of a single person household, comprising a combined living and sleeping room with cooking and separate toilet facilities;

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

Tandem Parking means two parking spaces, one behind the other, with one point of access to the maneuvering aisle;

Temporary Building means a building without a foundation or footing and the use or placement of which is intended to be for periods of time that are less than six months. Temporary buildings may include soft-sided or fabric covered buildings;

Tree Farm means an area of land on which trees are cultivated for sale and to be transplanted to other locations;

Use means a building or an area of land and the function and activities therein or thereon;

Variance means any discrepancy between a regulation contained within this bylaw and a proposed or existing development;

Veterinary Clinic means a facility for the medical care and treatment of animals, and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs and enclosures;

Veterinary Hospital means a facility for the medical care and treatment of animals and includes provisions for their accommodation and confinement in outdoor pens, runs and enclosures;

Warehousing means a facility for the indoor storage of goods and merchandise and may include offices related to the administration of the warehouse facility and/or the retail sale of goods stored in the warehouse as accessory uses. Warehousing includes mini-storage facilities;

Wrecking and Salvage Yard means land and buildings that are used for the storage and dismantling or demolition of old or wrecked motor vehicles, machinery, or scrap metal for the purpose of recycling their components;

Xeriscaping means a method of low maintenance landscaping that utilizes water-conservation techniques, such as drought tolerant plants, mulch and efficient irrigation;

Yard means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

2. ADMINISTRATION

2.1. Development Authority, Applications and Amendments

- 2.1.1. The Development Authority is established by bylaw pursuant to the Municipal Government Act.
- 2.1.2. The Development Authority shall exercise development powers and duties on behalf of the Town.
- 2.1.3. The Development Authority shall be the Development Officer.

2.2. Development Officer

- 2.2.1. The office of the Development Officer is hereby established and shall be filled by a person or persons appointed by the Chief Administrative Officer.
- 2.2.2. The Development Officer shall:
 - i. Receive and process all Development Permit applications;
 - ii. Keep and maintain, for inspection by the public during normal office hours a copy of this bylaw and all amendments thereto and a register of all applications for development, including the decisions thereon and the reasons therefore;
 - iii. Receive applications for amendments to this bylaw and make recommendations to Council;
 - iv. Consider and decide on all Development Permit applications;
 - v. Receive, consider and decide on requests for time extensions for Development Permits which have been issued;
 - vi. Sign and issue all Development Permits;
 - vii. Carry out enforcement of the bylaw, and such other duties as may be prescribed in this bylaw; and
 - viii. Assist applicants prior to submitting a Development Permit application and throughout the Development Permit application process to ensure applications are complete and economic development occurs in a timely manner.

2.3. Council

- 2.3.1. Council shall decide upon amendments to this bylaw.

2.4. Subdivision and Development Appeal Board

- 2.4.1. The Board is authorized to perform such duties as specified in the Subdivision and Development Appeal Board Bylaw and the Act, as amended.

2.5. Control of Development

- 2.5.1. No development shall be undertaken or use commenced unless a Development Permit, where such a permit is required, has first been obtained, and the development proceeds in

accordance with the terms and conditions of the Development Permit.

- 2.5.2. A Development Permit shall not be valid unless it conforms to this bylaw and the provisions of the Act.
- 2.5.3. Development Permits issued on the basis of plans and applications approved by the Development Officer, authorize only the development set forth in such approved plans and applications. Development contrary to that authorization shall be deemed a violation of this bylaw and subject to enforcement as provided in Section 3.

2.6. Development for which No Permit is Required

- 2.6.1. A Development Permit is not required for the following developments, provided they comply with the provisions of this bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:
 - i. The construction, maintenance and repair of services and utilities carried out by or on behalf of Federal, Provincial, Municipal or public authorities on land which is publicly owned or controlled;
 - ii. The use of a building or part thereof as a temporary polling station, returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a Federal, Provincial or Municipal election, referendum or census;
 - iii. The use of land by the Town of which the Town is the legal or equitable owner for a purpose approved by a simple majority vote of Council in connection with any Public Utility carried out by the Town;
 - iv. Excavation, stripping, or site grading that is part of a development for which a Development Permit has been issued;
 - v. Removal of soil from a site or stockpiling of soil on a site when a Development Agreement, pursuant to a subdivision approval, has been duly executed for that site and the removal or stockpiling is in accordance with the agreement and approval;
 - vi. The completion of a building which was lawfully under construction or for which a valid Development Permit was issued prior to the date of approval of this bylaw provided that the building is completed in accordance with the terms of the permit granted by the Town in respect of it, and subject to the conditions to which that permit was granted; and the building, whether or not a permit was granted in respect of it, is commenced within a period of twelve (12) months from the date of issuance of the last permit relating thereto;
 - vii. The erection or installation of a temporary office, machinery and equipment needed in connection with construction of a development for which a permit has been issued, for the period required for completion of that development, excepting any machinery and equipment that requires a Road closure permit;

- viii. Development carried out under a Development Agreement;
- ix. The erection, construction, maintenance, improvement, or alteration of gates, fences, pergolas, arbors, walls, recycling or compost enclosures, or other means of enclosure, subject to specific fencing, landscaping or screening provisions contained in this bylaw;
- x. Landscaping where the proposed grades will not adversely affect the drainage of the subject property or abutting properties, and will not change the grade of the subject property at any property boundary;
- xi. Hard surfacing of any area that is part of a development for which a Development Permit has been issued, for the purpose of providing vehicular or pedestrian access or parking where such access or parking area does not drain onto abutting properties, and similar works provided the construction is wholly confined within the legal boundaries of the subject property;
- xii. Uncovered decks, landings, and patios that are less than 0.6 m in height above adjacent finished grade;
- xiii. Unenclosed steps or stairs;
- xiv. The construction or placement of an accessory building, located in a rear yard of a residential district, which is not greater than 14.8 m² (160 ft.²) in area, with a height not greater than 2.44 m, and meets the setback requirements of the district, and where no other accessory building exists on the parcel.
- xv. Accessory buildings on any parcel with an approved or existing agricultural operation;
- xvi. Shipping containers within an industrial district that meet the requirements of Section 5.10 Shipping Containers;
- xvii. Signs as per Section 5.11.1 Signs Exemptions;
- xviii. Geothermal energy devices that meet the requirements of the district in which they are located;
- xix. The installation and operation of a radio antenna or satellite dish provided they meet the development regulations of the applicable land use district;
- xx. Installation of solar collectors attached to a wall or a roof surface of a principal or accessory building;
- xxi. Fire pits provided they meet the requirements of the Town's Fire Protection Services Bylaw;
- xxii. Works of maintenance, repair or alteration to a building provided that such works do not include structural alterations or change the use or intensity of the use of the

building.

2.7. Development Permit Applications

- 2.7.1 An application for a Development Permit for new development shall be made to the Development Officer in writing on the appropriate form as prescribed by the Development Officer. The application shall also include, but is not limited to:
- i. A copy of the Certificate of Title to the land and, if the applicant is not the owner, a letter of authorization from the property owner(s) and statement of the applicant's interest in the land;
 - ii. Copies of all Restrictive Covenants, easements and utility right-of-way agreements registered on the Certificate Title to the land;
 - iii. A scaled detailed Site plan showing maximum building footprint and ground level development (existing and proposed, including Accessory buildings), adjoining Roads, properties, Abutting land uses, Buildings, north arrow and containing the following information:
 - a. All Setbacks/Yards dimensioned in metres (m);
 - b. Lot Area in square metres (m²);
 - c. Lot Coverage as a percentage (%);
 - d. Gross Floor Area in square metres (m²);
 - e. Number of parking stalls, bike parking stalls, Loading Spaces, accesses, layout dimensions, pedestrian Walkways, Screening, curbing and surface treatment;
 - f. Underground utilities, and refuse and recycling bins;
 - g. Off-site information as may be relevant to the design; Abutting Buildings or proposed Buildings, sidewalks, overhead and underground utilities; and
 - h. Any other information required by the Development Officer.
 - iv. A letter of intent describing the proposed use and/or development.
 - v. Each application for a development permit shall be accompanied by a non-refundable processing fee.
 - vi. Elevations to scale including all of the following information:
 - a. Site grading plans and/or site drainage plans, to the satisfaction of the Development Officer, showing the proposed development and landscaping including the existing and proposed design geodetic site grades, road grades and foundation grades;
 - b. Height in metres of all buildings;
 - c. Number of storeys;
 - d. Exterior treatment on all elevations identifying materials and colours;
 - e. Road elevations to scale;
 - f. Sign detail; and

- g. Any other information required by the Development Officer.
- vii. Landscape plan(s) including the following information:
 - a. Clearly delineate the form of the landscape by defining the extent of lawns, planted areas, fencing, and Hard Surfacing;
 - b. Show the location and general description of species, including size and height;
 - c. Show the location, size, and general elements included in the amenity areas, such as seating areas or patios;
 - d. Provide information regarding the abutting neighbourhood and site context, impact on views, scale, and relationship to development; and
 - e. Any other information required by the Development Officer.

2.7.2. The Development Officer may require a Crime Prevention Through Environmental Design assessment prepared by a qualified professional for commercial, industrial, and multiple building row house and town house developments, and apartment residential, and Public Service Developments.

2.7.3. Notwithstanding Section 2.7.1, the Development Officer may reduce the detail of information required where the information is not available or where the level of detail is not required.

2.8. Special Information Requirements

2.8.1. In addition to the information required pursuant to Section 2.7, the Development Officer may require the following information and studies:

- i. A public meeting in the community;
- ii. Area Structure Plan or Outline Plan or Conceptual Scheme;
- iii. Environmental Site Assessment;
- iv. Geotechnical Study and/or Slope Stability Study;
- v. Lighting Impact Assessment;
- vi. Noise Impact Assessment;
- vii. Parking Demand Study;
- viii. Real Property Report
- ix. Transportation Impact Assessment;
- x. Urban Design Study; and
- xi. Any other information required by the Development Officer.

2.8.2. Impact of Uses on Adjacent Residential Areas

- i. The Development Officer may require the submission of an impact statement as part of the development permit application for any proposed non-residential use that is in close proximity (as determined by the Development Authority) to one or more residential parcels. The impact statement shall indicate the measures to be taken to ensure that noise, visual and other confirmed or potential impacts will be

addressed so that the proposed use will not negatively affect the said residential district(s).

2.8.3. Environmental Nuisance and Health Impacts Assessment

- i. When an application for a Development Permit is for industrial activities designated for either approval or registration under the *Environmental Protection and Enhancement Act*, as amended from time to time, or the *Environmental Management and Protection Act*, as amended from time to time, the Development Officer may require the application to contain an Environmental Nuisance and Health Impacts Assessment prepared by an environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist and the Development Officer may impose any conditions necessary to mitigate environmental Nuisances and health impacts identified in the assessment. The Environmental Nuisance and Health Impacts Assessment shall:
 - a. Identify the nature and quantities of substance releases;
 - b. Identify the provincial standards for the proposed industrial operation;
 - c. Identify any sensitive land uses or Districts that could contain sensitive land uses, existing or proposed, which could be detrimentally impacted by the substance releases;
 - d. Demonstrate what remedial measures shall be undertaken;
 - e. Identify and recommend any separation distances or other land use planning measures that could be undertaken; and
 - f. Any other information required by the Development Officer

2.8.4. Sun Shadow Impact Study

- i. The Development Officer shall require a Sun Shadow Impact Study where the proposed development is five (5) storeys or greater, and may require a Sun Shadow Study where the proposed development is four (4) storeys or less. This Study shall be prepared by a registered Professional Engineer or Architect.

2.8.5. Contaminated Sites

- i. If it appears to the Development Officer that a site may be contaminated as a result of a former use, or if an application for a development permit indicates that the site was previously used for another purpose, the Development Officer may require the applicant to supply a Phase 1 Environmental Site Assessment to be completed and signed by a qualified professional entitled to conduct remediation and reclamation work in the Province of Alberta, indicating that the site is free of contamination and suitable for the proposed use.

2.8.6. Assessment of Risk for Industrial Activities

- i. When an application for a Development Permit is for an activity involving the use or storage of hazardous substances, the Development Officer may require the application to contain an Assessment of Risk prepared by an environmental professional such as an engineer, biologist, planner, geologist or hydrogeologist.
- ii. The Assessment of Risk shall:
 - a. Identify hazardous substances and their quantities;
 - b. Estimate the expected frequency of the occurrence of a hazardous event;
 - c. Assess the possible consequences of such an event;
 - d. Determine annual individual risk and compare to risk acceptability criteria;
 - e. Demonstrate how the proposed facility and operations shall contribute to the following risk management objectives: risk reduction at source; risk reduction through land use planning around industrial Sites and pipeline and dangerous goods corridors; emergency preparedness; emergency response; risk communication and public participation; and identify and recommend risk-based separation distances and other measures to reduce risk; and
 - f. Any other information required by the Development Officer.

2.9. Complete and Incomplete Development Permit Applications

- 2.9.1. Upon receipt of an application the Development Officer shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.
- 2.9.2. If the Development Officer deems a development permit application to be complete, the Development Officer shall issue a letter to the applicant indicating:
 - i. The date the application was received and deemed complete,
 - ii. Confirmation the Development Officer will begin processing the application, and
 - iii. The date the 40 days to process the application expires.
- 2.9.3. If the Development Officer determines an application is incomplete, the Development Officer shall issue a letter to the applicant, indicating the following:
 - i. The application is considered incomplete,
 - ii. A detailed list of the outstanding documents and/or information required by the Development Officer in order for the application to be considered complete,
 - iii. The date which the required outstanding documents and/or information must be

submitted to the Development Officer, as either set out in the letter, or as agreed upon between the applicant and Development Officer,

prior to the expiry of the 20 day review period.

2.9.4. If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer pursuant to Section 2.9.2 are complete, the Development Officer must issue a letter to the applicant indicating:

- i. The application is complete,
- ii. Confirmation the Development Officer will begin processing the application, and
- iii. The date the 40 days to process the application expires.

2.9.5. If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the letter issued to the applicant under Section 2.9.3, the application is deemed to be refused.

2.9.6. If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry of the date in the letter sent to the applicant pursuant to Section 2.9.3.

2.9.7. Despite that the Development Officer has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.

2.9.8. If the Development Officer does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Authority, the application is deemed to be complete.

2.10. Time Limits for Decisions on Development Permit Applications

2.10.1. Once an application for a development permit has been deemed complete, the Development Officer shall consider and decide on the application within 40 days of the date that the application was deemed complete, or within such longer period as the applicant may have agreed to in writing.

2.10.2. An application for a Development Permit may, at the option of the applicant, be deemed to be refused when a decision on the application is not made by the Development Officer within 40 days of the date that the application was deemed complete or such later date set out in a time extension agreement signed by the applicant.

2.11. Notification of Development Permit Applications

2.11.1. Prior to an application being decided upon for a permitted use requiring a variance or a discretionary use the Development Officer may:

- i. Cause a notice to be published once in a newspaper circulating in the Town; or

- ii. Cause a notice to be sent by mail to all assessed property owners of adjacent land and land that is within 30 m of the site; or
- iii. A combination of both (i) and (ii).

2.11.2. Any notice sent pursuant to Section 2.11.1 shall state:

- i. The proposed use of the building or site;
- ii. That any person who objects to the proposed use of the site may deliver to the Development Officer a written statement of their objections indicating: their full name and address for service of any notice to be given to them in respect of the objection; and the reasons for their objections to the proposed use; and
- iii. The date by which objections must be received by the Development Officer.

2.12. Referrals

2.12.1. The Development Officer may refer any application to any agency or authority for comment.

2.12.2. The Development Officer shall refer to any abutting municipality for consideration and recommendation, any application that relates to lands abutting the municipal boundary.

2.12.3. After seven (7) days from the date of referral, pursuant to Sections 2.12.1 and 2.12.2, the application may be dealt with by the Development Officer whether or not comments have been received.

2.13. Decisions on Development Application

2.13.1 In making a decision on a Development Permit application for a Permitted Use, the Development Officer:

- i. Shall approve the application, with or without conditions, if the proposed development conforms with this bylaw; or
- ii. May choose to refuse the application, and provide rationale for refusal, if the proposed development does not conform to this bylaw.

2.13.2 On receipt of an application for a Discretionary Use, the Development Officer:

- i. May refuse the application regardless of whether it meets the requirements of this bylaw, and provide rationale for refusal;
- ii. May approve the application, with or without conditions, where the facts presented establish that the proposed development:
 - a. Will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property,

improvements or potential development in the vicinity; and

- b. Complies with the applicable provisions of this bylaw and will not be contrary to the Municipal Development Plan, or any other applicable Statutory Plan.
- iii. May refuse the application if the proposed development does not conform to this bylaw, and provide rationale for refusal.

2.13.3 The Development Officer shall refuse a Development Permit for any application which is not within the intent of this bylaw.

2.13.4 The Development Officer shall refuse a Development Permit for a use that is not listed as a Permitted Use or a Discretionary Use in the District in which the building or land is located.

2.13.5 In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district and approve it.

2.14. Discretion and Variance Authority

2.14.1. A variance shall only be approved if, in the opinion of the Development Officer, it will not materially interfere with the amenities of the neighbourhood, or affect the use, enjoyment or value of neighbouring properties; and

2.14.2. The proposed Development is listed either as a permitted or discretionary use in the subject land use district.

2.14.3. If a variance is granted pursuant to this Section, the Development Officer shall specify its nature in the Development Permit approval.

2.15. Development Permit Conditions

2.15.1 As a condition of Development Permit approval, the Development Officer may require that the applicant enter into and comply with a Development Agreement with the Town which, in addition to other matters, may require the applicant:

- i. To construct or pay for the construction of:
 - a. A road required to give access to the Development;
 - b. A pedestrian walkway system to serve the development or to connect the pedestrian walkway system serving the development with a pedestrian walkway system that services or is proposed to serve an abutting development, or both; and,
 - c. Off-street or other parking facilities and loading and unloading facilities;

- ii. To install or pay for the installation of a public utility described in s. 616(v)(i) to (ix) of the *Municipal Government Act* that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
 - iii. To pay all applicable development charges and levies including off-site and redevelopment levies;
- 2.15.2 The Development Officer may require the applicant to repair or reinstate, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping or trees which may be damaged or destroyed or otherwise harmed by development or building operations upon the Site.
- 2.15.3 The Development Officer may require the applicant to provide an irrevocable letter of credit, or other form of security acceptable to the Development Officer, to guarantee performance of the conditions of the Development Permit and Development Agreement.
- 2.15.4 The Development Officer may require the applicant to attend to all other reasonable matters the Development Officer considers appropriate.
- 2.15.5 That the applicant submits written confirmation from an Alberta Land Surveyor that the proposed development conforms to the required regulations of this Land Use Bylaw, to the satisfaction of the Development Officer.
- 2.15.6 To ensure compliance with a Development Agreement, the Town may register a caveat against the property being developed which shall be discharged upon the terms of the agreement being met.
- 2.15.7 The Development Officer may incorporate in a Development Permit any conditions considered appropriate with which the development shall comply and which are needed to ensure consistency with regulations in this bylaw.
- 2.15.8 In approving a Discretionary Use, the Development Officer may prescribe specific development standards with respect to that use or form of development, provided those standards are necessary to secure compliance with the requirements of this bylaw with respect to:
- i. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading;
 - iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odour; and
 - iv. Treatment given to aspects such as landscaping, screening, open spaces, parking and loading areas, lighting and signs, and the colour, materials and architectural detail.

- 2.15.8 In approving a discretionary use, the Development Officer may issue a Temporary Development Permit for a period not exceeding one (1) year.
- 2.15.9 Where a Temporary permit is issued, the Development Officer shall:
- i. Require that the use be stopped or the Temporary Development removed once the permit expires;
 - ii. Require that the development be developed in accordance with Section 4.35, if applicable; and,
 - iii. Impose a condition that the Town is not liable for any costs incurred in removing the development.

2.16. Restrictions on Issuance of a Development Permit

- 2.16.1 The Development Officer may prohibit the erection of a building on any site where it would otherwise be permitted or discretionary when, in the opinion of the Development Officer, satisfactory arrangements have not been made for the supply to such building or site of water, electric power, sanitary sewer, storm sewer, road access, or other services or facilities, including the payment of the costs of installing any such service or facility.

2.17. Notification of Development Decision

- 2.17.1 A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the decision is made.
- 2.17.2 When an application for a development permit is approved, with or without conditions, the Development Officer shall send a letter to adjacent landowners and those within 30 m. In addition, the Development Officer may:
- i. Send a notice of the decision by ordinary mail to all persons the Development Officer considers may be affected; or
 - ii. Arrange for the Notice of Decision to be published in a newspaper circulating in the Town stating the legal description and civic address of the site of the development and identifying the use which has been approved; or
 - iii. A combination of both (i) and (ii).
- 2.17.3 When an application for a development permit is refused, the Notice of Decision shall be delivered by mail to the applicant.
- 2.17.4 For the purposes of this bylaw, the date of Notice of Decision is deemed to have been given on the date it appears in the newspaper.
- 2.17.5 Where this Land Use Bylaw requires a document to be sent to a person, the document may be sent by electronic means if

- i. The recipient has consented to receive documents by electronic means and has provided an email address, website or other electronic address for that purpose, and
- ii. It is possible to make a copy of the document from the electronic transmission.

2.18. Validity of Development Permit

- 2.18.1 A Development Permit is not in effect until twenty-one (21) days after the Notice of Decision has been given pursuant to Section 2.17. If an appeal is lodged with the Subdivision and Development Appeal Board, no development shall be commenced until the appeal is finally determined.
- 2.18.2 When services or facilities are required, a person shall not begin the excavation for the foundation, nor commence the development until provision has been made for such services or facilities to the satisfaction of the Development Officer.

2.19. Appealing a Decision

- 2.19.1 The applicant for a Development Permit may appeal to the Subdivision and Development Appeal Board if the Development Officer:
 - i. Refuses a Development Permit;
 - ii. Fails to make a decision on a Development Permit within forty (40) days of receipt of a completed application;
 - iii. Issues a Development Permit subject to conditions; or
 - iv. Issues an order under the Municipal Government Act.
- 2.19.2 In addition to the applicant, any person affected by an approved Development Permit may appeal to the Subdivision and Development Appeal Board.
- 2.19.3 Notwithstanding Sections 2.19.1 and 2.19.2, no appeal lies in respect of the issuance of a Development Permit for a Permitted Use, unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
- 2.19.4 A person desiring to appeal to the Subdivision and Development Appeal Board shall file with the Clerk of the Subdivision and Development Appeal Board written notice of appeal within the following time periods:
 - i. In the case of an appeal by an applicant for a development permit, within twenty-one (21) consecutive days of the date of the written decision on the application or the date of the deemed refusal;
 - ii. In the case of an appeal by a person affected by a stop order or a decision made by

the Development Officer, within twenty-one (21) consecutive days of the date on which the order or decision was made,

- iii. In the case of an appeal by a person affected by a development permit issued by the Development Officer, within twenty-one (21) consecutive days of the date of issuance of the Notice of Decision under Section 2.17.2.

2.19.5 A decision on a Development Permit application within a Direct Control District is limited to whether or not the Development Officer followed the directions of Council. If the Subdivision and Development Appeal Board finds that the Development Officer did not follow Council's directions, it may, in accordance with Council's directions, substitute its decision for that of the Development Officer.

2.20. The Appeal Process

2.20.1 The Clerk of the Subdivision and Development Appeal Board shall ensure persons required to be notified under the provisions of the Subdivision and Development Appeal Board Bylaw and the Act are given notice of appeal.

2.20.2 The Clerk of the Subdivision and Development Appeal Board shall, at least five (5) days prior to the hearing of an appeal publish a notice in a newspaper circulating in the Town stating:

- i. The subject and nature of the appeal;
- ii. The time, date and location of the hearing; and
- iii. Any other matters the Clerk considers necessary.

2.20.3 The Clerk shall also notify in writing the Appellant, the Development Officer, objectors of record, abutting landowners, and any other person that the Subdivision and Development Appeal Board considers should be notified.

2.20.4 If a notice of appeal of a decision on a Development Permit application is served on the Clerk of the Subdivision and Development Appeal Board, the permit shall not be effective until:

- i. The decision to approve the permit is upheld by the Subdivision and Development Appeal Board; or
- ii. The Clerk receives written notice from the appellant indicating that the appeal is withdrawn.

2.20.5 In dealing with an appeal, the Subdivision and Development Appeal Board shall follow the process described in the Subdivision and Development Appeal Board Bylaw and the Act.

2.20.6 If a decision to approve a Development Permit is reversed by the Subdivision and

Development Appeal Board, the Development Permit shall be null and void.

- 2.20.7 If a decision to refuse a Development Permit is reversed by the Subdivision and Development Appeal Board, the Subdivision and Development Appeal Board shall direct the Development Officer to issue a Development Permit in accordance with its decision.
- 2.20.8 If a decision to approve a Development Permit application is varied by the Subdivision and Development Appeal Board, the Subdivision and Development Appeal Board shall direct the Development Officer to issue a Development Permit in accordance with its decision.
- 2.20.9 The decision of the Subdivision and Development Appeal Board is binding except on a question of jurisdiction or law, in which case the Appellant may seek permission to appeal to the Alberta Court of Appeal as provided in the *Municipal Government Act*.

2.21. Expiry of Permit

- 2.21.1. Once a Development is initiated in relationship to an approved Development Permit, the Permit remains valid until the work is completed. However, if a Development is not completed to a standard acceptable to the Development Officer within two (2) years of the issuance of the Permit, or an extension thereof, the Development Officer may cancel the Development Permit and direct that the Site be returned to its original condition or a state acceptable to the Development Officer.

2.22. Resubmission Interval

- 2.22.1 Where an application for a development permit has been refused, the Development Officer may refuse to accept another application for the same or a similar use on the same site:
 - i. Within six (6) months of the date of a refusal by the Development Officer; or
 - ii. Within six (6) months of the date of a written decision of the Board on a previous application, if the previous application was appealed to and subsequently refused by the Subdivision and Development Appeal Board; or
 - iii. Within six (6) months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
 - iv. During the time prior to the decision of the Board or the Alberta Court of Appeal, if the application has been appealed to the Board or the Alberta Court of Appeal.
- 2.22.2 Section 2.22.1 shall not apply in the case of an Application for a Development Permit for a Permitted Use if the Application complies with all of the regulations of this bylaw, including Section 2.14 Discretion and Variance Authority.

2.23. Subdivision Applications

- 2.23.1 Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.
- 2.23.2 If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:
- i. The date the application was received and deemed complete,
 - ii. Confirmation the Subdivision Authority will begin processing the application, and
 - iii. The date the 60 days to process the application expires.
- 2.23.3 If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a letter to the applicant, indicating the following:
- i. The application is considered incomplete,
 - ii. A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - iii. The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority,
- prior to the expiry of the 20 day review period.
- 2.23.4 If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
- i. The application is complete,
 - ii. Confirmation the Subdivision Authority will begin processing the application, and
 - iii. The date the 60 days to process the application expires.
- 2.23.5 If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in the letter issued to the applicant, the application is deemed to be refused.
- 2.23.6 If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.

- 2.23.7 Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.
- 2.23.8 If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.
- 2.23.9 The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date that the application is deemed complete, or within such longer period as the applicant may have agreed to in writing.

2.24. Land Use Bylaw Amendments

- 2.24.1 Council may, at any time, initiate an amendment to this bylaw. If deemed necessary, and in accordance with the provisions of the Act, the Town may initiate an amendment to this bylaw affecting any parcel of land without the owner's consent.
- 2.24.2 A person may request to have this Land Use Bylaw amended by applying in writing to the Development Officer. The application shall be signed by the applicant or their agent. The following information and documents must accompany the application:
- i. A summary of the concerns expressed at a public meeting in the community, if the meeting is deemed necessary;
 - ii. The preparation, submission and/or amendment of an Area Structure Plan, Outline Plan, Conceptual Scheme or other statutory plan or non-statutory plan if necessary;
 - iii. A non-refundable fee as set out in the fee schedule;
 - iv. If the amendment involves the re-districting of land to a different Land Use District, a current Certificate of Title (issued not later than 30 days prior to the receipt of the amendment application) for the land affected or other documents satisfactory to the Development Officer including evidence of the applicant's interest in the said land;
 - v. A map of the site and surrounding area drawn to scale and accurately dimensioned to the satisfaction of the Development Officer; and
 - vi. A statement of the purpose and reasons for the proposed amendment(s).
 - vii. A letter of authorization from the property owner(s) where the applicant is not the registered owner of the property.
 - viii. Any information and/or studies required by the Development Officer, such as but not limited to those listed in Section 2.8.

2.25. Land Use Bylaw Amendment Process

2.25.1 Upon receipt of a completed amendment application, the Development Officer shall:

- i. Examine the proposed amendment and prepare a written report on the proposed amendment; and
- ii. Advise the applicant in writing that he:
 - a. Is prepared to recommend the amendment to Council without further investigation;
 - b. Is not prepared to recommend the amendment;
 - c. Requires further investigation to make a recommendation; or
 - d. Is prepared to recommend an alternative amendment.
- iii. Upon receiving the advice of the Development Officer, the applicant shall advise the Development Officer if:
 - a. He wishes the proposed amendment to proceed to Council, in which case he must prepay the advertising costs referred to in the fee schedule prior to the amendment proceeding to Council; or
 - b. He does not wish to proceed to Council with the proposed amendment, in which case the application is considered abandoned.
 - c. If the applicant does not respond to the Development Officer's notification, the application shall be cancelled after one year from the date of the notice of the Development Officer.
- iv. Where the applicant wishes to proceed, the Development Officer shall present for the consideration of Council any proposed amendment to this bylaw, and the proposed amendment shall be accompanied by the report and recommendations of the Development Officer.

2.25.2 The amendment application may be referred by the Development Officer to:

- i. Any municipal department, abutting municipality, government agency, or other external agency for comment; and
- ii. Council for first reading and to establish a date for a public hearing to be held prior to second reading.

2.25.3 After the date for a public hearing has been set by Council, a notice of the amendment application shall be published at least once a week for two (2) consecutive weeks in a newspaper circulating in the Town. This notice shall contain:

- i. The legal description, municipal address and a map of the land which is the subject of the application;
- ii. The purpose of the proposed amendment;
- iii. One or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours;
- iv. The date, place, and time that Council will hold a public hearing on the amendment; and
- v. An outline of the procedures to be followed by anyone wishing to be heard at the public hearing, and an outline of the procedures to be followed at the public hearing.

2.25.4 If the amendment involves the re-districting of land to a different Land Use District a notice shall also be given to the assessed owner of the subject land, to all adjacent landowners, and landowners located within 30 m of the subject land at the addresses shown for each owner on the assessment roll of the Town.

2.25.5 Council, after considering:

- i. Any representations made at the public hearing;
- ii. Any Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, Area Redevelopment Plan, Outline Plan, Conceptual Scheme, or other non-statutory plan affecting the application this bylaw;
- iii. Other relevant considerations properly brought before Council including but not limited to:
 - a. Compatibility with surrounding development in terms of land use, function and scale of development;
 - b. Traffic impacts;
 - c. Relationship to, or impacts on, services such as water and sewage systems, storm sewers, public transit and other utilities and public facilities such as recreational facilities and schools;
 - d. Relationship to municipal land, right-of-way or easement requirements;
 - e. Effect on stability, retention and rehabilitation of desirable existing uses, Buildings, or both in the area;
 - f. Necessity and appropriateness of the proposed Land Use District in view of the stated intentions of the applicant, and
 - g. Relationship to the documented concerns and opinions of area residents

regarding the application, and;

- h. Any other matter considered appropriate.

may pass the proposed amendment; make any changes it considers necessary to the proposed amendment, and proceed to pass the proposed amendment without further advertisement or hearing; defer the amendment application for more information, such as an amendment to or the completion of an Area Structure Plan; or refuse the proposed amendment.

- 2.25.6 If Council refuses an application for an amendment, the Development Officer shall not accept another application on the same land for the same or similar amendment until six (6) months have passed after the date of such refusal.

3. CONTRAVENTION AND ENFORCEMENT

3.1. Non-conforming Buildings and Uses

- 3.1.1 Where at the date of approval of this bylaw, a building is lawfully under construction or all required permits for the construction of a building have been issued, the building shall be deemed to be a building existing at the date of the approval of this bylaw subject to the erection of any such building being commenced within one (1) year after the date of the issue of the last permit relating thereto.
- 3.1.2 The lawful use of land or of a building or other structure existing at the date of the approval of this bylaw that does not conform to this bylaw may be continued; but if the non-conforming use is discontinued for a period of at least six (6) consecutive months, the future use of the land, building or other structure shall be in conformity with this bylaw.
- 3.1.3 The lawful use of a building existing at the time of the approval of this bylaw that does not conform to this bylaw may be extended throughout the building; but no structural alterations except those required to make it a conforming building shall be made in the building while the non-conforming use is continued. For the purposes of this Section, repairs, maintenance or installations that do not alter the size of the building or involve the rearrangement or replacement of structural supporting elements shall not be considered to be structural alterations.
- 3.1.4 If a building that does not conform to the provisions of this bylaw is destroyed by fire or other cause to an extent of seventy-five (75) percent or more of the value of the building, above its foundation, it shall not be rebuilt or repaired except in conformity with the provisions of this bylaw.
- 3.1.5 Where the land use of a building existing at the time of the approval of this bylaw conforms to this bylaw, but the building itself does not conform to the bylaw, structural alterations and additions which conform to the requirements of this bylaw may be made

but the element of non-conformity shall not be increased by such alteration or additions.

- 3.1.6 A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel, and no additional buildings shall be erected upon the parcel while the non-conforming use continues.
- 3.1.7 A change of tenants or occupants of any land or building shall not be deemed to affect the use of the land or building.
- 3.1.8 When a building is a non-conforming building solely by reason of its encroachment into a required yard or setback or inadequate parking the Development Officer may allow an extension of or an addition to the building if such extension or addition will not in itself constitute an encroachment into any required yard, and if such extension or addition complies with the provisions of this bylaw.
- 3.1.9 No existing structure or site shall be deemed to be non-conforming by reason only of the conversion from the imperial system of measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

3.2. Non-conforming Parcels

- 3.2.1 Parcels created prior to the adoption of this bylaw, regardless of area or dimensions, may be used for any of the permitted uses of the Land Use District in which they fall, subject to the limitations contained therein.
- 3.2.2 Where a lot is reduced in size as a result of taking land for public use by the Town, Provincial or Federal Government, the Board of a School Division, or a Public Utility by dedication, expropriation, or purchase, the lot and buildings and structures thereon are deemed to conform with the provisions of this bylaw, and the lot shall be considered to exist as it did prior to the taking of land for the purpose of further development upon the lot under its existing regulations, provided such taking:
 - i. Does not reduce a minimum front, side or rear yard below 1.5 m unless this bylaw does not require such yard;
 - ii. The utility installation does not endanger the continuing use of the property as permitted by this bylaw, as determined by the Development Officer; and
 - iii. Does not result in the lot being rendered unsuitable for any of the uses permitted or discretionary contained in the Land Use District which the lot is located, as determined by the Development Officer.

3.3. Contravention

- 3.3.1. Every person or corporation who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required

to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of this bylaw, or fails to comply with any order, notice, or direction given under this bylaw is guilty of an offence against this bylaw and is liable to the penalties hereby imposed.

- 3.3.2. The Development Officer may suspend or revoke a Development Permit where:
- i. The applicant fails to comply with the conditions of issuance of a permit;
 - ii. Any person undertakes, causes or permits any development on a site contrary to the terms or conditions of a permit, or;
 - iii. The development does not comply with the development agreement.
- 3.3.3. Any person who undertakes, causes or permits any development on a site without a Development Permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Development Officer so requiring and shall not resume such development unless a permit has been issued or the permit reinstated.
- 3.3.4. If, in the opinion of Development Officer, it appears that a Development Permit has been obtained by misrepresentation, the Development Officer may suspend or revoke the Development Permit.

3.4. Contravention Warning

- 3.4.1 Once the Development Officer has found a violation of this bylaw, the Development Officer may first notify the owner of the property, the person or corporation in possession of the land or development or the person responsible for the bylaw violation or contravention, by either:
- i. Delivering, in person or by ordinary mail or fax, a Notice of Contravention; or
 - ii. Posting a Notice of Contravention in a conspicuous location on the site.
- 3.4.2 A Notice of Contravention may state:
- i. The nature of the violation of this bylaw;
 - ii. The scope of the corrective measures, including resubmission of a development permit application and payment of the required development permit application fee, required to comply with this bylaw;
 - iii. The time limit within which such corrective measures must be performed; and
 - iv. The penalties for the violation.

3.5. Stop Orders

- 3.5.1 If the Development Officer finds, subsequent to the issuance of a Notice of

Contravention, that a development or use of land or building is not in accordance with:

- i. The Act or the regulations thereunder;
- ii. This bylaw;
- iii. A Development Permit, or conditions thereof; or
- iv. The Notice of Contravention

the Development Officer shall issue a Stop Order in writing to the registered owner, the person or corporation in possession of the land or buildings or the person or corporation responsible for the contravention of all or any of them to:

- a. Stop the development or use of the land or building in whole or in part as directed by the notice;
- b. Demolish, remove or replace the development; or
- c. 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 Act, and the regulations thereunder, a Development Permit, subdivision approval or the bylaw, as the case may be, within the time specified by the order.

3.5.2 If a person fails or refuses to comply with a Stop Order, the Town may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

3.5.3 If the Town takes action to carry out a Stop Order, the Town shall cause the costs and expenses incurred in doing so, to be placed on the tax roll of the property concerned.

3.5.4 The Town may register a caveat with respect to the Stop Order in the Land Titles Office.

3.6. Penalties

3.6.1 A person or corporation who:

- i. Contravenes any provision of this bylaw;
- ii. Contravenes any provision of an order, regulation, or permit in force pursuant to this bylaw;
- iii. Fails to complete any act or thing required to be done by an order, regulation, or permit in force pursuant to this bylaw;
- iv. Suffers or permits any act or thing to be done in contravention of any provision of an order, regulation, or permit in force pursuant to this bylaw; or
- v. Obstructs or hinders any person in the performance of his duties under this bylaw or under any order, regulation, or permit in force pursuant to this bylaw;

Is guilty of an offence and liable on summary conviction to a fine of not more than

\$10,000.00.

- 3.6.2 In addition to the penalties provided in Section 3.6.1, a judge or the court who convicts a person or corporation under Section 3.6.1 in respect of a development carried on in contravention of this bylaw or any Order, regulation, or permit in force pursuant to this bylaw, may order that person or corporation to observe, perform or carry out any matter or thing that may be necessary to remedy the contravention for which the penalty was imposed.
- 3.6.3 The conviction of an offender upon breach of any of the provisions of the bylaw shall not bar prosecution against the same offender upon any subsequent breach of the same or any other provision of this bylaw or prosecution under any other applicable bylaw or statute.

Part Two: Development Regulations

4. GENERAL REGULATIONS

4.1. Applicability

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

4.2. Guidelines for Other Land Uses

- 4.2.1. All uses which are not covered by specific regulations in a Land Use District shall, in accordance with the following guidelines be:
- i. Separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses;
 - ii. At a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan;
 - iii. Setback from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses;
 - iv. Of a height which will be consistent with that prevailing in the area;
 - v. Developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads;
 - vi. Developed in accordance with the provisions of Part Two: Development Regulations; and,
 - vii. Developed in conformance with any applicable statutory plan policies.

4.3. Multiple Uses

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

4.4. Accessory Dwelling Units (with Commercial and Industrial uses)

- 4.4.1. Accessory dwelling units shall provide for mixed use opportunities on a site. A commercial or industrial principal use must be established on the site to support an accessory dwelling unit(s).
- 4.4.2. In industrial districts the number of accessory dwellings units on a single parcel shall be limited to one (1).
- 4.4.3. No external storage or residential accessory structures (ie. sheds, play structures) related to the accessory dwelling unit (s) shall be permitted.

- 4.4.4. Parking for the accessory dwelling unit(s) shall be provided in accordance with section 4.30 in addition to parking required for the primary commercial uses on the parcel.
- 4.4.5. An accessory dwelling unit shall not be approved where, in the opinion of the Development Authority, it would interfere with the primary use of the site.
- 4.4.6. Accessory dwelling units in the Central Commercial District may be allowed on the ground floor provided the accessory dwelling unit is located in the rear of the building and a non-residential use is located in the front of the building closest to the street.

4.5. Accessory Buildings

4.5.1. In a Residential District:

- i. No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
- ii. An accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft.) from the side and rear boundaries of the parcel, except in the Residential Estate District where all accessory buildings shall be situated at least 4.5 m (14.76 ft.) from the rear parcel boundary.
- iii. An accessory building on a corner parcel shall not be situated closer to the street than the principal building and shall maintain a side yard setback from the street consistent with the requirements of that district.
- iv. Notwithstanding subsections (ii) and (iii), in any residential district other than the Residential Estate District, an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels. The Development Authority may as a condition of approval, require the owners to construct a firewall and cause to be registered a party wall agreement on both affected titles.
- v. An accessory building shall not be more than 5.0 m (16.4 ft.) in height, and shall not exceed the height of the principal building located on the same site.
- vi. Notwithstanding section (v), a secondary suite located in an accessory building shall not be more than 7.5m (24.6 ft.) in height and shall not exceed the height of the principal building located on the same site.
- vii. An accessory building erected or placed on a parcel shall not be used as a dwelling unless a permit has been issued for the development of a secondary suite.
- viii. Accessory buildings shall reflect the design of the principal dwelling on the parcel by incorporating similar exterior cladding colours and materials.

4.5.2. All Other Districts:

- i. No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel or any yard adjacent to a highway.

- ii. An accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft.) from the side and rear boundaries of the parcel.
- iii. An accessory building on a corner parcel shall not be situated closer to the street than the principal building and shall maintain a side yard setback from the street consistent with the requirements of that district.
- iv. Accessory buildings shall reflect the design of the principal building on the parcel by incorporating similar exterior cladding colours and materials.

4.6. Alternative Energy Collecting and Storing Devices

4.6.1. Solar energy devices attached to a principal or accessory building shall:

- i. be integrated so as to mimic the roof or wall/ structure. The mounted panel shall project no more than 0.15 m (6 in) from the surface of the building;
- ii. where located on buildings with flat roofs, not project vertically more than 1.0 m (3.28 ft.) above the roof line in residential districts and not more than 1.8 m (6 ft.) above the roof line in all other districts; and
- iii. not extend beyond the outermost edge of the roof or wall to which it is mounted;

4.6.2. Solar energy devices not attached to a building shall:

- i. be located in a side or rear yard only;
- ii. not exceed 2.5 m (8.2 ft.) in height above the ground;
- iii. maintain a minimum 1.0 m setback from lot lines; and
- iv. be screened from adjacent properties with a fence or landscaping, to the satisfaction of the Development Authority.

4.6.3. Wind Energy Devices shall:

- i. be located in a side or rear yard only;
- ii. be subject to the district requirements for height on the parcel which they are located;
- iii. be sized appropriately to the district in which they are located. Devices located on residential lots shall be designed specifically to be for such use;
- iv. not generate any noise that extends beyond the property boundary in a residential district.

4.6.4. Where a Wind Energy Device is proposed, the Development Authority may require provision of a visual and noise impact statement including steps proposed to mitigate such impacts.

4.6.5. Geothermal Energy Devices shall:

- i. be permitted provided its underground components meet the required setbacks for accessory buildings in the district;
- ii. in the case of above ground components, adhering to the following:
 - a. in a residential district, be subject to the district requirements for an accessory building on the lot where the device is located;
 - b. in all other districts, be subject to the district requirements for a principal building on the lot where the device is located; and
 - c. not require a development permit, subject to meeting the requirements of the district in which they are located.

4.7. Building Demolition

- 4.7.1. An application to demolish a building shall not be approved without a statement or plan which indicates:
 - i. how the operation will be carried out so as to create a minimum of dust or other nuisance; and
 - ii. the final reclamation of the parcel;to the satisfaction of the Development Authority.

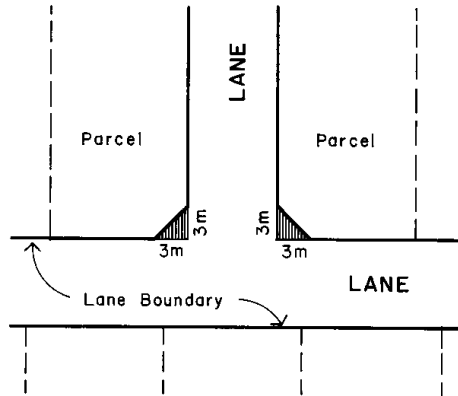
4.8. Building Orientation and Design

- 4.8.1. The design, character and appearance of any building, or sign must be acceptable to the Development Authority having due regard to:
 - i. amenities such as daylight and privacy;
 - ii. compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing; and
 - iii. the building's effect on adjacent parcels.

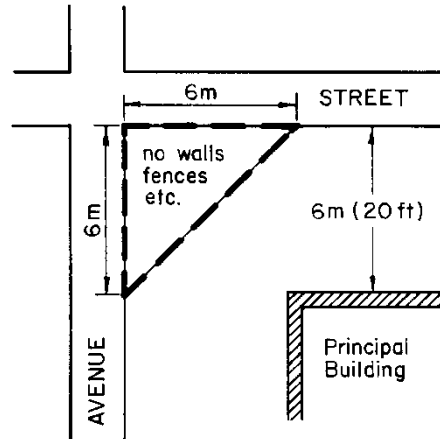
4.9. Corner Visibility

- 4.9.1. Unless otherwise stated in the bylaw, no person shall erect, place, allow or permit any building, fence, vehicle or trailer, screening material or object, and no person shall plant or permit to grow any hedges, trees or vegetation which exceeds 1.0 m (3.3 ft.) in height on a portion of a corner site determined as follows:

- i. Where the corner site is at the intersection of two lanes or a lane and a street, a sight triangle of 3.0 m (9.84 ft.) in length shall be provided (see figure).



- ii. Where the corner site is at the intersection of two streets, a sight triangle of 6.0 m (20 ft.) in length shall be provided (see figure).



- iii. Notwithstanding any other provisions of this Land Use Bylaw, no person shall place or maintain in or upon that portion of a lot or site within a sight triangle, a wall, fence, shrub, hedge, tree or other object or structure if such object or structure interferes with or obstructs the view of the driver of any vehicle using the streets abutting such lot or site.

4.9.2. At the intersection of two streets, the Development Authority may require the calculation of sight triangles where:

- i. one or more rights-of-way is less than 15.0m (49.21 ft.), or
- ii. regulated vehicle speed exceeds 50 km/h, or
- iii. one of the carriageways is not centred in its right-of-way, or
- iv. an intersection leg is curved or skewed, or

- v. an intersection leg is sloped at 2% or greater.

4.10. Dangerous Goods

- 4.10.1. Prior to making any decision on a development application which involves dangerous goods or development on adjacent land or in close proximity to any dangerous goods the Development Authority shall refer the development proposal to the appropriate regulatory authority for comments.
- 4.10.2. Any on-site manufacture, storage and/or handling of dangerous goods in excess of the quantities listed in the table below – Small Quantity Exemptions for Dangerous Goods – is not permitted on a parcel the boundary of which is within 50 m (164 ft) of the boundary of any parcel located in a residential district.

SMALL QUANTITY EXEMPTIONS FOR DANGEROUS GOODS

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

Mass Explosion Hazard ¹	Any
Severe Fragment Projection ¹	Any
Predominant Fire Hazard ¹	Any
No Significant Blast Hazard ¹	50 Kg
Insensitive Substances (Mass Hazard) ¹	250 Kg
Extremely Insensitive Substances ¹	250 Kg
Flammable Gases ²	100 L or Kg
Compressed Gases ²	1000 L
Toxic Gases	Any
Flammable Liquids	250 L
Combustible Liquids (incl. waste oil)	1000 L
Flammable Solids	25 Kg
Spontaneous Combustible Material	25 L or Kg
Dangerous When Wet Material	25 L or Kg
Oxidizing Substances	50 L or Kg
Organic Peroxides	1 L or Kg
Toxic Materials	5 L or Kg
Infectious Substances	Any
Radioactive Materials ³	Any
Corrosives	250 L or Kg
Miscellaneous Dangerous Goods	250 L or Kg

Notes: ¹ any amount that requires license from Explosive Branch (Natural Resources Canada)

² amounts listed are the equivalent liquid measure of the container

³ any amount that requires license from Atomic Energy Regulators

4.11. Decks, Projections, Overhangs and Encroachments

4.11.1. A deck may project into the minimum required yards of the applicable land use district as follows:

- i. Front yard – maximum projection of 1.5 m;
- ii. Side yard – maximum projection of 0.6 m; and
- iii. Rear yard – maximum projection of 3.0 m.

4.11.2. When a deck becomes enclosed or covered, it shall be deemed part of the principal building and is required to meet all setback requirements of the district, except in the case of a covered deck on the front elevation which may project up to 2.0 m into the allowable front yard.

4.11.3. Balconies may encroach into yards by the following distances:

- i. 1.5 m (5 ft) into yards of 4.0 m (13 ft) or more, and
- ii. 0.6 m (2 ft) into yards of less than 4.0 m (13 ft).

4.11.4. Other features attached to a building such as bay windows, chimneys, eaves, open steps, awnings, canopies, and sills may encroach into the required yards by the following distances:

- i. 0.6 m (2 feet) into yards of 1.5 m (5 feet) or more, and
- ii. 0.45 m (1.5 ft) into yards of less than 1.5 m (5 feet).

4.11.5. No sign or building may encroach over or onto public lands unless the person responsible for the encroaching object

- i. has signed an encroachment agreement with the municipality, and
- ii. maintains liability insurance of at least \$1 million and naming the municipality as co-insured.

4.11.6. This section does not apply to fascia signs encroaching less than 30 cm over public lands.

4.12. Development Setbacks

4.12.1. Notwithstanding any specific provisions in this Land Use Bylaw, setbacks in excess of the minimum yard requirements may be required when deemed necessary by the Development Authority.

4.12.2. Sites Adjacent to Pipeline Rights-of-Way

- i. Notwithstanding any other provision of this Land Use Bylaw, where a development is proposed on a site adjacent a pipeline as defined in the Pipeline Act no part of

any building to be occupied by persons on a regular basis shall be constructed closer than 15 m (49 ft.) from the edge of the pipeline right-of-way. In certain instances, a greater distance may be required by the Development Authority after consultation with the pipeline operator.

4.12.3. Sites Adjacent to a Highway or Railway

- i. Notwithstanding any other provision in this Land Use Bylaw, all buildings and structures adjacent the Queen Elizabeth 2 Highway and Highways 2A and 53 shall be sited a distance from the highway right-of-way as determined by the Development Authority after consultation with Alberta Transportation.
- ii. Notwithstanding any other provision in this Land Use Bylaw, all new residential development adjacent the Queen Elizabeth 2 Highway and Highways 2A and 53 and the CP Railway shall be sited to provide for a noise barrier to be constructed to reduce the effects of traffic noise. The developer shall be responsible at the time of development for constructing a noise barrier to Town standards, or paying to the Town a sum of money equal to the cost of building the barrier.
- iii. All development undertaken on parcels adjoining railway property may be required to erect fencing to standards approved by the Development Authority.

4.12.4. Development On or Near Steep Slopes or Near Bodies of Water

- i. For the purposes of this Section, “top of the bank” is as determined by the Development Authority.
- ii. Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 10 m (33 ft.) of the top of the bank of any body of water.
- iii. Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 20 m (66 ft.) of the top or bottom of a slope where the grade of the slope exceeds 15% (fifteen percent) and the overall height of the slope exceeds 3.24 m (10 ft).
- iv. The Development Authority may require a greater setback than is prescribed in subsections (ii) and (iii) above.
- v. Notwithstanding that a proposed development conforms in all respects with this bylaw, including subsections (ii) and (iii) above, where the application is for development on lands that are or may be subject to subsidence, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventative engineering and construction measures can be instituted to ensure suitability of the development to the site.
- vi. Further to subsection (v), the Development Authority may require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.
- vii. Subject to subsections (v) and (vi), the Development Authority may reduce the

setback requirements if the applicant provides satisfactory proof of slope stability.

- viii. Development permit applications for any open, enclosed, attached or detached swimming and wading pool, any water fountain and/or water sculpture, any water reservoirs and water tanks, any ornamental ponds and lakes, and any water retaining excavation structure or vessel that could alter sub-soil adhesion characteristics on sites abutting or adjacent the “top of bank” shall be accompanied by a report prepared by a qualified, registered professional engineer detailing the structural components of the proposal which will mitigate risks to bank stability.

4.12.5. Development in Proximity to Sour Gas Facilities and Oil and Gas Wells

- i. In accordance with the *Subdivision and Development Regulation*,
 - a) development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the Alberta Energy Regulator (AER) with respect to sour gas facilities unless the AER has given written approval to a lesser setback;
 - b) no building shall be constructed within 100 m (328 ft.) of the well head of a gas or oil well, unless, otherwise approved in writing by the Alberta Energy Regulator.
- ii. No building shall be constructed within 100 m (328 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

4.12.6. Development Setbacks from Wastewater Treatment Plants

In accordance with the *Subdivision and Development Regulation*,

- i. a school, hospital, food establishment or residential building must not be approved and a residential building must not be constructed within 300 m (984 ft.) of the working area of an operating wastewater treatment plant, and
- ii. a wastewater treatment plant must not be approved unless the working area of the plant is at least 300 m (984 ft.) from any existing or proposed school, hospital, food establishment or residential building

unless the development is approved in writing by the Deputy Minister of Alberta Environment and Parks (AEP).

4.12.7. Development Setbacks from Landfills and Waste Sites

In accordance with the *Subdivision and Development Regulation*,

- i. a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distance from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer stations specified in the *Subdivision and Development Regulation*, and
- ii. a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station

or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, food establishment or residence specified in the *Subdivision and Development Regulation*, unless the development is approved in writing by the Deputy Minister of Alberta Environment and Parks (AEP).

4.13. Drainage

- 4.13.1. Any area requiring landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage on adjoining land unless otherwise approved by the Development Authority.
- 4.13.2. The storm water run-off and sub-surface drainage of all development shall be in a manner acceptable to the Development Authority.
- 4.13.3. The storm water run-off and sub-surface drainage, including the discharge of sump pumps, of all development shall not directly discharge on to or across a sidewalk.
- 4.13.4. All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eave troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority.
- 4.13.5. Where the final site grades have been established through a development agreement or engineered drawings, the Development Authority may require the applicant to provide a grading and location certificate indicating the final elevations of the corners of the property and the front and rear elevations and locations for all buildings.

4.14. Drive Through Businesses

- 4.14.1. Drive-through businesses, including gas bars and carwashes, shall be located only where the Development Authority is satisfied that the development and resulting vehicle circulation patterns will not adversely affect the function of public roadways, internal roadways, or internal vehicle circulation routes.
- 4.14.2. Queuing space shall be provided on the same site as the development as follows:
 - i. For drive through food services and other development having a service window or automated machine, a minimum of 5 inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One outbound queuing space shall be provided on the exit side of the service window or automated machine. Additional queuing spaces may be required in order to ensure the development does not impact adjacent roadways.
 - ii. For drive-through vehicle services, inbound queuing spaces shall be provided at the discretion of the Development Authority based on the specific use and anticipated traffic. A minimum of one inbound queuing space per bay shall be provided.
 - iii. Each queuing space shall be a minimum of 5.5 m (18 ft.) long and 3.05 m (10 ft.) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

4.15. Driveways

- 4.15.1. Driveways within a residential district that serve a single dwelling unit shall not exceed a

width of 8.0 m (26.2 ft) at the front parcel boundary or side parcel boundary.

- 4.15.2. Driveways within a residential district accessing multiple dwellings units shall not exceed a width of 10.0 m (32.8 ft) at the front parcel boundary or side parcel boundary.
- 4.15.3. Driveways within a commercial, industrial or public use district shall not exceed a width of 12 m (39.4 ft) at the front parcel boundary or side parcel boundary.
- 4.15.4. Driveways, and aprons for commercial and industrial developments, that enter a property from:
 - i. A paved road shall be paved;
 - ii. A gravel lane may be gravel; and,
 - iii. A paved lane shall be paved.
- 4.15.5. At street intersections, driveways shall be setback from the lot lines which form the intersection not less than:
 - i. 6.0 m (19.7 ft) where the driveways serves not more than four dwelling units, or
 - ii. 15.0 m (49 ft) for all other uses.
- 4.15.6. The minimum distance between driveways shall be:
 - i. Nil, where the driveways serve single dwelling units,
 - ii. 6.0 m (19.7 ft), where the driveways serve any other use.
- 4.15.7. To ensure that the movement of traffic is both safe and efficient, driveways are not allowed to access the streets identified on the Land Use District Map as “Restricted Vehicular Access”, unless alternative access is unavailable.

4.16. Exceptions to Yard and Setback Requirements

- 4.16.1. The yard and setback provisions of this Land Use Bylaw do not apply to:
 - i. Municipal and private utilities,
 - ii. Surface parking,
 - iii. Fences and retaining walls,
 - iv. Wheelchair ramps, and
 - v. Unenclosed sidewalks and steps contained wholly within the site.

4.17. Fences

- 4.17.1. In residential districts, no fence shall be higher than 2.0 m (6.5 ft) in side and rear yards and no higher than 1 m (3.3 ft) in front yards.
- 4.17.2. The maximum fence heights allowed in this section do not apply to swimming pools, which are governed by the Alberta Building Code.

- 4.17.3. Barbed wire may be used only
- i. for fences surrounding land on which the grazing of livestock is a permitted or discretionary use, and
 - ii. as the top strand of a fence in a commercial or industrial district, and provided the top strand is at least 2.0 metres (6.5 feet) above ground level.
- 4.17.4. No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is a permitted or discretionary use.

4.18. Garbage and Recycling

- 4.18.1. A commercial garbage bin shall be provided in accordance with the Waste Management Bylaw of the Town as part of the development of commercial and industrial uses and any residential buildings containing three or more dwellings on a parcel. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible by garbage collectors.

4.19. Grading, stripping and excavation

- 4.19.1. A development permit is required to excavate, strip or grade land within the Town and shall be deemed a discretionary use within the district, unless the land is subject to an active development permit or endorsed subdivision and development agreement. No permits shall be issued under this section without full disclosure of the reason for the proposed works and change in the use of the site.
- 4.19.2. The Development Authority may require that a development permit application for a new building shall include a lot grading and drainage plan.
- 4.19.3. In addition to the requirements laid out in Section 2.7, applications for a development permit for mechanized excavation, stripping and grading shall provide the following information:
- i. The legal description of the subject site, and a site plan indicating the areas to be impacted;
 - ii. The type, size and location of any vegetation on the site;
 - iii. Detailed cut and fill plan;
 - iv. A drainage plan indicating current and proposed elevations;
 - v. An erosion and sedimentation control plan;
 - vi. A timeline for the work, a schedule indicating the times of day the work will occur, and how any nuisances will be mitigated, including dust abatement;
 - vii. Location of fencing to secure any open excavation, as required;
 - viii. Confirmation of written notification of adjacent landowners;

- ix. Confirmation of insurance of landowner and contractors;
 - x. Security as required by Development Authority.
- 4.19.4. All development permit applications for mechanized excavation, stripping and grading shall be circulated to the Town's Operations department prior to approval.
- 4.19.5. A temporary fence shall be erected around all excavations which in the opinion of the Development Authority may be hazardous to the public.
- 4.19.6. All parcels shall be graded to ensure that storm water is directed to a road without crossing adjacent land, unless otherwise permitted by the Development Authority.

4.20. Infill Development in Established Residential Areas

4.20.1. The purpose of these provisions is to ensure development and redevelopment that is compatible with existing development and the long term visions of the Town. In order to achieve this aim, the Development Authority may require additional stipulations to ensure development is sensitive to the scale, form, and character of the neighbourhood, with special considerations for the transition to existing adjacent buildings.

4.20.2. General Provisions

i. Retention of Mature Landscaping

Existing mature soft landscaping shall be retained wherever possible and planting of trees beyond the requirements of the Land Use Bylaw is encouraged in order to maintain and enhance the existing tree coverage.

ii. Removal of Mature Trees

Where mature tree(s) are removed, they shall be replaced at a 1:1 ratio with trees that are appropriate (at the development authority's discretion) for the location. Deciduous trees shall be a minimum height of 3m with a minimum caliper of 50mm above the root ball. Coniferous trees shall be a minimum height of 2m.

iii. Duplex Developments

New duplex developments or redevelopments shall be designed to resemble two separate dwellings or one large dwelling.



Example of a duplex with a recessed party wall, creating the illusion that they are two separate dwellings.



Example of a duplex resembling one large dwelling.

iv. Variation of Duplex Residential Design

Mirror image new duplex development or redevelopment is not permitted unless there is substantial façade treatment to give the illusion of a different design.

v. Duplex and Multi-attached Corner Lot Units

The exterior treatment of all sides of new duplex and multi-dwelling developments or redevelopments facing onto a highway or street shall reflect its dual frontage and incorporated elements such as window treatment, building projections, wrap around porches and decks, on both frontages.

vi. Sensitive Massing of Infill Developments

Larger developments shall resemble a series of smaller dwellings through sensitive massing and be designed with a variation of the façade, roof slopes, window treatments, unit entry, and other design elements to enhance the relationship with the street and public space. Monolithic, flat façades are not acceptable.

Examples of sensitive *building* massing:



vii. Conflicts with Other Sections of the Land Use Bylaw

Where the provisions of this Section conflict or provide differing advice from another section of the Land Use Bylaw, the more stringent conditions will apply.

4.21. Landscaping and Screening

- 4.21.1. All new development, excluding a change of use in an existing structure, or when an existing development is substantially enlarged shall be required to follow the landscaping requirements as set out in this section. Landscaped area shall be as follows:

Land Use District	Landscaped Area of Front Yard
R1, R1C, R2, R3, R4, MHS, MHP, RE	30% of front yard area
C1	Area not occupied by building or parking
C2	15%*, minimum 3.0 m landscaped strip along all lot lines adjacent a road
M1, M2	2.0 m landscape strip along all lot lines adjacent a road
*Commercial and Industrial developments may be required to provide additional landscaping if the development abuts more than one road or highway.	

- 4.21.2. Wherever possible existing vegetation shall be preserved and protected or replaced as specified within this bylaw. Existing trees which are removed or damaged by development shall be replaced in accordance with section 4.21.3.
- 4.21.3. Where the Development Officer requires additional plantings, in accordance with section 4.21.1, they shall be provided as follows:
- i. a minimum of one tree per 35 m² (376.75 ft².) of landscaped area;
 - ii. a minimum of one shrub per 25 m² (269.11 ft²) of landscaped area;
 - iii. a minimum of one third (33%) of the required trees shall be coniferous;
 - iv. deciduous trees shall have a minimum calliper size of 50mm for small trees and a minimum calliper size of 75 mm for large trees at the time of planting. Ornamental trees shall be an exception and shall have a minimum calliper size of 35 mm and shall be considered small trees;
 - v. Coniferous trees shall have a minimum height of 1.8 m for small trees and a minimum height of 2.5 m for large trees at the time of planting;
 - vi. 50% of all trees planted shall be large trees;
 - vii. shrubs shall be a minimum of #2 container pot size at the time of planting;
 - viii. calliper size shall be measured 6 inches above the ground; and,

- ix. all plant material shall be of a species capable of healthy growth in the town of Ponoka.
- 4.21.4. Where the calculation of the required number of trees and shrubs results in fractions, the values shall be rounded up to the next whole number.
- 4.21.5. Existing soft landscaping retained on site may be considered in the fulfilment of the total landscaping requirement.
- 4.21.6. The use of xeriscaping or native drought resistant plant materials shall be encouraged where possible.
- 4.21.7. For all multiple housing developments, including row housing, fourplexes, and apartments, landscaping should be designed to encourage the protection of the privacy of residences with windows on the main floor or in basements. This may include plantings around lower level windows and the design of walkways that maintain a separated distance from such windows.
- 4.21.8. A maximum of 10% of the parcel area may be hard-landscaped, not including parking areas, unless trees and shrubs are incorporated into the design to the density specified in section 4.21.3(i) and (ii).
- 4.21.9. A sufficient depth of topsoil to facilitate growth in the soft landscaped areas shall be provided, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover.
- 4.21.10. Trees shall, for the most part, be planted in groups and contain an odd number of trees as well as a complimentary grouping of shrubs to the satisfaction of the Development Authority.
- 4.21.11. Landscaping shall be provided within all required yards that are adjacent to streets, roads, or highways, with the majority to be provided in the front yard, to the satisfaction of the Development Authority.
- 4.21.12. If any side of the lot in a commercial or industrial district faces a street, road or highway is to be fenced, the amount of landscaping that is to be provided outside of the fence shall be at the discretion of the Development Authority. Such landscaping shall be provided within the subject property, with the fence located inside the property boundary.
- 4.21.13. Commercial and Industrial developments which are adjacent to residential land use districts must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the Development Authority. This includes the appropriate screening of outside storage areas, parking facilities and loading areas.
- 4.21.14. In commercial and industrial districts adjacent to major roads, the Development Authority may require a higher standard of landscaping.
- 4.21.15. Landscaping shall be completed by the end of the first full growing season following completion of construction or the commencement of the use. For phased developments, each phase of landscaping shall be completed by the end of the first full growing season following completion of the particular phase of development.

- 4.21.16. Development constructed in phases shall include the portion of landscaping associated with each phase at the time of development of that phase. Landscaping shall be completed for each phase as set out in section 4.21.15.
- 4.21.17. The landscaped areas shown on the landscape plan as approved by the Development Authority shall be maintained for the duration of the development permit.
- 4.21.18. In addition to the on-site landscaping requirements, the Town boulevards adjoining the site shall be landscaped and maintained by the developer and successor.

4.22. Landscaped Islands within Parking Areas

- 4.22.1. Landscaped islands shall be designed to include pedestrian walkways to direct pedestrians through the park area. These walkways shall be hard surfaced.

4.23. Environmental Conservation and Protection of Natural Areas

- 4.23.1. On-site environmental conservation and protection of natural areas shall be encouraged wherever possible in all new and existing developments. To the satisfaction of the Development Authority the following natural elements shall be conserved to the greatest extent possible:

- i. Wetlands, swamps, gullies and natural drainage courses;
- ii. unstable land;
- iii. land subject to flooding by a 1:100 year flood;
- iv. land with a natural gradient of 15% or greater;
- v. a strip of land not less than 15.0 m (49.21 ft.) in width along any river, stream, creek or lake, such distance to be measured from the top of the bank; and
- vi. existing trees and shrubs to the maximum extent possible.

- 4.23.2. Any healthy, mature tree that is required to be removed to allow for a development shall be replaced at a minimum ratio of 1:1 (new tree: existing tree), in addition to the landscaping requirements as set out in Section 4.21.

4.24. Laneless Subdivisions

- 4.24.1. In a laneless subdivision in a commercial or industrial district, one side yard shall be not less than 6 m (20 ft.). This does not apply to an accessory building where such building is located to the rear of the main building and separated therefrom by a minimum distance of 12 m (39 ft.).

4.25. Lighting of Sites

- 4.25.1. Any outdoor lighting for a development shall be located and arranged so that no direct rays of light are directed at an adjoining lot or site or interfere with the effectiveness of any traffic control device or the lighting of public streets.

4.26. Moved In Buildings

- 4.26.1. A person wishing to move an existing building onto a lot shall make an application for a development permit in the usual way and shall also provide:
 - i. photographs showing all sides of the building; and,
 - ii. a statement of the type of construction, condition, and age of the building.
- 4.26.2. The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.
- 4.26.3. The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in their opinion, the building is unsuitable.
- 4.26.4. The Development Authority may issue a development permit subject to such conditions as they believe necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.
- 4.26.5. This section does not apply to new storage sheds, or to temporary buildings authorized under Section 4.34 of the bylaw, or to new manufactured homes being moved in to a district where they are a permitted or discretionary use.

4.27. Number of Principal Buildings on a Parcel

- 4.27.1. Not more than one (1) principal building shall be placed on a parcel, except as follows:
 - i. in industrial, commercial and other non-residential districts more than one principal building may be constructed on a parcel provided this is done in such a manner that, if there is future subdivision of the land, each building would be situated on a separate parcel having its own access and yards, all in compliance with this Land Use Bylaw;
 - ii. in industrial, commercial and other non-residential districts more than one principal building may be constructed on a parcel where the development is part of a comprehensively designed site meant to accommodate multiple buildings; or,
 - iii. in residential districts where multiple housing developments may be allowed.
- 4.27.2. The number of dwelling units permitted on a parcel shall be limited to one, except where:
 - i. In the opinion of the Development Authority, either
 - a) The building is clearly designed to be divided into more than one dwelling, or
 - b) The development of the parcel is clearly designed to include more than one dwelling, and
 - ii. The use conforms to the uses prescribed in the district in which the parcel is located, and

- iii. The development complies with the provisions of this Land Use Bylaw, and
- iv. A development permit is issued for the use.

4.28. Objects Prohibited

- 4.28.1. In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any object which is unsightly or offensive, in the opinion of the Development Authority.
- 4.28.2. No person shall park:
 - i. A recreational vehicle or utility trailer on a parcel in a residential district, except for:
 - a. On a hard surfaced driveway within a side yard or in front of a garage, provided that the recreational vehicle is set back as to not overhang the sidewalk or otherwise create a safety hazard;
 - b. Within a side or rear yard of a parcel, set back a minimum of 1 metre from a side property line, and set back as to not overhang the alley right of way.
 - ii. A vehicle, recreational vehicle or utility trailer or any part thereof unless entirely contained within the property boundaries of the parcel, and not within 0.25 m of a sidewalk, curb, lane or roadway; or in any manner that protrudes, poses a traffic or safety hazard, or is otherwise not entirely within the property boundaries of the parcel.
 - iii. A passenger vehicle of any kind in the front or side yard of a residential district, except on a driveway or on an approved, hard surfaced parking area, as described in accordance with section 4.30.8.
- 4.28.3. Radio and TV receiving dishes, antennas, and aerials, larger than 1 metre in diameter, shall not be located in a front yard or side yard of a residential district.

4.29. Outdoor Hot Tubs and Whirl Pools

- 4.29.1. Every outdoor hot tub or whirl pool shall be secured against entry by the public other than owners, tenants or their guests.
- 4.29.2. Outdoor hot tubs and whirl pools shall not be located within any required front or side yard.

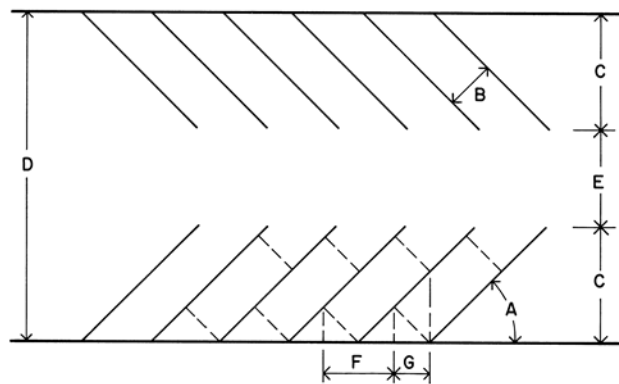
4.30. Parking and Loading

- 4.30.1. A person using or building in any district for the uses listed below shall provide and maintain no less than the number of parking spaces specified. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the closest integer.

RESIDENTIAL USES	REQUIRED STALLS
Dwelling Unit (Detached, semi-detached, duplex)	2.0/unit
Secondary Suite	1.0/unit
Multi Attached and apartment	
Studio unit	1.0/unit*
1 bedroom	1.25/unit*
2 bedroom	1.5/unit*
3 or more bedroom	2.0/unit*
	*Plus an additional 0.25/unit clearly indicated as visitor parking
Care Residence	1.0/4 beds + 1.0/2 employees at max. staff
Bed & Breakfast	1.0/guest room
Boarding house	1.0/bedroom
All Other	2.0/dwelling
COMMERCIAL USES	
Service commercial - general	2.0/100 m ² gross floor area
Retail commercial -	2.0/100 m ² gross floor area
Home Occupation - Class 2 and Class 3	1.0 stall, plus additional stalls at the discretion of the Development Authority
All uses in the Central Commercial District	Nil
Hotel/Motel	1.0/guest room + 1 stall / staff on duty at night
Restaurant	1.0/6 seats
Campground	1.0/campsite + 1.0 visitor stalls/10 sites
INDUSTRIAL USES	
Manufacturing	Minimum of 6.0 stalls
Office area	2.0/100 m ² gross floor area
Other	1.0/100 m ² gross floor area
Warehousing & Storage	4.0/bay
Office area	2.0/100 m ² gross floor area
Other	1.0/100 m ² gross floor area
Mini-storage	1.0/25 storage units

PUBLIC USES	
Hospitals	1.0/100 m ² gross floor area
Nursing homes	1.0/4 beds + 1.0/2 staff at max. staffing
Places of Worship/Public Assembly	1.0/5 seats
Schools	
Elementary/Middle School	1.0/worker
High School	1.0/worker + 1.0/ 12 students

- 4.30.2. Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock or space be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.
- 4.30.3. Where a use is not listed in this section, on-site parking shall be provided as required by the Development Authority, having regard to similar uses listed and the estimated traffic generation for the proposed use.
- 4.30.4. When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the developer shall provide additional parking, calculated on the basis of the enlargement, alteration, or change in use. Any parking spaces that may have been removed due to the enlargement or alteration shall be replaced.
- 4.30.5. The parking space requirement on a parcel which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses.
- 4.30.6. The minimum dimensions of parking areas shall be as set out in the following diagram and table.



A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Drive Aisle Width	F Curb Length	G Row End
0	2.75 m (9 ft.)	2.75 m (9.0 ft.)	9.00 m (30 ft.)	3.50 m (11 ft.)	6.7 m (22.0 ft.)	0.00 m
30	2.75 m (9 ft.)	5.0 m (16 ft.)	13.50 m (44 ft.)	3.50 m (11 ft.)	5.45 m (18 ft.)	0.85 m (3 ft.)
45	2.75 m (9 ft.)	5.70 m (19 ft.)	15.40 m (51 ft.)	4.00 m (13 ft.)	3.85 m (13 ft.)	2.05 m (7 ft.)
60	2.75 m (9 ft.)	6.00 m (20 ft.)	18.0 m (59 ft.)	6.00 m (20 ft.)	3.20 m (10 ft.)	2.00 m (7 ft.)
90	2.75 m (9 ft.)	5.50 m (18 ft.)	18.5 m (61 ft.)	7.50 m (25 ft.)	2.75 m (9 ft.)	0.00 m

4.30.7. Parking areas shall be hard surfaced where the proposed use is for commercial or residential development exceeding two (2) units per parcel.

4.30.8. Parking areas for all other uses, including single family and duplex housing:

- i. Shall be paved where access is from a paved lane or street;
- ii. May be gravel, where access is taken from a gravel lane; and,
- iii. Shall be paved where access is taken from a road, unless the road is not hard surfaced and the Town has no plans to improve the road surface.

4.30.9. Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent properties.

4.30.10. All required on-site parking shall be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Authority.

4.30.11. Any recreation vehicle, trailer, or watercraft parked on a residential property shall not block or restrict access to the minimum number of parking stalls required for the principal and accessory uses of the site.

4.30.12. Tandem parking may be considered to fulfil parking requirements for residential development where both stalls serve the same dwelling unit.

4.31. Communal Parking Facilitates

4.31.1. Notwithstanding subsection 4.30, parking may be provided on a site other than the site of the principal building provided that it is in accordance with the following regulations:

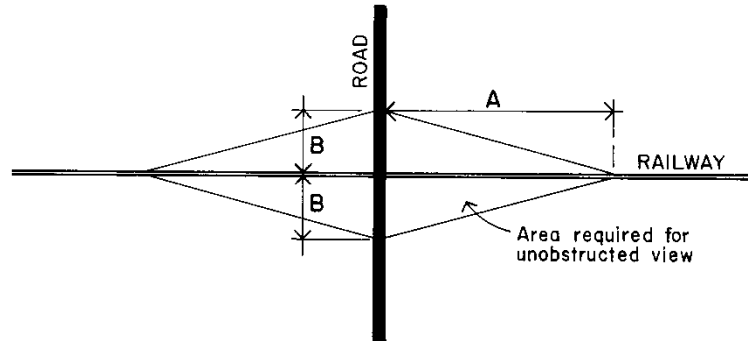
- i. For non-residential development and subject to approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of subsection 4.30.
- ii. Where a group of uses or buildings is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.
- iii. Where two or more parties agree to combine parking as required under subsection 4.30, a joint parking agreement, to be registered against title, is required with the Town of Ponoka being a third party to the agreement.

4.32. Retaining Walls

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

4.33. Sight Lines at Road and Rail Intersections

4.33.1. At the intersections of roadways and railways, which are unprotected by automatic warning signals, sight triangles shall be determined as follows:



Maximum Train Speed		Sight Distance A From Crossing		Maximum Vehicle Speed		Sight Distance B From Crossing			
Km/h	(mph)	m	(ft.)	km/h	(mph)	m	(ft.)*	M	(ft.)**
32.19	(20)	91.44	(300)	32.19	(20)	32.00	(105)	18.29	(60)
48.28	(30)	137.16	(450)	48.28	(30)	53.34	(175)	28.96	(95)
64.37	(40)	182.88	(600)	64.37	(40)	79.25	(260)	44.20	(145)
80.47	(50)	228.60	(750)	80.47	(50)	112.78	(370)	64.01	(210)
96.56	(60)	274.32	(900)	96.56	(60)	150.88	(495)	85.34	(280)
112.65	(70)	320.04	(1,050)	112.65	(70)	192.02	(630)	111.25	(365)
128.74	(80)	365.76	(1,200)						
144.84	(90)	411.48	(1,350)						
160.93	(100)	457.20	(1,500)						

* distance based on level approach grade and good traction

**panic stop distances

4.33.2. At the intersection of roadways and railways, which are unprotected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:

- i. One or more of the rights-of-way is less than 15 m (49 ft.) wide, or
- ii. Regulated vehicle speed exceeds 50 km/h, or
- iii. Either the carriageway of the railway is not centred in its right-of-way, or
- iv. An intersection leg is curved or skewed, or
- v. An intersection leg is sloped at 2% or greater.

4.33.3. Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for

roadways, with the provisions that distance between the nearest rail and the front of the stopping motor vehicle be between 5 m (16 ft.) and 15 m (49 ft.) as required by the *Highway Traffic Act*.

4.34. Site Circulation

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

4.35. Temporary Buildings and Soft-Sided Buildings

- 4.35.1. The Development Authority may conditionally approve a temporary building, including a soft sided building, to be placed on a site as temporary storage during construction of another approved use subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed to the development permit.
- 4.35.2. Soft-sided or fabric covered buildings may be permitted in non-residential districts. Where a soft-sided or fabric covered building has been allowed in a non-residential district and the building is visible from a highway and/or major road, the Development Authority may add any conditions necessary to ensure such building is suitable to the character of the existing development in the district. A higher level of landscaping and buffering may be required to ensure that the building is appropriately screened to the satisfaction of the Development Authority.
- 4.35.3. Unless being used for a greenhouse, soft-sided or fabric covered buildings shall not be permitted in residential districts except on a temporary basis.

4.36. Vehicle Access to Buildings

- 4.36.1. Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft.) in length in front of the vehicle entranceway in to the building, except where the driveway enters a lane directly from a garage used as an accessory building to a dwelling unit, where it shall be either 1 m (3 ft.) or at least 6 m (20 ft.).

4.37. Zero Lot Lines

- 4.37.1. Where an approved subdivision plan or a proposed subdivision plan comprises of at least five (5) parcels the Subdivision Authority or the Development Authority may by resolution reduce the side yard to zero metres where:
 - i. The owner(s) of the adjacent parcel or parcels grant(s) a 2.4 m (8 ft.) maintenance access easement plus a 0.6 m (2 ft.) eave and footing encroachment easement on the adjoining site in perpetuity which shall be to the satisfaction of the Subdivision Authority or the Development Authority and shall be registered against the title of the said parcels; and,
 - ii. All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority; and
 - iii. In a laneless subdivision, adequate provision for access to the rear of each parcel shall be provided from a street.

5. SPECIFIC USE REGULATIONS

5.1. Adult Entertainment Establishment

- 5.1.1. An adult entertainment establishment shall not be located on a parcel having a minimum separation distance of less than 150 m from the boundary of a parcel which contains a residential building, and from the boundary of a parcel accommodating a school, place of worship, public park, arena, day care facility, playground or any other adult entertainment establishment.
- i. The 150 m separation distance shall be measured from the closest point of the subject site boundary for the proposed Adult Entertainment Establishment to the closest point of another site boundary, and shall not be measured from zone boundaries or from the edge of structures.
- 5.1.2. The Development Authority may require Crime Prevention Through Environmental Design criteria to be applied to a site proposing an Adult Entertainment Establishment, which may require that:
- i. The exterior of all buildings have ample glazing from the street to allow natural surveillance;
 - ii. Any landscaping around the building be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;
 - iii. No customer parking is in behind a building and that all parking areas in front of the building be well-lighted; and
 - iv. Customer access to the business is limited to a store front that is visible from the street.

5.2. Bed and Breakfast

- 5.2.1. Bed and Breakfasts shall only be allowed in detached dwellings in those districts where it is listed as a use.
- 5.2.2. The operation and appearance of the bed and breakfast shall not unduly impact the amenities and character of the residential neighbourhood. This includes visual, noise, traffic, and any other impact identified by the Development Authority.
- 5.2.3. The number of guest rooms shall be limited to three (3) unless otherwise determined by the Development Authority based upon the merits of the individual proposal. The rooms shall have access from within the dwelling. The rooms shall not be dwelling units as defined in this bylaw.
- 5.2.4. On-site parking shall be provided on a basis of one (1) parking stall per guest room. This is in addition to the parking requirement for the detached dwelling itself.
- 5.2.5. Signage shall be permitted in accordance with Section 5.11 Signs.

- 5.2.6. No business, other than one Home Occupation – Class 1 shall be permitted in a detached dwelling that contains a bed and breakfast.
- 5.2.7. Secondary suites are not permitted on a parcel that contains a bed and breakfast.
- 5.2.8. No person other than a permanent resident of the dwelling shall be employed in the bed and breakfast. The hiring of casual labour for such tasks as yard and building maintenance and housekeeping services is permissible.
- 5.2.9. Approval of a development permit does not exempt the operator of a bed and breakfast from complying with any federal, provincial or other municipal legislation.

5.3. Cannabis Retail Sales

5.3.1. Distance from Schools

- i. A cannabis retail sales use shall not be located within 100 m of any building or any lot being used for a private or public education or any lot designated as School Reserve or Municipal and School Reserve at the time of application for approval of the cannabis retail sales use. For the purposes of this subsection only:
 - a. The 100 m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for private or public education use;
 - b. The 100 m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot designated as School Reserve or Municipal and School Reserve;
 - c. The term “public or private education” is limited to elementary through to high schools, and does not include dance schools, driving schools or other forms of commercial schools;
 - d. The terms “school reserve” and “municipal and school reserve” means those parcels with the suffix “SR” or “MSR” in accordance with the Municipal Government Act; and
 - e. The Development Authority shall not grant a variance to reduce the separation distance.

5.3.2. Distance from Provincial Health Care Facility

- i. A cannabis retail sales use shall not be located within 100m of any building or any lot used for a provincial health care facility. For the purposes of this subsection only:
 - a. The 100 m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for a provincial health care facility;
 - b. The term “provincial health care facility” means an approved hospital as

defined by the Hospitals Act; and

- c. The Development Authority shall not grant a variance to reduce the separation distance.

5.3.3. Co-Location with Other Uses

- i. Cannabis retail sales shall not be co-located with, or approved in combination with, any other use within the same building designed to house a single tenant or the same commercial bay of a building designed to house multiple tenants.

5.3.4. Cannabis retail sales shall include design elements and considerations that readily allow for natural surveillance and the promotion of a safe urban environment, which, to the satisfaction of the Development Authority, includes the following requirements:

- i. Customer access to the store is limited to a store front that is visible from the street, or a parking lot, or the interior hallway of a mall;
- ii. The exterior of all stores shall have as much visibility from the street as possible;
- iii. Outdoor lighting shall be designed to ensure a well-lit exterior for pedestrians and illumination of the property; and
- iv. Landscaping shall consist of low-growing shrubs or trees with a sufficiently high canopy to maintain natural surveillance between heights of 1m and 2.5m above grade.

5.3.5. No outdoor storage relating to cannabis retail sales shall be allowed.

5.3.6. All solid waste containers shall be fully enclosed within a building.

5.3.7. No nuisances, including but not limited to odour, noise, or light, shall be emitted.

5.3.8. Drive through facilities and windows are not permitted.

5.3.9. Hours of operation for cannabis retail sales shall be limited to the hours between 10:00 am to 2:00 am.

5.3.10. The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.

5.3.11. In addition to the requirements for a development permit application, the applicant proposing a cannabis retail sales development shall provide:

- i. A drawing illustrating the proposed location of the cannabis retail sales and its distance from any other use or facility that requires a distance separation under this Land Use Bylaw or the provincial legislation; and
- ii. Written confirmation from the Alberta Gaming, Liquor and Cannabis Commission (AGLC) that the applicant has satisfied the AGLC requirements to be a person eligible to sell cannabis in Alberta.

5.4. Home Occupations

5.4.1. General

- i. Application for Development Permit shall include the following, in addition to the requirements for a development permit as outlined in Section 2.7:
 - a. An application for a development permit for a home occupation shall be made by submitting to the Development Officer the prescribed form which shall, among other things, include a detailed description of the amount of materials and equipment proposed to be stored on site, the number of vehicles related to the business, the amount of client contact proposed at the site and hours of operation.
 - b. If the applicant is not the registered owner of the property, a letter from the owner is required granting the applicant permission to use the property for the proposed home occupation.

5.4.2. Home Occupations – Class 1

- i. Home Occupations – Class 1 are essentially “desk and telephone” home offices that do not generate any non-residential traffic, require no outdoor storage, do not have signage on the site, and are essentially “unnoticeable” within a residential neighbourhood.
- ii. Home Occupations - Class 1 do not require a development permit.
- iii. Home Occupations – Class 1 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- iv. Home Occupations – Class 1 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- v. The operation of a Home Occupation – Class 1 shall not:
 - a. have outside storage of materials, goods or equipment on the site;
 - b. increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation;
 - c. display any form of advertising related to the home occupation on the site;
 - d. require alterations to the principal building;
 - e. have any employees or business partners working on the site who are not residents of the dwelling unit;
 - f. include the direct sale of goods to walk-in clientele;
 - g. have more than 20% of the gross floor area of the dwelling unit or 30 m² (323 sq.ft), whichever is less, devoted to business usage; or
 - h. advertise the address of the home occupation to the general public.

5.4.3. Home Occupations – Class 2

- i. Home Occupations – Class 2 are occupations that require few deliveries, require no outdoor storage, do not generate more than ten (10) associated visits per week, and are essentially “unnoticeable” within a residential neighbourhood.
- ii. Home Occupations - Class 2 require a development permit and an annual business license issued by the Town of Ponoka. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this bylaw or the conditions of a permit or if a valid business license is not in place.
- iii. Home Occupations – Class 2 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- iv. Home Occupations – Class 2 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- v. The operation of a Home Occupation – Class 2 shall not:
 - a. have outside storage of materials, goods or equipment on the site;
 - b. have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12 inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building; or
 - c. require alterations to the principal building unless the Development Authority approves the alterations;
 - d. have any employees or business partners working on the site who are not residents of the dwelling unit;
 - e. include the direct sale of goods to walk-in clientele;
 - f. have more than 20% of the gross floor area of the dwelling unit or 30 m² (323 sq.ft), whichever is less, devoted to business usage; or
 - g. advertise the address of the home occupation to the general public.

5.4.4. Home Occupations – Class 3

- i. Home Occupations – Class 3 are occupations that are more intensive home-based businesses than Home Occupation – Class 2 operations in terms of the number of associated visits per week.
- ii. A Home Occupation – Class 3 shall not be permitted if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial district.
- iii. The regulations which follow are intended to ensure that these businesses will be operated in a manner which recognizes that Home Occupations - Class 3 are subordinate to the residential use of the site and do not interfere with the amenities of the residential neighbourhood in which they are located.
- iv. Home Occupations - Class 3 require a development permit and an annual business

license issued by the Town of Ponoka. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this bylaw or the conditions of a permit or if a valid business license is not in place.

- v. Home occupations shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- vi. Home occupations shall be an incidental and subordinate use to the principal residential use and shall normally be contained within the principal building.
- vii. Home Occupations - Class 3 may be considered by the Development Authority within a private garage provided that at least 50% of the floor area of the garage is available at all times for the parking of motor vehicles and the proposed use does not interfere with the provision of the bylaw parking requirement.
- viii. Only residents of the residence may be employed on site by the home occupation.
- ix. Home Occupations – Class 3 shall not be permitted on the same site as a Bed and Breakfast establishment or a secondary suite.
- x. Home Occupations – Class 3 are limited to one per dwelling unit and to those which shall not:
 - a. create a nuisance by way of dust, noise, odour, smoke, parking, traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation or beyond the parcel boundaries;
 - b. display any form of advertising related to the home occupation on the site except in accordance with this bylaw;
 - c. require alterations to the principal building unless the Development Authority approves the alterations;
 - d. include the direct sale of goods to walk-in clientele which are not produced on the premises;
 - e. have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq.ft) whichever is less, devoted to business usage;
 - f. have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12 inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building; or
 - g. advertise the address of the home occupation to the general public except in accordance with (f) above.

5.5. Manufactured Home Design

- 5.5.1. The external appearance of manufactured homes not located in the Manufactured Home Subdivision District (MHS) District or Manufactured Home Park (MHP) District must be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and must have:

- i. A minimum roof pitch of 4:12
- ii. A roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes
- iii. A minimum roof overhang or eaves of 0.40 m (16 in) from each external wall
- iv. A maximum length to width ratio of 3:1
- v. A minimum width of 7.3 m (24 ft.)
- vi. A permanent foundation of a concrete pad or basement
- vii. Been constructed after 1990.

5.6. Cannabis Production Facility

- 5.6.1. Cannabis Production Facilities shall only be allowed in Industrial Districts, where all of the processes and functions are fully enclosed within a standalone building, including all loading stalls and docks;
- 5.6.2. Must not include an outdoor area for storage of goods, materials or supplies;
- 5.6.3. An ancillary building or structure used for security purposes may be located on the parcel containing the use;
- 5.6.4. Must not be within 75.0 metres of a residential district measured from the property line of the parcel containing the use to the nearest property line of a parcel designated as a residential district;
- 5.6.5. The Development Authority may require, as a condition of a development permit, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes detail on:
 - i. the incineration of waste products and airborne emissions, including smell;
 - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and
 - iii. the method and location of collection and disposal of liquid and waste material;
- 5.6.6. Parking requirements shall be the minimum number of parking stalls based on Section 4.30 for Industrial manufacturing uses.

5.7. Medical Cannabis Counselling

- 5.7.1. Must not be located within 300.0 metres of any other Medical Cannabis Counselling use when measured from the closest point of a Medical Cannabis Counselling use to the closest point of another Medical Cannabis Counselling use;
- 5.7.2. Must not be located within 150.0 metres of a parcel that contains a school or a school authority office, when measured from the closest point of a Medical Cannabis

Counselling use to the closest point of a parcel that contains a school or school authority office;

- 5.7.3. Parking requirements will be the same as those required under Section 4.30.1 for Commercial Uses under Services Commercial/General.

5.8. Multiple Housing Developments

- 5.8.1. All multiple housing development applications shall submit a comprehensive site plan showing all buildings, parking, amenity space, and landscaping.
- 5.8.2. Multi-unit dwelling developments shall provide amenity space for the residents to the satisfaction of the Development Authority. This amenity space may be private, communal, or a combination of both.
- 5.8.3. Private outdoor amenity space shall be designed to provide visual privacy and be comprised of one or both of the following:
- i. Patios or courtyards: a minimum width or length of 2.4 m (7.87 ft.) and a minimum area of 7.4 m² (79.65 ft²) for each dwelling unit located at or below grade;
 - ii. Balconies: a minimum width or length of 1.5 m (4.9 ft.) and a minimum area of 4.5 m² (48.43 ft²) for each dwelling unit.
- 5.8.4. Communal amenity space shall be designed for recreational use and enjoyment of all residents of the development. The amenity space shall be indoor or outdoor, or a combination thereof, and may include landscaped courtyards, swimming pools, fitness centers, games rooms, and children's play areas complete with equipment.
- 5.8.5. For dwelling groups having 10 or more dwelling units, a minimum of 10% of the site shall be provided for a communal amenity space.
- 5.8.6. Buildings shall be arranged on the site to maximize privacy and shall be subject to the approval of the Development Authority.

5.9. Secondary Suites

- 5.9.1. Secondary suites shall be restricted to sites containing a single detached dwelling.
- 5.9.2. A secondary suite as an accessory building may be contemplated on the same parcel as a secondary suite within a detached dwelling within the R3 district.
- 5.9.3. Secondary suites shall not:
- i. exceed two (2) bedrooms;
 - ii. exceed the lesser of 83.6 m² (900 sq. ft) or 75% of the ground floor area of the principal building when contained with the principal building.
- 5.9.4. A secondary suite shall be situated so the exterior walls are at least:
- i. 1.5m (5 ft.) from the side parcel boundaries and on a corner parcel no closer to the street or avenue than the principal building,
 - ii. 1.5m (5 ft.) from the rear parcel boundary when there is a blank wall facing the boundary,

- iii. 3.0m (10 ft.) from the rear parcel boundary when there is a window or doorway opening in the wall facing that boundary,
 - iv. 2.5m (8 ft.) from the principal building and any accessory buildings on the parcel.
- 5.9.5. A secondary suite developed on a second floor integral to a detached garage shall not be more than 7.5 m (25 ft.) in height and shall not exceed the height of the principal building.
- 5.9.6. One off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal dwelling.
- 5.9.7. Use of a detached and/or attached garage for tandem parking as a method of meeting the secondary suite parking requirements shall only be permitted where is not being utilized for any other required parking space.
- 5.9.8. The appearance and design of a secondary suite developed as a separate building or addition to the principal building shall be compatible with the appearance and design of the principal building to the satisfaction of the Development Authority.

5.10. Shipping Containers

- 5.10.1. Shipping containers shall be prohibited in all districts, with the exception of the C2, M1, M2 and IPU districts. Shipping containers shall be deemed a discretionary use within the C2 and IPU districts.
- 5.10.2. Shipping containers shall not be used for the storage of dangerous goods
- 5.10.3. Shipping containers shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings within the applicable district.
- 5.10.4. A shipping container located within a commercial district shall only be considered on properties where the placement of the container is not visible from a highway or road.
- 5.10.5. Notwithstanding section 5.10.1, shipping containers may be temporarily placed on a site in any district:
- i. During active construction on a site when the shipping container is solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for the construction. The shipping container must be removed from the site upon completion of construction; or
 - ii. For the purposes of loading and unloading of items associated with the principal use for a period of not more than ten (10) days in any six month period.
- 5.10.6. When placed on a site pursuant to section 5.10.4 the shipping container shall:
- i. Be located so as to not create a safety hazard;
 - ii. Not be located within 1.2 m of a property boundary; and

- iii. Be located in the rear yard where possible.

5.11. Signs

5.11.1. Exemptions

- i. No permit is required for a sign which concerns an election.
- ii. No permit is required for a sign which:
 - a. is not visible from a public road or park, or
 - b. is erected by a government or school authority, or
 - c. identifies the address or function of a building or parcel on which the sign stands, or
 - d. advertises a sale or event taking place that day, or
 - e. offers for sale or rent the parcel on which it stands, or
 - f. advertises a business or activity taking place on that parcel, or
 - g. advertises a product, service, or commodity offered for sale or rent on that parcel, or
 - h. is a building sign, or
 - i. is a freestanding sign,

provided the size, style, number, and location of the sign meets the requirements of this bylaw.

5.11.2. A development permit is required for all signs other than those listed above.

5.11.3. Signs on Roads

- i. Notwithstanding Section 5.11.2,
 - a. temporary signs protected by Section 2(b) of the Constitution Act, 1982 (Canada), and
 - b. signs advertising auctions and garage sales taking place that day, do not require a development permit, and may be placed on a road provided that the signs
 - c. are not a danger to public safety, and
 - d. are removed promptly after the election or event which is the subject of the sign, and

and these signs do not require an encroachment agreement or insurance cover under Section 4.11.5.

5.11.4. Signs Overhanging Roads

- iii. The Development Authority shall require that a sign overhanging municipal property be constructed and maintained to such a standard that it is not a hazard to people, traffic, or property.

Note: Signs encroaching over a road require an encroachment agreement and insurance under Section 4.11.5.

5.11.5. Signs in Residential Districts

- i. In residential districts:
 - a. Signs shall not exceed 1 square metre (10 square feet), or 3 square metres (32 square feet) on church property, and shall not be illuminated, fluorescent, or moving.
 - b. Signs advertising a home occupation or home office shall to be attached to the wall of the building in which the office or occupation is carried on.
 - c. Signs advertising garage and auction sales are permitted one day before and on the actual date of the sale.
 - d. Signs shall be in good taste and compatible with the character of the neighborhood.
- ii. No more than one sign for each of the purposes listed in Subsection 5.11.1(ii), shall be erected on a residential parcel, except where the parcel abuts two or more roads, a sign may be erected facing each road.
- iii. Signs advertising commercial activities off site are not permitted.

5.11.6. Signs on Undeveloped Land Adjacent to Highways

- i. No advertising other than
 - a. signs exempted by Section 5.11.1, and
 - b. billboardsshall be placed within 200 metres of Highways 2A and 53 in the UR District.
- ii. Billboards on each side of a highway in the UR District shall be separated by at least 200 metres.
- iii. For the purposes of this bylaw, vehicles or trailers parked for more that seven days on a private parcel adjacent to a highway, and bearing advertising material, are deemed to be signs but not billboards.
- iv. All signs and billboards must meet with Alberta Transportation and Utilities approval.

5.11.7. Portable Signs

- i. A portable sign is a sign which is not permanently or securely attached to the

ground or to a building, or which is intended to be moved from place to place.

- ii. The Development Authority must not issue a development permit for a portable sign unless the sign is owned by
 - a. the owner or lessee of the land on which it stands, or
 - b. a person holding a current business license.
- iii. No more than one portable sign may be placed on a lot for each 100 metres of frontage.
- iv. Portable signs are not permitted in residential districts.
- v. Council may by resolution set an annual fee to be paid in respect of every portable sign displayed in the municipality.

5.11.8. Freestanding Signs

- i. Freestanding signs may be placed closer to a road or lane than the principal building on the site, as long as all parts of the sign are contained within the parcel and the Development Authority is satisfied the sign will not interfere with sight lines for drivers.
- ii. The maximum height of a freestanding sign shall not exceed the maximum building height of the applicable land use district.

5.11.9. Fascia Signs

- i. Fascia signs shall not exceed 15% of the building wall area they are proposed to be placed upon.

5.11.10. Aesthetics

Signs shall be designed, constructed, and maintained so they are compatible with the quality of the neighborhood, and at the discretion of the Development Authority.

5.11.11. Public Safety

- i. Notwithstanding any other part of this bylaw, the Development Authority may refuse to issue a development permit for any sign which in his opinion would be a danger to traffic, property, or public safety.
- ii. If in the opinion of the Development Authority a sign is a danger to traffic, property, or public safety, he may demand the immediate removal of the sign, and if he is unable to identify the person responsible for the sign, he may obtain right of entry under Section 542 of the Act, and remove the sign.

5.11.12. Situations Not Covered by This Bylaw

Where this bylaw provides no regulations governing the size, style, number, purpose, content, or location of sign, a permit may be issued by the Development Authority, but the use shall be deemed a discretionary use, and may be appealed to the Subdivision and Development Appeal Board, which may confirm, amend, or revoke the permit

Part Three: Land Use Districts

6. RESIDENTIAL ESTATE DISTRICT (RE)

6.1. PURPOSE

To provide an area for detached dwelling development on large, municipally serviced lots with a suburban character.

6.2. AREA STRUCTURE PLAN REQUIRED

No land shall be subdivided or developed for Residential Estate purposes unless that land is the subject of an Area Structure Plan adopted by bylaw.

6.3. PERMITTED USES

Accessory building, provided that the total area of all accessory buildings shall not exceed the area of the main building on that lot;

Accessory use

Detached dwelling

Home Occupation - Class 1

Home Occupation - Class 2

Secondary suite, contained within the principal building

6.4. DISCRETIONARY USES

Bed and breakfast establishment

Community garden

Home Occupation - Class 3

Parks and playgrounds

Public/Quasi public use

Public utility building

Secondary suite, not contained within the principal building

6.5. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

6.5.1. Minimum Parcel Area

- i. Detached Dwellings
3,035.25 m² (32,672.0 ft²) or 0.75 acres
- ii. All other uses
At the discretion of the Subdivision Authority

6.5.2. Minimum Parcel Width

- i. Detached Dwellings
30.5 m (100.0 ft.)
- ii. All other uses
At the discretion of the Subdivision Authority

6.5.3. Minimum Front Yard 10.0 m (33.0 ft.)

6.5.4. Minimum Side Yard 5.0 m (16.4 ft.)

6.5.5. Minimum Rear Yard 20.0 m (65.7 ft.)

6.5.6. Minimum Floor Area Detached Dwelling
150.0 m² (1,614.0 ft²)

6.5.7. Maximum Building Height 10.0 m (33.0 ft.)

6.6. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

7. LOW DENSITY RESIDENTIAL DISTRICT (R1)

7.1. PURPOSE

To provide areas for low density residential development in the form of detached dwellings and compatible uses on large size urban lots.

7.2. PERMITTED USES

Accessory building and use
Detached dwelling
Home Occupation - Class 1
Home Occupation - Class 2
Secondary suite, contained within the principal building

7.3. DISCRETIONARY USES

Bed and breakfast establishment
Care facility
Community garden
Home Occupation - Class 3
Parks and playgrounds
Public/Quasi public use
Public utility building
Secondary suite, not contained within the principal building

7.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

7.4.1. Minimum Parcel Area

- i. Detached Dwellings
650.0 m² (7,000.0 ft²)
- ii. All other uses
At the discretion of the Subdivision Authority

7.4.2. Minimum Parcel Width

- i. Detached Dwellings
18.0 m (60.0 ft.) for an interior parcel
19.5 m (64.0 ft.) for a corner parcel
- ii. All other uses
At the discretion of the Subdivision Authority

- 7.4.3. **Minimum Front Yard** 6.0 m (20.0 ft.)

- 7.4.4. **Minimum Side Yard**
 - i. 3.0 m (10.0 ft.) for a side abutting a street, or on one side of the parcel where there is no road or lane access to the rear yard
 - ii. 1.5 m (5.0 ft.) in all other cases
- 7.4.5. **Minimum Rear Yard** 6.0 m (20.0 ft.)
- 7.4.6. **Minimum Floor Area** Detached Dwelling
111.0 m² (1,200.0 ft²)
- 7.4.7. **Maximum Building Height** 10.0 m (33.0 ft.)
- 7.4.8. **Maximum Parcel Coverage** 30% including all accessory buildings

7.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

8. LOW DENSITY RESIDENTIAL - COMPACT LOT DISTRICT (R1-C)

8.1. PURPOSE

To provide areas for low density residential development in the form of detached dwellings on compact parcels.

8.2. PERMITTED USES

Accessory building and use
Detached dwelling
Home Occupation - Class 1
Home Occupation - Class 2
Secondary suite, contained within the principal building

8.3. DISCRETIONARY USES

Care facility
Community garden
Home Occupation - Class 3
Parks and playgrounds
Public/Quasi public use
Public utility building
Secondary suite, not contained within the principal building

8.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

8.4.1. Minimum Parcel Area

- i. Detached Dwellings
390.0 m² (4,200.0 ft²) for an interior parcel
450.0 m² (4,844.0 ft²) for a corner parcel
- ii. All other uses
At the discretion of the Subdivision Authority

8.4.2. Minimum Parcel Width

- i. Detached Dwellings
12.0 m (40.0 ft.) for an interior parcel
14.6 m (48.0 ft.) for a corner parcel
- ii. All other uses
At the discretion of the Subdivision Authority

9. GENERAL RESIDENTIAL DISTRICT (R2)

9.1. PURPOSE

To provide areas for the development of detached dwellings and duplexes.

9.2. PERMITTED USES

Accessory building and use
Detached dwelling
Duplex
Home Occupation - Class 1
Home Occupation - Class 2
Secondary suite, contained within the principal building

9.3. DISCRETIONARY USES

Boarding house
Bed and breakfast establishment
Care facility
Community garden
Home Occupation - Class 3
Manufactured home
Parks and playgrounds
Public/Quasi public use
Public utility building
Secondary suite, not contained within the principal building

9.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

9.4.1. Minimum Parcel Area

- i. Detached Dwellings and Manufactured Homes
 - 450.0 m² (4,800.0 ft²) for an interior parcel
 - 500.0 m² (5,382.0 ft²) for a corner parcel
- ii. Duplexes
 - 250.0 m² (2,690.0 ft²) per unit, for an interior parcel
 - 300.0 m² (3,230.0 ft²) per unit, for a corner parcel
- iii. All other uses
 - At the discretion of the Subdivision Authority

9.4.2. Minimum Parcel Width

- i. Detached Dwellings and Manufactured Homes
 - 12.0 m (40.0 ft.) for an interior parcel
 - 14.0 m (46.0 ft.) for a corner parcel
- ii. Duplexes
 - 7.5 m (25.0 ft.) per unit, for an interior parcel
 - 9.0 m (30.0 ft.) per unit, for a corner parcel
- iii. All other uses
 - At the discretion of the Subdivision Authority

9.4.3. Minimum Front Yard 6.0 m (20.0 ft.)

9.4.4. Minimum Side Yard

- i. 3.0 m (10.0 ft.) for a side abutting a street, or on one side of the parcel where there is no road or lane access to the rear yard
- ii. 1.5 m (5.0 ft.) in all other cases

9.4.5. Minimum Rear Yard 6.0 m (20.0 ft.)

9.4.6. Minimum Floor Area Detached Dwelling
102.0 m² (1,100.0 ft²)

9.4.7. Maximum Building Height 10.0 m (33.0 ft.)

9.4.8. Maximum Parcel Coverage 40% including all accessory buildings

9.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

10. MEDIUM DENSITY RESIDENTIAL DISTRICT (R3)

10.1. PURPOSE

To provide an area for medium density housing in the form of duplexes, row houses, fourplexes, and other forms of multi-attached dwellings.

10.2. PERMITTED USES

- Accessory building and use
- Care facility
- Duplex
- Fourplex
- Home Occupation - Class 1
- Home Occupation - Class 2
- Multi-attached dwelling
- Row house
- Secondary suite, contained within the principal building
- Stacked row house

10.3. DISCRETIONARY USES

- Bed and breakfast establishment
- Community garden
- Detached dwelling
- Home Occupation - Class 3
- Manufactured home
- Multiple housing development
- Parks and playgrounds
- Public/Quasi public use
- Public utility building
- Secondary suite, not contained within the principal building

10.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

10.4.1. Minimum Parcel Area

- i. Detached Dwellings and Manufactured Homes
 - 450.0 m² (4,800.0 ft²) for an interior parcel
 - 500.0 m² (5,382.0 ft²) for a corner parcel
- ii. Duplexes
 - 250.0 m² (2,690.0 ft²) per unit, for an interior parcel

300.0 m² (3,230.0 ft²) per unit, for a corner parcel

- iii. Fourplexes
90.0 m² (969.0 ft²) for each dwelling unit
- iv. Row Housing
190.0 m² (2,045 ft²) for an interior parcel
275.0 m² (2,960.0 ft²) for a corner parcel
- v. Multi-Attached Dwelling
90.0 m² (969.0 ft²) for each dwelling unit
- vi. Multiple Housing Developments
Minimum area required for each housing type: 275.0 m² (2,960.0 ft²) for each row housing dwelling unit, 150.0 m² (1,615.0 ft²) for each fourplex dwelling unit, 320.0 m² (3,444.0 ft²) for each duplex dwelling unit.

Maximum parcel area of 2.4 ha (6.0 ac)
- vii. Other Styles of Residences
A parcel for other styles of residences shall be large enough to accommodate the proposed buildings subject to required yards, parcel coverage, setbacks, parking, and landscaping.
- viii. All other uses
At the discretion of the Subdivision Authority

10.4.2. Minimum Parcel Width

- i. Detached Dwellings and Manufactured Homes
12.0 m (40.0 ft.) for an interior parcel
14.0 m (46.0 ft.) for a corner parcel
- ii. Duplexes
7.5 m (25.0 ft.) per unit, for an interior parcel
9.0 m (30.0 ft.) per unit, for a corner parcel
- iii. Fourplexes
15.24 m (50.0 ft.)
- iv. Row Houses
6.0 m (20.0 ft.) for an interior parcel
7.5 m (25.0 ft.) for an end unit, on an interior parcel
9.0 m (30.0 ft.) for a corner parcel
- v. Multi-Attached Dwelling
15.24 m (50.0 ft.)

- vi. All other uses
At the discretion of the Subdivision Authority

10.4.3. **Minimum Front Yard** 6.0 m (20.0 ft.)

10.4.4. **Minimum Side Yard**

- i. 3.0 m (10.0 ft.) for a side abutting a street, or on one side of the parcel where there is no road or lane access to the rear yard
- ii. 1.5 m (5.0 ft.) in all other cases

10.4.5. **Minimum Rear Yard** 6.0 m (20.0 ft.)

10.4.6. **Maximum Building Height** 10.0 m (33.0 ft.)

10.4.7. **Maximum Parcel Coverage** 40% including all accessory buildings

10.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

11. HIGH DENSITY RESIDENTIAL DISTRICT (R4)

11.1. PURPOSE

To provide an area for high density residential development in the form of apartments and other multi-family housing types.

11.2. PERMITTED USES

- Accessory building and use
- Apartment
- Care facility
- Fourplex
- Home Occupation - Class 1
- Home Occupation - Class 2
- Multi-attached dwelling
- Row house
- Stacked row house

11.3. DISCRETIONARY USES

- Community garden
- Detached dwellings existing at the date of passage of this Land Use Bylaw
- Duplex
- Multiple housing development
- Parks and playgrounds
- Public/Quasi public use
- Public utility building

11.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

11.4.1. Minimum Parcel Area

- i. Duplexes
 - 250.0 m² (2,690.0 ft²) per unit, for an interior parcel
 - 300.0 m² (3,230.0 ft²) per unit, for a corner parcel
- ii. Fourplexes
 - 90.0 m² (969.0 ft²) for each dwelling unit
- iii. Row Housing
 - 190.0 m² (2,045 ft²) for an interior parcel
 - 275.0 m² (2,960.0 ft²) for a corner parcel

- iv. Multi-Attached Dwelling
90.0 m² (969.0 ft²) for each dwelling unit
- v. Apartments
Minimum area of 600.0 m² (6,458.3 ft²)
Maximum area of 1.2 ha (3.0 ac)
To determine the required minimum parcel area based upon the unit type, the following parcel area requirements shall apply:
Minimum parcel area of 82.0 m² (883.0 ft²) for each studio and one bedroom dwelling unit, 102.0 m² (1098.0 ft²) for each dwelling unit with more than one bedroom.
- vi. Multiple Housing Developments
Minimum area required for each housing type: 275.0 m² (2,960.0 ft²) for each row housing dwelling unit, 150.0 m² (1,615.0 ft²) for each fourplex dwelling unit, 320.0 m² (3,444.0 ft²) for each duplex dwelling unit.

Maximum parcel area of 2.4 ha (6.0 ac)
- vii. Other Styles of Residences
A parcel for other styles of residences shall be large enough to accommodate the proposed buildings subject to required yards, parcel coverage, setbacks, parking, and landscaping.
- viii. All other uses
At the discretion of the Subdivision Authority

11.4.2. Minimum Parcel Width

- i. Duplexes
7.5 m (25.0 ft.) per unit, for an interior parcel
9.0 m (30.0 ft.) per unit, for a corner parcel
- ii. Fourplexes
15.24 m (50.0 ft.)
- iii. Row Houses
6.0 m (20.0 ft.) for an interior parcel
7.5 m (25.0 ft.) for an end unit on an interior parcel
9.0 m (30.0 ft.) for a corner parcel
- iv. Multi-Attached Dwelling
15.24 m (50.0 ft.)
- v. Apartments
30.5 m (100.0 ft.)

- vi. All other uses
At the discretion of the Subdivision Authority

11.4.3. Minimum Front Yard

- i. Apartments
8.0 m (26.0 ft.)
- ii. All other residential development
6.0 m (20.0 ft.)

11.4.4. Minimum Side Yard

- i. Apartments
3.0 m (10.0 ft.), except 6.0 m (20.0 ft.) where abutting a street
- ii. All other developments
3.0 m (10.0 ft.) for a side abutting a street, or on one side of the parcel where there is no road or lane access to the rear yard

1.5 m (5.0 ft.) in all other cases

11.4.5. Minimum Rear Yard

- i. Apartments
12.0 m (39.0 ft.)
- ii. All other residential developments
6.0 m (20.0 ft.)

11.4.6. Maximum Building Height

- i. Apartments
13.5 m (44.0 ft.)
- ii. All other residential developments
10.0 m (33.0 ft.)
- iii. All other uses
As determined by the Development Authority

11.4.7. Maximum Parcel Coverage 50% including all accessory buildings

11.4.8. Emergency Vehicle Access

- i. Along the sides of an apartment building of two or more storeys, Emergency Vehicle Access must conform to the side and rear yard setbacks as per the Alberta Building Code requirements. There shall be a compacted, level area (the “fire access area”), accessible from the road by emergency response equipment.
- ii. No buildings, vehicles, or other obstructions shall be placed or allowed

in a fire access area.

11.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

12. MANUFACTURED HOME SUBDIVISION DISTRICT (MHS)

12.1. PURPOSE

To provide land where manufactured homes may be placed on titled lots which are dimensioned to fit the unique size and shape of this style of housing.

12.2. PERMITTED USES

Accessory building and use
Home Occupation - Class 1
Home Occupation - Class 2
Manufactured home

12.3. DISCRETIONARY USES

Detached dwelling
Home Occupation - Class 3
Parks and playgrounds
Public utility building
Recreational or assembly buildings serving the residents of the subdivision

12.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

12.4.1. Minimum Parcel Area

- i. 460.0 m² (4,951.0 ft²) for an interior parcel
- ii. 510.0 m² (5,490.0 ft²) for a corner parcel
- iii. All other uses

At the discretion of the Subdivision Authority

12.4.2. Minimum Parcel Width

- i. 10.8 m (35.0 ft.) for an interior parcel
- ii. 12.4 m (41.0 ft.) for a corner parcel
- iii. If a residential parcel is not serviced by a lane it shall be at least 15.0 m (50.0 ft.) wide
- iv. All other uses

At the discretion of the Subdivision Authority

12.4.3. Minimum Front Yard 6.0 m (20.0 ft.)

12.4.4. Minimum Side Yard

- i. 3.0 m (10.0 ft.) for a side abutting a street, or on one side of the parcel where there is no road or lane access to the rear yard
- ii. 1.5 m (5.0 ft.) in all other cases

12.4.5. Minimum Rear Yard 6.0 m (20.0 ft.)

12.4.6. Minimum Floor Area 80.0 m² (860.0 ft²) for Manufactured Homes

12.4.7. Maximum Building Height 7.5 m (25.0 ft.) for principal buildings

12.4.8. Maximum Parcel Coverage 40% including all accessory buildings

12.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

13. MANUFACTURED HOME PARK DISTRICT (MHP)

13.1. PURPOSE

To provide an area for the development of a comprehensively designed park that allows manufactured home sites to be leased or owned.

13.2. PERMITTED USES

Accessory building and use
Home Occupation - Class 1
Home Occupation - Class 2
Manufactured home

13.3. DISCRETIONARY USES

Home Occupation - Class 3
Parks and playgrounds
Public/Quasi public use
Public utility building

13.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

13.4.1. **Interpretation:** Where the word “lot” is used in the regulations for the MHP district, it is to be interpreted in this district as meaning an unsubdivided space, stall, pad, or site rented to the occupant of a manufactured home for his exclusive use.

13.4.2. Minimum Lot Size

- i. 440.0 m² (4,736.0 ft²)
- ii. The minimum lot area requirement shall not apply to manufactured home parks existing prior to the adoption of this Land Use Bylaw provided the minimum yard requirements are satisfied.

13.4.3. Minimum Yard Requirements

- i. Manufactured homes shall be at least:
 - (a) 4.5 m (15.0 ft.) from one another
 - (b) 7.5 m (25.0 ft.) from any park boundary
 - (c) 3.0 m (10.0 ft.) from any internal access road or common parking area
 - (d) 1.5 m (5.0 ft.) from any side lot line
 - (e) 4.5 m (15.0 ft.) from any rear lot line

13.4.4. Manufactured Home Dimensions

- i. Minimum width of 4.2 m (14.0 ft.)
- ii. Minimum floor area of 65.0 m² (700.0 ft²)
- iii. Maximum building height of 7.5 m (25.0 ft.)

13.4.5. **Maximum Lot Coverage** 45% including all accessory buildings

13.4.6. **Maximum Density** 17.0 manufactured home per hectare (7.0 per acre)

13.4.7. Park Area Requirements

- i. Minimum park area of 2.02 hectares (5.0 acres)
- ii. Maximum park area of 8.08 hectares (20.0 acres)

13.5. OTHER REQUIREMENTS

13.5.1. All uses must comply with the regulations in Part Two and any applicable Overlay District.

13.5.2. The park owner shall ensure that each manufactured home is levelled, blocked and skirted within 30 days of being placed on a lot.

13.5.3. A manufactured home lot may be used only for the placement of one manufactured home.

13.5.4. All lot lines shall be clearly defined on the ground by permanent flush stakes or markers with a lot number or other address system.

13.5.5. Residents shall be informed of their responsibilities with respect to the Land Use Bylaw by the park owner who shall be responsible for developing and operating the park in compliance with this bylaw.

Recreation Area and Landscaping

13.5.6. A minimum of 10% of the total area of a manufactured home park shall be set aside for recreational and/or playground use.

13.5.7. Each park shall provide on its perimeter a landscaped area of not less than 3.0 m (10.0 ft) in width or other edge treatment satisfactory to the Development Authority.

13.5.8. All areas of a park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities including playgrounds, shall be landscaped.

Vehicular-Pedestrian Areas

13.5.9. All park roads shall have at least a 12.0 m (39.0 ft.) right-of-way and a paved carriageway of not less than 8.0 m (26.0 feet) in width.

13.5.10. Internal pedestrian walkways, where provided, shall have a hard surfaced width of 1.5 m (5.0 ft).

13.5.11. Two off-street parking spaces shall be provided on or adjacent to each manufactured home lot.

13.5.12. The owner of the park shall provide parking spaces for visitors at locations approved by the Development Authority. One parking space shall be provided for every two manufactured homes.

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

Storage Areas

13.5.14. A screened storage compound equivalent to 20.0 m² (215.0 ft²) for every manufactured home lot in the park shall be provided for trucks, trailers, campers, snowmobiles, boats, etc.

Utilities

13.5.15. Each manufactured home lot is required to have Town water and sanitary sewer service. The park must be adequately drained and connected to the Town's storm sewers, should the Development Authority determine the need.

13.5.16. All utility services, including all wires and conduits, shall be installed underground.

13.5.17. All service buildings must be accessible by a park street.

14. CENTRAL COMMERCIAL DISTRICT (C1)

14.1. PURPOSE

To provide a vibrant area for pedestrian-oriented development with a wide variety of commercial, institutional, cultural and residential land uses in the core of the municipality.

14.2. PERMITTED USES

- Accessory dwelling unit above the main floor
- Animal services
- Bus depot
- Commercial recreation and entertainment facility
- Commercial school
- Convenience store
- Day care facility
- Essential public service
- Financial services
- Funeral home
- Health services
- Hotel
- Office
- Mixed use development
- Parks and playgrounds
- Personal service
- Public/Quasi public use
- Retail sales
- Restaurant

14.3. DISCRETIONARY USES

- Accessory building and use
- Accessory dwelling unit
- Cannabis retail sales
- Car wash
- Care facility
- Drinking establishment
- Existing dwellings at the time of adoption of this Land Use Bylaw
- Gas bar
- Light repair services
- Night club
- Outdoor storage yard on Lot 5, Block 40, Plan 242 1134
- Parking facility
- Sales and service outlets for automobiles, trucks and recreational vehicles

14.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

- | | |
|--|--|
| 14.4.1. Minimum Parcel Area | 280.0 m ² (3,014.0 ft ²) |
| 14.4.2. Minimum Parcel Width | 7.6 m (25.0 ft.) |
| 14.4.3. Minimum Front Yard | Nil |
| 14.4.4. Minimum Side Yard | |
| | i. Nil, except 1.5 m (5.0 ft.) on the side adjacent to a residential district |
| | ii. 3.0 m (10.0 ft.) on one side in a laneless subdivision |
| 14.4.5. Minimum Rear Yard | 6.0 m (20.0 ft.), except where parking, loading, and garbage containers have been adequately addressed in the opinion of the Development Authority in which case no rear yard is required. |
| 14.4.6. Maximum Building Height | 13.7 m (45.0 ft.) adjacent to a residential district |
| 14.4.7. Maximum Parcel Coverage | 100% including all buildings, parking facilities, storage areas and display areas |

14.5. OTHER REQUIREMENTS

14.5.1. All uses must comply with the regulations in Part Two and any applicable Overlay District.

14.5.2. Parking

- i. In addition to the requirements outlined in section 4.30 Parking, the following shall also apply:
 - a. New residential uses shall provide one (1) off street parking stall per dwelling unit
 - b. Where an existing building is to continue in that use, or to be converted to another use, and is not to be enlarged, no parking is required in addition to that previously provided.
 - c. Off street parking may be located on the parcel being developed or elsewhere within convenient walking distance that is a distance satisfactory to the Development Authority.
 - d. Where off street parking is located on a separate parcel, the Town may enter into an agreement under Section 650 of the Act, reserving the parcel for parking, and may protect the agreement by registering a caveat on the title of the parcel.
 - e. Off street parking may be shared between two or more businesses if there is a written agreement between the two landowners and the agreement is satisfactory to the Development Authority.

- f. In determining whether an agreement under Subsection 2.1(a) is satisfactory, the Development Authority may consider the different times of peak usage by each business.

14.5.3. Yards Abutting a Residential District

- i. Where a parcel in the Central Commercial District (C1) abuts a residential district:
 - a. No open storage or outdoor display shall be permitted in the abutting yard(s).
 - b. No parking shall be allowed in such yard(s) within 6.0 m (20.0 ft) of a lot line;
 - c. No outdoor eating or drinking area shall be located within 15.2 m (50.0 ft) of an adjacent residential property in a residential district.
- ii. Adequate screening or buffering shall be provided to the satisfaction of the Development Authority.

14.5.4. Restrictions of Open Storage or Outdoor Display

- i. No open storage or outdoor display shall be permitted except for municipal special events or temporary uses.

14.5.5. Garbage Storage

- i. Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage bylaw.

14.5.6. Landscaped Area

- i. Nil, except for all areas of a site not covered by buildings, driveways, parking, storage or display areas.

14.5.7. Dwelling Units

- i. Dwelling units within mixed use development and developments incorporating dwelling units above the ground floor shall:
 - a. Have an entrance that is separate and distinct from the entrance of any non-residential component of the building;
 - b. Not be located below the second floor;
 - c. Not be located on the same floor as a non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.

14.6. Architectural Guidelines

14.6.1. Introduction and Purpose

The purpose of these guidelines is to seek a good fit between old and new buildings within the areas of Downtown intended for mixed use and commercial development. They seek to enhance the built environment and promote use of architectural features that create visual interest and appeal along the street.

The guidelines do not prescribe a theme of architecture or the use of older, traditional building methods and materials. Proposed building designs are expected to reflect and use the best elements of traditional commercial and downtown building design. The use of newer building techniques and materials is allowed.

Those designing new buildings for Downtown Ponoka are encouraged to exceed the requirements set out in the guidelines. The Ponoka Downtown Design Guidelines (December 1999) should be consulted as a resource.

14.6.2. Visual Continuity along the Street

Building Placement on Site

- i. New buildings shall be placed on site within 0.3m of the front property boundary to maintain and contribute towards a consistent street edge.
- ii. Despite subsection 8.2(a), the Development Authority may consider a setback from the front property boundary to accommodate outdoor seating space, interesting architectural features, high quality landscaping or similar items. In no case shall a setback greater than 2.5 m be allowed.
- iii. New building construction shall extend along the entire length of the front parcel boundary so that no gap larger than 0.3m is created between existing and future building walls. Any gap between building walls from grade to 3.0 m above grade shall be filled in with non-transparent materials such as a wood pony wall.
- iv. On corner parcels, the building shall extend at least two thirds of the length of the parcel along the side parcel boundary closest to the street. A low level fence or planter box or wall or similar feature shall be installed along the side parcel boundary for the remaining length of the parcel.

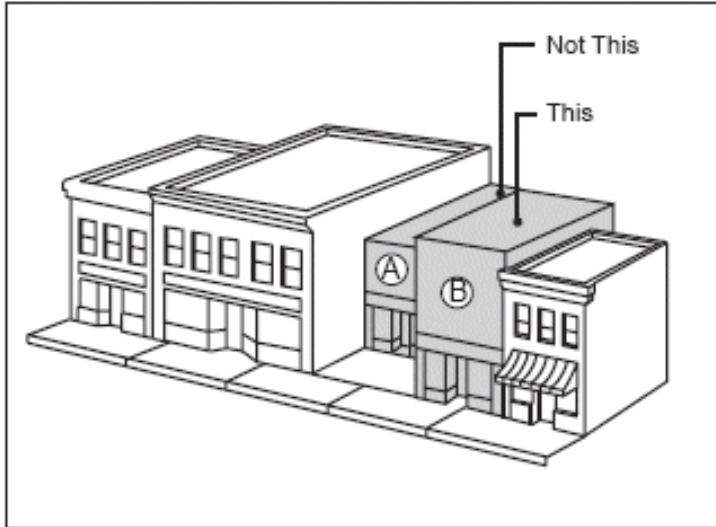


Figure 1 shows the desired placement of new buildings along the street to maintain continuity along the street edge. Building A creates a gap or break while Building B reinforces the edge along the public sidewalk.

14.6.3. Building Height

- i. Maximum building height shall not exceed four storeys or 18.0 m.
- ii. Despite subsection 8.3(a), where a site is adjacent to a residential district or separated from a residential district by a street or a lane, the maximum building height shall not exceed three storeys or 13.7 m.
- iii. New buildings shall have a minimum building height of 4.6 m. Where a new building is between or beside a building with a greater building height then a parapet wall or false front shall be provided to close the gap between the heights of the front facades of the buildings.

14.6.4. On-Site Parking

- i. Any ground level off-street parking that is provided shall be located at the rear of the building. Access to off-street parking shall be restricted to the rear lane.
- ii. Where at grade parking is abuts a public sidewalk, a low level screen wall or hedge shall be provided to screen the view of most of the parking area and create a defined edge to the public sidewalk.

14.6.5. Building Façade Features

- i. Building facades along the front parcel boundary and along the side parcel boundary on a corner lot shall use a variety of features and decorative elements to create visual interest and sense of common rhythm along the street.

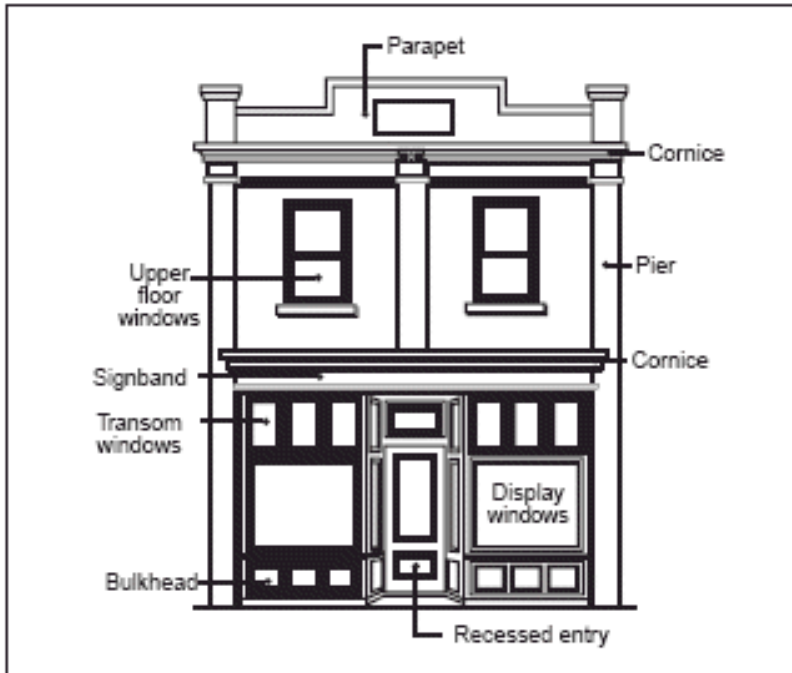


Figure 2 shows the major components of a traditional commercial building façade.

14.6.6. Main Floor Elements

- i. A recessed front entry with a minimum depth of 1.2 m shall be provided to prevent doors from swinging out into the public sidewalk and to add a variation in façade depth at the main floor level.
- ii. Front entries shall be spaced to maintain a consistent pattern along the block face. Along 50 Street and Chipman Avenue this shall require a 7.5 m spacing between front entries. For all other areas the spacing may be 15.0 m between front entries.
- iii. Lower building facades shall include large display windows having minimal partitioning at eye level with transom windows above and a bulkhead panel below.

14.6.7. Horizontal Elements

- i. New building construction and major redevelopment of building facades shall respect and enhance horizontal alignments on adjacent buildings and along the block face where feasible.
- ii. Decorative details and façade articulation, such as banding, the height of bulkhead panels, the height of display windows and doors, and the height of upper floor windows shall respect or make continuous the horizontal features of neighbouring buildings.
- iii. Sign bands, cornices, windows, canopies and awnings shall be aligned with similar features on neighbouring buildings

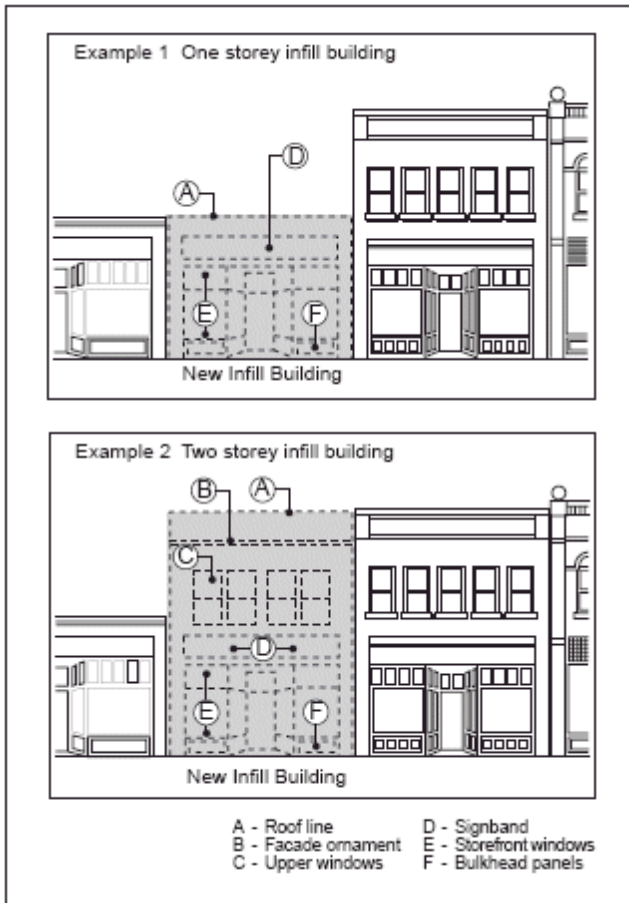


Figure 3 shows examples of how the major horizontal elements of a façade can match or align with those of adjacent buildings.

14.6.8. Vertical Elements

- i. Major vertical elements shall be introduced into the façade design of new buildings and major redevelopment of existing building facades at regular intervals to maintain the traditional vertical pattern of façade design along the block face.
- ii. Upper floor windows shall reflect the repetitive, vertical pattern along the street and maintain a width to height ratio of 2:3. Horizontal strip windows are not allowed.

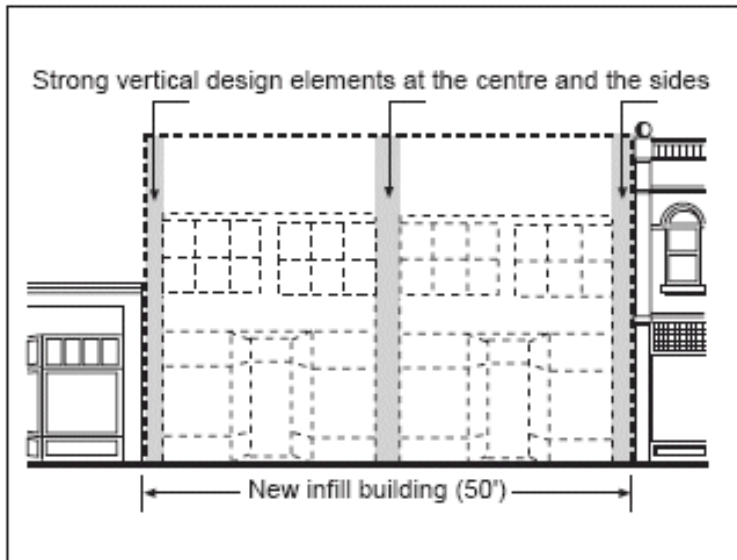


Figure 4 shows how vertical elements can be used to break up the width of a building façade to create the impression of two smaller buildings consistent with the width of storefronts of other buildings on the block face.

14.6.9. Awnings, Signs and Lighting

- i. Awnings that have a traditional profile and are fixed in place or retractable are allowed. Awnings shall project at least 1.5 m from the building face. Awnings shall be mounted between and not cover the piers on the building facades outer edges.
- ii. Where possible the height of the awning shall align with the height of any awning on the adjacent buildings. A minimum clear space of 2.6 m between the sidewalk and the lowest portion of the awning frame shall be provided.
- iii. Backlit and bubble style awnings are not permitted.

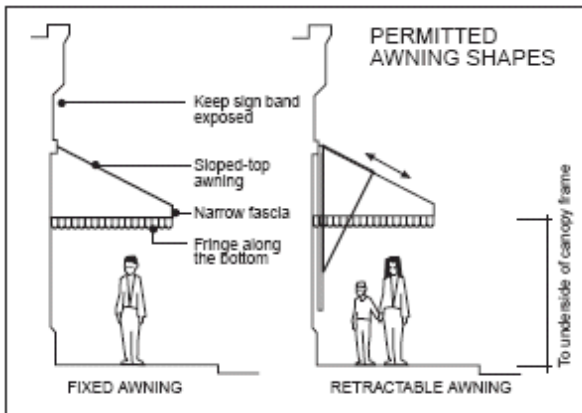


Figure 5 shows the permitted types of awnings and their relation to the building front and sidewalk.

- iv. Use of projecting signs shall be encouraged as the most effective form of signage for both pedestrians and motorists.
- v. Traditional fascia and painted signs within the sign band shall be allowed.
- vi. The preferred means of lighting signs on the building façade shall be direct lighting cast onto the sign from a position above the sign using gooseneck lighting. Backlit and ground lit signs are not allowed.

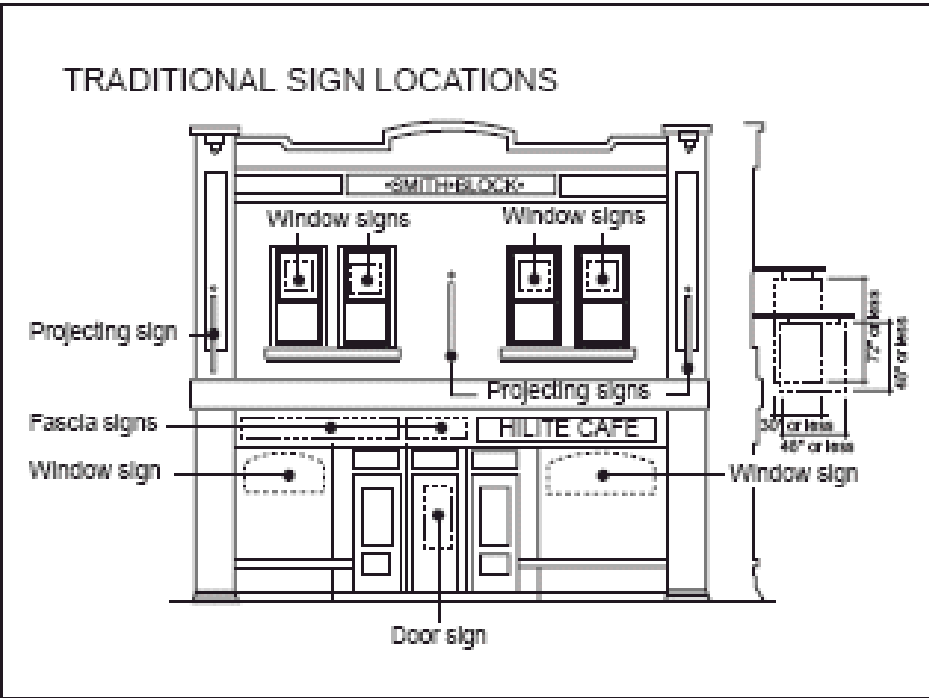


Figure 6 shows the variety of sign locations traditionally used on commercial buildings.

14.6.10. Colours and Materials

- i. Traditional materials of painted wood, stucco, stone and brick shall be used. Newer building materials that imitate or have a similar look to these types of materials may be used.
- ii. Colours shall reflect the traditional, subdued colour range used for older commercial buildings in the downtown.
- iii. Variation in colour shall be used to accent key façade features such as window trims and door frames so these features are distinguishable from the colour of the wall panel.
- iv. Reflective glass windows and reflective window tints are not allowed.

15. HIGHWAY COMMERCIAL DISTRICT (C2)

15.1. PURPOSE

To provide land for services to the traveling public, and for businesses which generate or benefit from exposure to large volumes of vehicle traffic.

15.2. PERMITTED USES

- Accessory building and use
- Animal services
- Bus depot
- Car wash
- Convenience store
- Essential public service
- Gas bar
- Health services
- Hotel
- Motel
- Personal service
- Restaurant
- Retail sales
- Sales and service outlets for automobiles, trucks and recreational vehicles
- Veterinary clinic

15.3. DISCRETIONARY USES

- Accessory dwelling unit
- Auction facility
- Bulk fuel sales and storage
- Campground
- Cannabis retail sales
- Caretaker suite
- Casino
- Commercial recreation and entertainment facility
- Commercial school
- Crematorium
- Day care facility
- District shopping centre
- Drinking establishment
- Feed mills and grain elevators on Lot 1, Block 5, Plan 3198 NY
- Financial services
- Funeral home
- Light repair services
- Medical cannabis counselling

Mixed use development
Mobile commercial sales
Night club
Office
Outdoor storage yard
Parking facility
Public/Quasi public use
Service to industry and agriculture
Veterinary hospital
Warehousing

15.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

- 15.4.1. **Minimum Parcel Area** 1,000.0 m² (10,750.0 ft²)
- 15.4.2. **Minimum Parcel Width**
- i. 30.0 m (100.0 ft.) adjacent to a service or local road
 - ii. 45.0 m (150.0 ft.) without a service or local road
- 15.4.3. **Minimum Front Yard** 8.0 m (26.0 ft.)
- 15.4.4. **Minimum Side Yard** 3.0 m (10.0 ft.), but no less than half the height of the building from a side parcel boundary which abuts a residential area.
- 15.4.5. **Minimum Rear Yard** 5.0 m (16.0 ft.)
- 15.4.6. **Maximum Building Height** 13.7 m (45.0 ft.)
- 15.4.7. **Maximum Parcel Coverage** 85% including all buildings, parking facilities, storage areas and display areas

15.5. OTHER REQUIREMENTS

- 15.5.1. All uses must comply with the regulations in Part Two and any applicable Overlay District.
- 15.5.2. The Development Authority shall not approve a direct access from a parcel to Highway 2A or Highway 53 without the agreement of Alberta Transportation.
- 15.5.3. All outdoor storage areas shall be located to the rear or sides of the principal buildings and screened from view from adjacent sites and public roadways. All outdoor displays shall be screened from residential districts.
- 15.5.4. Dwelling units within mixed use developments and developments incorporating dwelling units above the ground floor shall:
- i. Have an entrance that is separate and distinct from the entrance to any non-residential

component of the building;

- ii. Not be located below the second storey;
- iii. Not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority;
- iv. Have a residential parking area that is separate from the commercial use when both parking areas are located outdoors;
- v. Address garbage capacity and storage for both residential and commercial uses;
- vi. Provide adequate amenity space for the residential use with at least 15% of the parcel area being landscaped.

16. LIGHT INDUSTRIAL DISTRICT (M1)

16.1. PURPOSE

To provide land for industrial and commercial uses which will not damage or interfere with adjacent land uses by reason of noise, dust, odor, vibration, heavy traffic, or other objectionable conditions.

16.2. PERMITTED USES

Accessory building and use related to one of the permitted uses listed below

Animal services

Auction facility

Bulk fuel sales and storage

Cannabis production and distribution

Essential public service

Feed mills and grain elevators

Light manufacturing and processing

Retail sales

Sales and service outlets for automobiles, trucks and recreational vehicles

Veterinary clinic

Warehousing

16.3. DISCRETIONARY USES

Accessory building and use related to one of the discretionary uses listed below

Accessory dwelling unit

Adult entertainment

Adult mini-theatre

Caretaker suite

Crematorium

Industrial training facility/school

Kennel

Livestock auction market

Municipal shop and storage yard

Office

Outdoor storage yard

Public/Quasi public use

Recycling depot

Restaurant

16.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

- 16.4.1. **Minimum Parcel Area** 0.2 ha (0.5 ac)
- 16.4.2. **Minimum Parcel Width** 15.0 m (50.0 ft.), except where abutting a highway without a service road or local road, in which case 45.0 m (150.0 ft.) shall be required
- 16.4.3. **Minimum Front Yard** 8.0 m (26.0 ft.)
- 16.4.4. **Minimum Side Yard** 3.0 m (10.0 ft.)
- 16.4.5. **Minimum Rear Yard** 5.0 m (16.0 ft.)
- 16.4.6. **Maximum Building Height** 20.0 m (67.0 ft.)
- 16.4.7. **Maximum Parcel Coverage** 85% including all buildings, parking facilities, storage areas and display areas

16.5. OTHER REQUIREMENTS

- 16.5.1. All uses must comply with the regulations in Part Two and any applicable Overlay District.
- 16.5.2. The Development Authority shall not approve a direct access from a parcel to Highway 2A or Highway 53 without the agreement of Alberta Transportation.
- 16.5.3. The Development Authority may require that areas used for open storage of unsightly material are screened from public view by means of suitable fencing or landscaping.

17. HEAVY INDUSTRIAL DISTRICT (M2)

17.1. PURPOSE

To provide land for industrial and commercial uses which may be objectionable in other areas by reason of noise, dust, odor, vibration, heavy traffic, or other objectionable conditions.

17.2. PERMITTED USES

- All permitted uses listed in the Light Industrial District
- Municipal shop and storage yard
- Outdoor storage yard
- Recycling depot
- Service to industry and agriculture

17.3. DISCRETIONARY USES

- Abattoir
- Accessory building and use
- Accessory dwelling unit
- Adult entertainment
- Adult mini-theatre
- Caretaker suite
- Cartage and freight terminal
- Heavy manufacturing and processing
- Industrial training facility/school
- Livestock auction market
- Public/Quasi public use
- Wrecking and salvage yard

17.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

- 17.4.1. **Minimum Parcel Area** 0.2 ha (0.5 ac)
- 17.4.2. **Minimum Parcel Width** 15.0 m (49.2 ft.), except where abutting a highway without a service road or local road, in which case 45.0 m (150.0 ft.) shall be required
- 17.4.3. **Minimum Front Yard** 8.0 m (26.0 ft.)
- 17.4.4. **Minimum Side Yard**
 - i. 6.0 m (20.0 ft.) where adjacent to a residential district or abutting a public road other than a lane or abutting a railway right-of-way
 - ii. 6.0 m (20.0 ft.) on one side in a laneless subdivision

iii. 3.0 m (10.0 ft.) in all other cases

17.4.5. **Minimum Rear Yard** 5.0 m (16.0 ft.)

17.4.6. **Maximum Building Height** 30.0 m (98.0 ft.)

17.5. OTHER REQUIREMENTS

17.5.1. All uses must comply with the regulations in Part Two and any applicable Overlay District.

17.5.2. The Development Authority shall not approve a direct access from a parcel to Highway 2A or Highway 53 without the agreement of Alberta Transportation.

17.5.3. The Development Authority may require that areas used for open storage of unsightly material are screened from public view by means of suitable fencing or landscaping.

18. INSTITUTIONAL AND PUBLIC USES DISTRICT (IPU)

18.1. PURPOSE

To provide land for schools, hospitals, and other community service facilities, both publicly and privately owned.

18.2. PERMITTED USES

Accessory building and use
Agricultural event centre on Lot 4, Block 1, Plan 122 0870
Care facility
Cemetery
Parks and playgrounds
Public/Quasi public use

18.3. DISCRETIONARY USES

Accessory dwelling unit
Campground
Commercial recreation and entertainment facility
Essential public service
Public utility building

18.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

18.4.1. All Requirements

- i. As determined by the Subdivision Authority and the Development Authority and in accordance with Part Two of this Land Use Bylaw
- ii. Residences in the IPU district require the same yards and setbacks as in the adjacent residential district or, if there is no adjacent residential district, the same yards and setbacks as in the R1 district.

18.4.2. Campgrounds

- i. The maximum density for a campground shall be 65 sites per gross hectare (26 per gross acre).
- ii. All internal roads that enter a campground from:
 - a. A paved road shall be paved
 - b. A gravel road/lane may be gravel
 - c. A paved lane shall be paved

- iii. All internal roads shall have at minimum carriageway width of 6.0 m (20.0 ft.) for protective and emergency services.
- iv. The internal road system shall be properly signed for users and for protective and emergency services.
- v. All campgrounds and individual sites shall have clear access and identification for protective and emergency services.
- vi. Any required water and wastewater services shall be connected to municipal services to the satisfaction of the Development Authority.

18.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

19. PARK AND RECREATION DISTRICT (P)

19.1. PURPOSE

To provide an area for the preservation of public land in its natural state and use as a public park space.

19.2. PERMITTED USES

Accessory building and use
Parks and playgrounds
Public/Quasi public use

19.3. DISCRETIONARY USES

Golf courses and driving ranges
Public utility building

19.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

19.4.1. **All Requirements** As determined by the Subdivision Authority and the Development Authority and in accordance with Part Two of this Land Use Bylaw

19.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

20. URBAN RESERVE DISTRICT (UR)

20.1. PURPOSE

To reserve land for future subdivision and development until an overall plan is prepared and approved by Council and subdivision and development is imminent. Uses should not generally impact or impede future subdivision or development.

20.2. PERMITTED USES

Agricultural operations excluding the spreading of manure
Detached dwelling
Home Occupation - Class 1
Home Occupation - Class 2
Horse riding, training and boarding stables
Market gardening and tree farming
Parks and recreation grounds
Retail sales involving the sale of horse riding equipment and supplies on that portion of the NW 31-42-25-4 civically addressed 5433 39 Avenue
Uses lawfully existing as of December 31, 2018
Buildings and uses accessory to the above and any approved discretionary use
Railway uses

20.3. DISCRETIONARY USES

Home Occupation - Class 3
Uses which will not, in the opinion of the Development Authority, materially alter the use of the land from that existing as of December 31, 2018
Uses which are compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan affecting the land
Public utility building

20.4. DEVELOPMENT STANDARDS

In addition to the general provisions contained in Part Two (Development Regulations) of this Land Use Bylaw, the following requirements shall apply:

- | | |
|---------------------------------------|---|
| 20.4.1. Minimum Parcel Area | All of the land contained in the existing certificate of title, unless otherwise approved by the Subdivision Authority having regard to the intended use of the smaller parcel of land and the form of subsequent subdivision and development planned for the area. |
| 20.4.2. Minimum Required Yards | All yards and setback requirements as determined by the |

Development Authority.

20.5. OTHER REQUIREMENTS

All uses must comply with the regulations in Part Two and any applicable Overlay District.

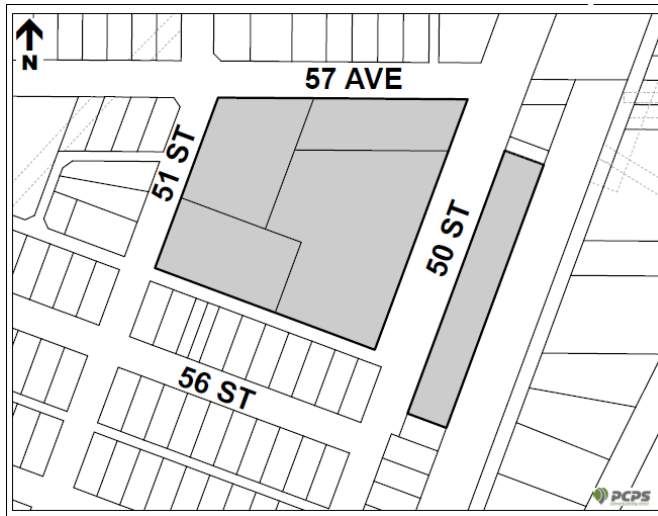
21. DIRECT CONTROL 1 DISTRICT (DC1)

21.1. PURPOSE

To accommodate the redevelopment of Lots 1,2,3 and 4, Block 46, Plan 152 2232 and Block R, Plan 6873 BZ as a mixed use site accommodating public/quasi-public uses, care facilities, open space, institutional and possible future residential development, and parking facilities supporting these uses. Development will be compatible with adjacent land uses by incorporating design elements to minimize scale and massing and add architectural interest, and preserve existing mature vegetation in key locations.

21.2. AREA OF APPLICATION

The regulations applicable to this district shall apply to the area as shown on the sketch below and is comprised of the lands legally described as follows:



Lot 1, Block 46, Plan 152 2232

Lot 2, Block 46, Plan 152 2232

Lot 3, Block 46, Plan 152 2232

Lot 4, Block 36, Plan 152 2232

Block R, Plan 6873 BZ

21.3. DEVELOPMENT AUTHORITY

The Development Authority for this district shall be the Development Officer.

21.4. USES

Care facilities;

Offices;

Parks and playgrounds;

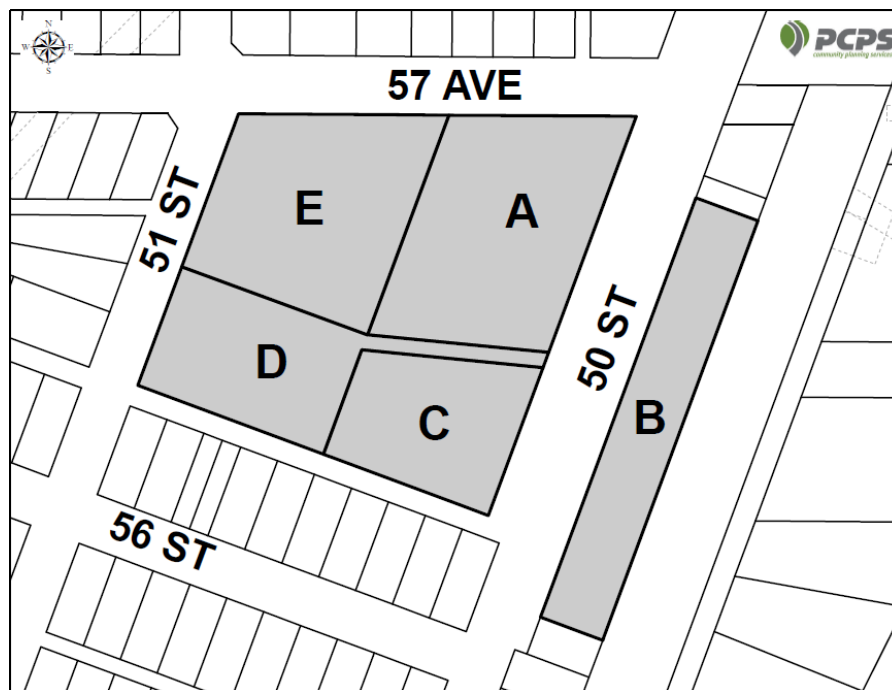
Parking facilities;

Public/quasi-public uses;

Mixed use developments consisting of public/quasi-public, residential and office uses.

21.5. DEVELOPMENT STANDARDS

The following Development Standards shall apply to the Areas as outlined in the Development Concept below:



Area A: shall be developed as public/quasi-public uses in accordance with the following:

- a. Front Yard of not less than 8.0 m, and shall be located along the east side of Area A;
- b. Side Yard of not less than 8.0m, shall be provided along 57 Avenue on the north side of Area A;
- c. Building Height shall not exceed 17.0 m (56 ft.);
- d. The number of on-site parking stalls for all public/quasi-public uses shall be at least 40 located on same area;

- e. Required on-site parking shall be located at the rear of the principal building, with access to be obtained from 57 Avenue;
- f. An additional 17 parking stalls shall be provided at Block R, Plan 6873 BZ;
- g. One principal building shall be permitted on Area A;
- h. The principal building shall be placed as close to the north east corner as possible, while retaining the required yards, and the main façade and entrance shall front onto 50 Street;
- i. Plaza to be constructed in front yard of Area A, to design specifications below;
 - i. Access to plaza from 50 Street shall align with main entrance of principal building;
 - ii. Construction to incorporate curvilinear features;
 - iii. Pedestrian connections to the sidewalk at the Area D and 50 Street trail connection and intersection of 57 Avenue and 50 Street;
 - iv. Construction is to incorporate both hard and soft landscaping features.

Area B: shall be developed as a parking facility, in accordance with the following:

- a. Three (3) accesses onto the site from 50 Street shall be required, at the most northerly property boundary, most southerly property boundary and at the parcel midpoint;
- b. A minimum of 83 parking stalls shall be provided.

Area C: shall be developed as a mixed use development incorporating public/quasi-public uses, residential uses, and offices, in accordance with the following:

- a. Site access shall be gained from the lane at the south property boundary between 50 Street and 51 Street;
- b. The principal building shall be placed as close to the east property boundary as possible, while retaining the required yard, and the main façade and entrance shall front onto 50 Street;
- c. The number of minimum parking stalls shall be calculated on a basis of:
 - i. 2 stalls/100 m² of non-residential floor space;
 - ii. 1.5 stalls/dwelling unit.

Area D: shall be developed as open space for use by the public with storm water management facilities and passive or active park and playground facilities.

- a. Landscaping requirements for this area.

Area E: shall be developed as care facility uses, in accordance with the following:

- a. A maximum of 2 principal buildings may be developed;
- b. Parking stall requirements shall be a minimum of 20 per building;
- c. Parking facilities shall be located at the rear of the principal building(s), with access obtained from 51 Street at the most southerly corner of Area B;
- d. Maximum building footprint for each principal building shall be 557 m² (6,000 ft²);
- e. Maximum building height shall be 10.0 m (32.8 ft.);
- f. The principal building(s) shall be placed at the most northerly property boundary, while retaining the required yards, with the main façades and entrances fronting on 57 Avenue.

21.6. SITE AND BUILDING DESIGN

- a. All proposed buildings shall incorporate architectural design elements and considerations, including but not limited to:
 - i. Building facades along the front parcel boundary and along the side parcel boundary on a corner lot shall use a variety of features, decorative elements and materials to create visual interest;
 - ii. Building facades that are less visible from the public street may use a reduced level of treatment however large, blank walls shall be avoided;
 - ii. Decorative details, material types and façade articulation techniques that break up building elevations in a horizontal and vertical fashion shall be used and may include:
 1. vertical elements such as piers, posts and columns on building corners and spaced along the building elevation, jut outs or box outs and varying depths for portions of wall, columns of windows, and similar features; and
 2. horizontal elements such as consistent height of the tops of windows and doors on each floor, sills above and below window openings, strips of differing colour and/or materials to give a sense of the number of floors in the building or divide the elevation between grade and eaveline, and similar features.

- b. Landscaping requirements for the site shall include:
- i. Landscaped area shall be 15% of the front yard, with a minimum 3.0 m (10 ft.) landscaped strip along all parcel boundaries adjacent to a road;
 - ii. Planting requirements shall be as follows, to be provided in all yards adjacent to a road:
 1. a minimum of one tree per 35 m² (376.75 ft²) of landscaped area;
 2. a minimum of one shrub per 25 m² (269.11 ft²) of landscaped area;
 3. a minimum of one third (33%) of the required trees shall be coniferous;
 4. deciduous trees shall have a minimum calliper size of 50 mm for small trees and a minimum calliper size of 75 mm for large trees at the time of planting. Ornamental trees shall be an exception and shall have a minimum calliper size of 35 mm and shall be considered small trees;
 5. Coniferous trees shall have a minimum height of 1.8 m for small trees and a minimum height of 2.5 m for large trees at the time of planting;
 6. 50% of all trees planted shall be large trees;
 7. shrubs shall be a minimum of #2 container pot size at the time of planting;
 8. caliper size shall be measured 6 inches above the ground; and
 9. all plant material shall be of a species capable of healthy growth in the Town of Ponoka and shall conform to the standards of the Canadian Nursery Trades association for nursery stock;
 - iii. The retention of mature trees and underlying vegetation along the south edge of Area C and Area D, and along the north property boundary of Area A and Area E on 57 Avenue;
 - iv. Trees should, for the most part, be planted in groups and contain an odd number of trees as well as a complimentary grouping of shrubs to the satisfaction of the Development Officer;
 - v. All required landscaping shall be completed within the first full growing season;
 - vi. Development constructed in phases shall include the portion of landscaping associated with each phase at the time of development of that phase.

- c. The site shall be developed to promote pedestrian circulation within the development and to the surrounding community, by including a trail through the open space of Area D to connect to 50 Street between Area A and Area C. This also includes providing sidewalks along the 50 Street frontage, 57 Avenue frontage and 51 Street frontage, as well as a connector from the 57 Avenue sidewalk to the trail within the site via the rear yard of the proposed principal building in Area A.
- d. All parking areas shall be paved and concrete curbing shall be used to define entrance/egress points, define the edge of the parking areas, create internal islands used to delineate parking and vehicle manoeuvring areas, and to protect landscaping beds on the edge or internal to the parking area.
- e. Unless otherwise approved by the Development Officer, all outdoor spaces intended for public access and use shall be provided with suitable lighting levels that meets the requirements of The Outdoor Lighting Guide published by the Institute of Lighting Engineers (ILE) for pedestrian oriented areas. All onsite lighting shall be designed and installed to avoid directing light at adjacent properties and buildings. The lighting design shall be prepared by a qualified professional such as an architect or professional engineer.
- f. Storm water management shall be accommodated on site and all site grading shall be consistent with drainage plans approved by the Development Officer.

21.7. ADDITIONAL REQUIREMENTS

- a. A Joint Access Easement, to be registered on title, may be required at the discretion of the Development Authority for those sites sharing an access.
- b. Vehicular circulation will be required on site, between Area A and Area E, to allow secondary access. This includes an access into the parking facility of Area A from the parking facility of Area E.

21.8. APPLICATION INFORMATION

The following information and documentation will be required with a Development Permit Application for this site; this is in addition to those requirements found in Section 2.7.

- a. The applicant shall submit elevations for all proposed buildings.
- b. The applicant shall submit a detailed site plan for the proposed development, including:
 - i. Site area and site coverage calculations;
 - ii. Property lines shown with dimensions;
 - iii. Proposed front, rear and side yards shown with dimensions;
 - iv. Location of all proposed structures;

- v. Location of all registered utility easements and right-of-ways;
 - vi. Proposed improvements to all portions of the site, including loading facilities; parking, fences, retaining walls, storage areas and garbage facilities;
 - vii. Site parking layout with dimensions, including existing and proposed onsite parking and loading areas, access and egress points, and abutting roads.
- c. In addition to the regulations under Section 4.21, the applicant shall also submit a landscaping plan prepared by a qualified landscape architect and to the satisfaction of the Development Officer.
 - d. The applicant shall submit site grading, drainage and storm water management plans prepared by a qualified professional engineer and to the satisfaction of the Development Officer.
 - e. The applicant shall submit a site lighting design prepared by a qualified professional and to the satisfaction of the Development Officer.

21.9. APPLICATION PROCESSING

- a. The Development Officer shall circulate all development permit applications received under this District to the adjacent landowners and allow all landowners receiving the circulation at least 14 calendar days to submit their comments or direct their questions to the Development Officer prior to a decision being made on the application.

The Development Officer shall not be bound by the comments received during the circulation process but shall consider modifications to address any planning or design concerns raised where determined practical by the Development Officer.

Part Four: Overlay Districts

PURPOSE

The purpose of these overlay districts is to facilitate the implementation of specific goals and objectives of statutory land use plans or other related regulations. They are put in place to protect or preserve areas with distinct characteristics and/or planning considerations.

APPLICATION

All overlay districts are to be applied in conjunction with and in addition to the underlying land use district. The regulations of the overlay district take precedence over the regulations of the underlying land use district and the general land use regulations that apply to all development.

The lands that are subject to the provisions of any overlay district shall be as indicated on the Land Use District Map of this Land Use Bylaw or within the applicable Overlay District.

ESTABLISHMENT OF OVERLAY DISTRICTS

The following Overlay Districts have been established:

Flood Hazard Overlay District

Heritage Preservation Overlay District

Airport Safety Overlay District

22. FLOOD HAZARD OVERLAY DISTRICT

22.1. PURPOSE

The purpose of this overlay district is to provide for the safe use of lands which may be within the 1:100-year flood hazard area of the Battle River. The overlay district regulates allowable uses, the geodetic elevation of building foundations and building openings, and the design grade of the site.

22.2. APPLICATION

This overlay district applies to all those lands shown as being completely or partially within the flood hazard area indicated on the Land Use District Map.

Where a parcel of land is located partially within the flood hazard area but the proposed building(s) or development is located outside of the flood hazard area and setback a minimum of 1.0 m from the flood hazard area, only the regulations of the underlying land use district and the general land use regulations shall apply.

22.3. DEFINITIONS

For the purposes of this overlay district, the following definitions shall apply:

“Design flood level” means the modelled water elevation within a flood hazard area based on the 1 in 100-year flood (i.e. a flood that has a 1% chance of occurring every year).

“Flood hazard area or flood plain” means the area of land bordering a watercourse or water body that could be inundated by a 1 in 100-year flood (i.e. a flood that has a 1% chance of occurring every year), as determined by Alberta Environment and Parks.

“Floodway” means that portion of the flood hazard area where flows are deepest, fastest and most destructive. The floodway typically includes the main channel of a stream and a portion of the adjacent overbank area (see Figure 1 and Figure 2).

“Flood fringe” means that portion of the flood hazard area where the flows are generally shallower and move more slowly than in the floodway. The flood fringe typically includes the area between the floodway and the outer boundary of the flood hazard area (see Figure 1 and Figure 2);

Figure 1: Cross Section View

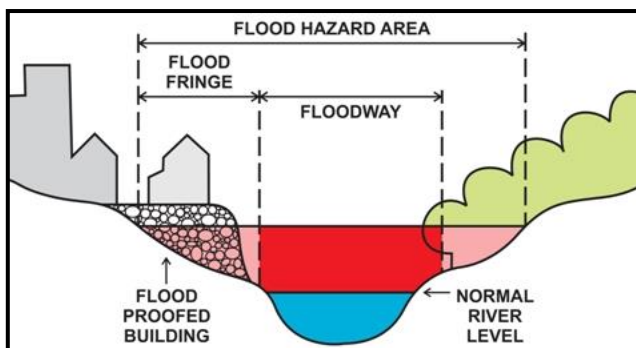


Figure 2: Plan View diagram showing a river channel and flood hazard area. The diagram illustrates a plan view of a river with a central channel (floodway) and an adjacent area (flood fringe). The 'FLOOD HAZARD AREA' is shown as a red shaded region. The 'FLOOD FRINGE' is the area between the channel and the outer boundary of the flood hazard area. The 'FLOODWAY' is the central channel area. Buildings and trees are shown on the banks.

“Flood proofing” means the rendering safe from damage arising from a 1 in 100 year return flood, as determined by Alberta Environment and Parks, through all or any of the following means:

- (a) the raising of the level of land to a minimum of 0.5 m (1.64 ft.) above that flood level, or
- (b) the construction and use of buildings with the lowest water entry point 0.5 m (1.64 ft.) above the flood level, or
- (c) any other such means as may be considered appropriate by the Development Authority in consultation with Alberta Environment and Parks.

22.4. DETERMINING BOUNDARIES OF FLOOD HAZARD AREA, FLOODWAY AND FLOOD FRINGE

- 22.4.1. The exact boundaries and delineation of the flood hazard area, floodway and flood fringe shall be confirmed at the time that development is proposed through the preparation of a surveyed drawing showing the contours of the land in relation to the geodetic elevations of the boundaries of the flood hazard area, flood fringe and floodway.
- 22.4.2. The most current version of the Ponoka Flood Risk Mapping Study for the Battle River at Ponoka prepared for or by Alberta Environment and Parks shall be used to prepare the surveyed drawing.
- 22.4.3. Where there is a discrepancy between the boundaries shown on the Land Use District Map and the most current version of the Ponoka Flood Risk Mapping Study provided by Alberta Environment and Parks, the information contained in the Flood Risk Mapping Study shall prevail.

22.5. DEVELOPMENT PERMIT APPLICATION INFORMATION REQUIREMENTS

- 22.5.1. When a development permit application is submitted for a parcel of land partially or wholly contained within the Flood Hazard Overlay District as shown on the Land Use District Map, the Development Officer may require that the applicant submit:
 - i. A survey drawing as described in section 22.4 above; and
 - ii. information regarding the geodetic elevation of the proposed building location(s) and the geodetic elevation of the lowest point of all openings to the proposed building(s).
- 22.5.2. Prior to the issuance of a development permit for the construction of any development within the Flood Hazard Overlay District, the Development Officer may require that the applicant submit a certificate containing the seal and signature of a qualified, registered Professional Engineer or Architect indicating that the following factors have been considered in the design of the development:
 - i. building site and means of access that is above the elevation of the design flood level;
 - ii. the flood proofing of habitable rooms, electrical panel and heating units, and operable windows;

- iii. basement drainage and prevention of back flow through wastewater and storm water connections;
- iv. site drainage;

and that the building or structure is adequately protected against flood damage to the design flood level.

22.6. ALLOWABLE USES AND DEVELOPMENT IN THE FLOODWAY

22.6.1. In the floodway only those uses listed below shall be considered:

- i. Permitted Uses:

None

- ii. Discretionary Uses:

Agricultural operations with the exception of buildings containing livestock and greenhouses

Existing uses that are present on the site as of January 31, 2019

Golf courses with the exception of buildings with a floor area greater than 200 ft²

Parks and playgrounds

Parking facilities

Public utility

Roads and bridges

Structures and associated works for flood control

Unserviced campgrounds

22.6.2. No new buildings or expansions to existing buildings shall be allowed except for the replacement of existing buildings on the same location provided that the flood hazard can be overcome by mitigating measures acceptable to the Development Authority and Alberta Environment and Parks.

22.6.3. Buildings or structures intended for essential public utilities may be permitted and are subject to flood proofing requirements.

22.6.4. No storage of hazardous materials including but not limited to chemicals, explosives, and flammable liquids, toxic or waste materials is permitted.

22.6.5. Replacement of existing municipally owned recreation facilities shall not be subject to mitigating measures to overcome the flood hazard. Construction of any new municipally owned recreation facilities listed below shall not be subject to mitigating measures to overcome the flood hazard:

- i. Trails,

- ii. Parking facilities, and
- iii. Sports fields.

22.7. ALLOWABLE USES AND DEVELOPMENT IN THE FLOOD FRINGE

22.7.1. In the flood fringe the uses listed in the underlying district shall be considered.

22.7.2. Any new development, redevelopment, alteration or addition shall be adequately flood proofed to a minimum of 0.5 m above the design flood level.

22.7.3. The bottom of the joists of the first floor or the bottom of the slab on grade of the building or structure shall be a minimum of 0.5 m above the design flood level.

22.7.4. All heating, ventilating, air conditioning outlets and the main electrical panel shall be located a minimum of 0.5 m above the design flood level.

22.7.5. Properties that have been provided with adequate offsite flood proofing in the form of control berms or dykes or similar measures shall not be required to have site grading, first floor joists or bottom of slab on grade, heating, ventilating, air conditioning outlets and main electrical panel located above the design flood level. Areas that have been protected through offsite flood proofing measures shall be indicated on the Land Use District Map of this bylaw as “Flood Protection Measures in Place.”

23. HERITAGE PRESERVATION OVERLAY DISTRICT

23.1. PURPOSE

To promote the preservation and rehabilitation of historical resources, and ensure new developments are pedestrian friendly and compatible in scale, function, built form and design continuity with the historical and architectural character of the area.

23.2. PERMITTED USES

Those uses listed as permitted in the underlying use district

23.3. DISCRETIONARY USES

Those uses listed as discretionary in the underlying use district

23.4. DEVELOPMENT STANDARDS

23.4.1. In accordance with the Alberta Historical Resources Act, no person shall destroy, disturb, alter, restore or repair a building or structure on a site that has been designated a:

- i. Provincial Historic Resource without written approval from the Minister responsible for the Alberta Historical Resources Act;
- ii. Registered Historical Resource until expiration of 90 days from the date the notice of the proposed intervention is served on the Minister responsible for the Alberta Historical Resources Act, unless the Minister sooner consents to the proposed action.

23.4.2. All applications for development or demolition of sites listed in Section 23.5 and shown in Figure 1 shall be reviewed by the Development Officer and subject to the provisions of this overlay district.

23.4.3. For developments involving demolition the owner must give 45 days' notice to the Development Authority of the proposed demolition. The Development Authority shall conduct an historical evaluation of the site in consultation with relevant expertise.

23.4.4. The Development Authority may waive or reduce the 45-day review period, based upon advice received through the historical evaluation, in the following situations:

- i. If the building is deemed not of significant heritage value or not a suitable candidate for preservation;
- ii. In the case of an emergency situation involving risk of life or damage to adjacent property which requires immediate demolition.

23.4.5. New buildings or additions shall recognise the scale, architecture and built form of the existing historical structures on the site and within the general area, particularly those on the same block face. Developments on larger consolidated parcels should break up their facades facing public roadways to be reflective of the original plot widths.

23.4.6. In the event the heritage building will not be saved, the façade of the new building shall incorporate architectural design details or features that recognise the heritage character of the former building, to the same building height. Any portion of the building height beyond the height of the original heritage building shall be stepped back from the property line by 3.0m (9.8 ft.).

23.5. INVENTORY OF HISTORICAL SIGNIFICANT RESOURCES

Site ID	Historical Building	Civic Address	Legal Description	Designation
1	F.E. Algar Building	5020 50 Street	Lot 10, Block 3, Plan RN7	Registered Historical Resource
2	Community Rest Room	5012 51 Avenue	Lot 23, Block 4, Plan RN7	Provincial Historic Resource
3	Bird Drug Company	5006 50 Avenue	Lot 1, Block 3, Plan RN7	N/A
4	Sweet Block	5027 50 Avenue	Lot 15 & Pt. Lot 16, Block 2, Plan RN7A	N/A
5	The “Brick School”	5004 54 Street	Lot 1, Block 34, Plan 6098 HW	N/A
6	Allan’s Furniture	5006 Railway Street	Lot 25, Block 3, Plan 3090 MC	N/A
7	Cash Foods	5026 50 Avenue	Lot 19, Block 3, Plan RN7	N/A
8	Thirsk 5¢ to \$1 Store	5019 50 Avenue	Lot 14 & Pt. Lot 15, Block 2, Plan RN7A	N/A
9	Jack’s Men’s Wear	5012 50 Street	Lot 5 & Lot 6, Block 3, Plan RN7	N/A
10	Ponoka Jubilee Library	5039 49 Avenue	Lot 17, Block 1, Plan RN7A	N/A
11	Leland Hotel	5009 50 Avenue	Lot 11 & Pt. Lot 12, Block 2, Plan RN7A	N/A
12	Capitol Theatre	4904 50 Avenue	Pt. Lot 2 & Lot 3, Block 2, Plan RN7A	N/A
13	Green’s Gents Furnishers	5012 50 Avenue	Pt. Lot 23, Block 3, Plan RN7	N/A
14	Ponoka Herald	5010 51 Avenue	Lot 24, Block 4, Plan RN7	N/A
15	Ponoka Meat Market	5005 51 Avenue	Lot 10, Block 3, Plan RN7	N/A

Figure 1: Sites Subject to Heritage Preservation Overlay District



- | | |
|---|---|
| 1. F.E. Algar Building, 5020 50 St. | 2. Community Rest Room, 5012 51 Ave |
| 3. Bird Drug Company, 5006 50 Ave | 4. Sweet Block, 5027 50 Ave |
| 5. The Brick School, 5004 54 St. | 6. Allan’s Furniture, 5006 50 St |
| 7. Cash Foods, 5026 50 Ave. | 8. Thirsk 5¢ to \$1 Store |
| 9. Jack’s Men’s Wear, 5012 50 St. | 10. Ponoka Jubilee Library, 5039 49 Ave. |
| 11. Leland Hotel, 5009 50 Ave. | 12. Capitol Theatre, 4904 50 Ave. |
| 13. Green’s Gents Furnishers, 5012 50 Ave. | 14. Ponoka Herald, 5010 51 Ave. |
| 15. Ponoka Meat Market, 5005 51 Ave. | |

24. AIRPORT SAFETY OVERLAY DISTRICT

24.1. PURPOSE

To ensure the safe use of the Ponoka Industrial Airport “Labrie Field” from developments which may create hazards in the take off and approach area of the airport.

24.2. PERMITTED USES

Those uses listed as permitted in the underlying use district

24.3. DISCRETIONARY USES

Those uses listed as discretionary in the underlying use district

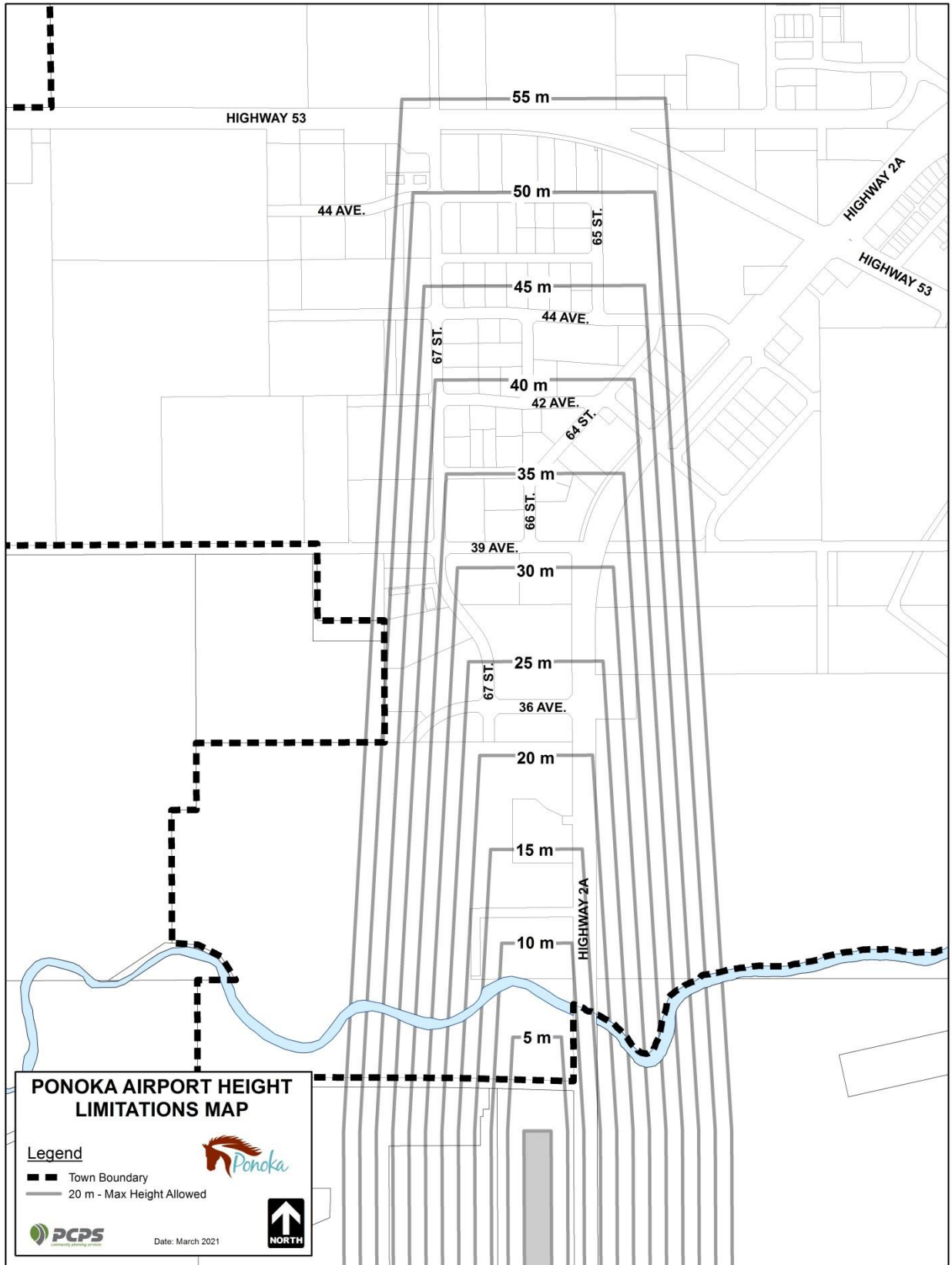
24.4. APPLICATION

The overlay district applies to those lands shown as being completely or partially within the take off and approach area of the airport indicated on Figure 1 below. The lands include; SW 5-43-25-4, SE 6-43-25-4, Part of the SE 36-42-26-4 and Part of the NE 36-42-26-4.

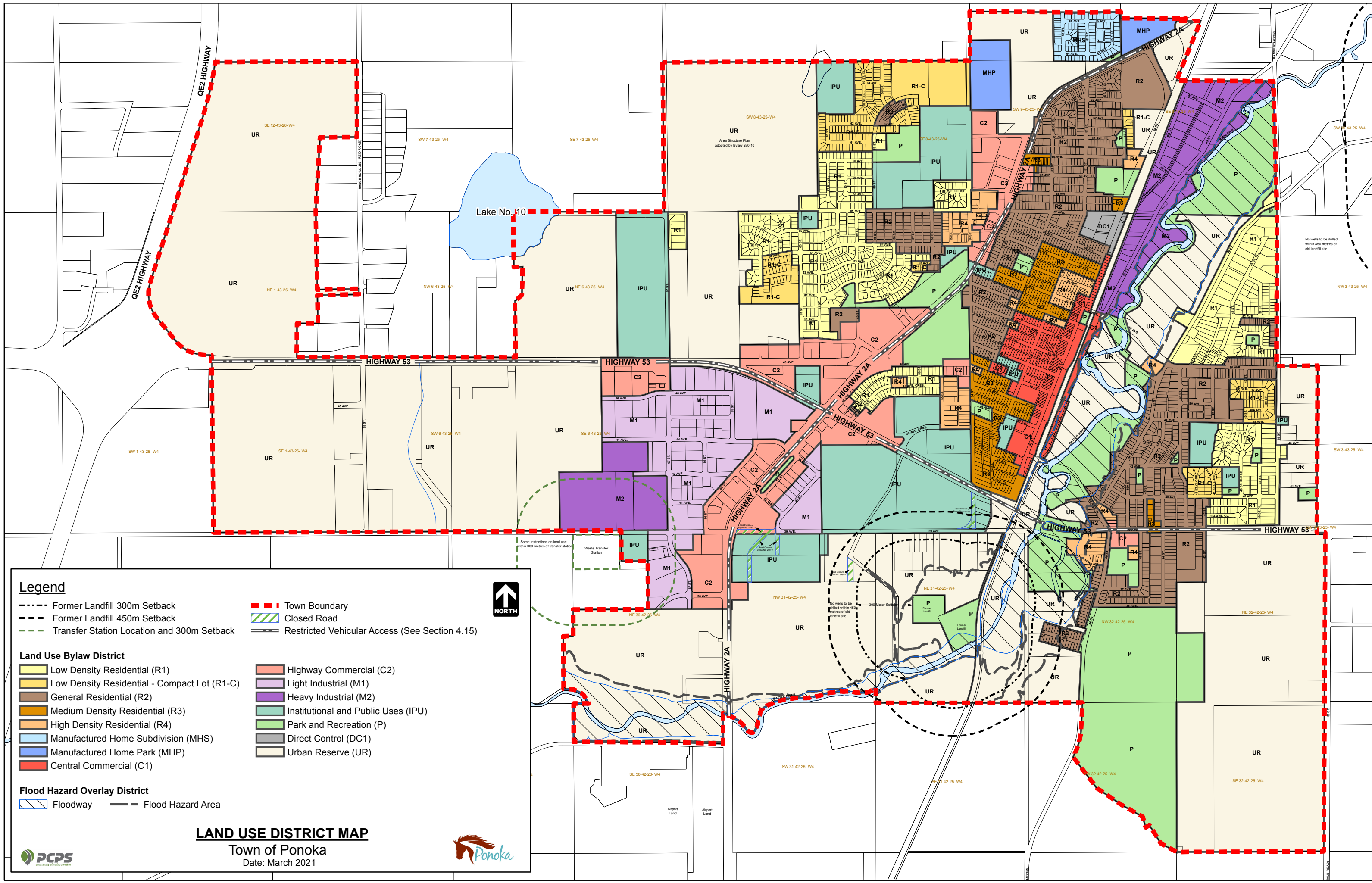
24.5. DEVELOPMENT STANDARDS

- 24.5.1. No structure or land use shall emit light, glare, dust, smoke, or electromagnetic radiation that interferes with the operation of the Ponoka Industrial Airport.
- 24.5.2. No part of any structure shall be higher than a line rising at a gradient of 1:40 from the north end of the runway, as shown on Figure 1: Ponoka Airport Take Off and Approach Area Height Limitations. (Note: a 1:40 gradient from the north end of the runway is approximately 30.0 m (98.0 ft.) above ground at 39 Avenue)
- 24.5.3. The Development Authority shall refer all proposals to the airport authorities for comment prior to issuing a decision.

Figure 1: Ponoka Airport Take Off and Approach Area Height Limitations



Part Five: Land Use District Map



Legend

- Former Landfill 300m Setback
- Former Landfill 450m Setback
- Transfer Station Location and 300m Setback
- Town Boundary
- Closed Road
- Restricted Vehicular Access (See Section 4.15)

Land Use Bylaw District

Low Density Residential (R1)	Highway Commercial (C2)
Low Density Residential - Compact Lot (R1-C)	Light Industrial (M1)
General Residential (R2)	Heavy Industrial (M2)
Medium Density Residential (R3)	Institutional and Public Uses (IPU)
High Density Residential (R4)	Park and Recreation (P)
Manufactured Home Subdivision (MHS)	Direct Control (DC1)
Manufactured Home Park (MHP)	Urban Reserve (UR)
Central Commercial (C1)	

Flood Hazard Overlay District

- Floodway
- Flood Hazard Area

LAND USE DISTRICT MAP
 Town of Ponoka
 Date: March 2021



No wells to be drilled within 450 metres of old landfill site

No wells to be drilled within 450 metres of old landfill site

Some restrictions on land use within 300 metres of transfer station

Airport Land

Airport Land

Map 2021