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**TOWN OF HIGH LEVEL  
LAND USE BYLAW  
BYLAW NO. 1051-25**

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**A BYLAW OF THE TOWN OF HIGH LEVEL IN THE PROVINCE OF ALBERTA, TO ADOPT A LAND USE BYLAW.**

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, requires the Council of a municipality to enact a Land Use Bylaw to regulate the use and development of land and buildings within the municipality;

**AND WHEREAS** the Council of the Town of High Level deems it necessary to repeal the existing Land Use Bylaw and adopt a new Land Use Bylaw;

**AND WHEREAS** Land Use Bylaw 1018-21 and all amendments thereto are to be repealed, except for amendments which established Direct Control Districts and their associated regulations, which shall remain in full force and effect and be interpreted as referencing this Bylaw;

**NOW THEREFORE** the Council of the Town of High Level, Duly Assembled, does hereby adopts the Town of High Level Land Use Bylaw, attached hereto and forming part of this bylaw.

READ A FIRST TIME this 28 day of April, 2025

(Original Version Signed)  
MAYOR

(Original Version Signed)  
CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME this 26 day of May, 2025

(Original Version Signed)  
MAYOR

(Original Version Signed)  
CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME this 26 day of May, 2025

(Original Version Signed)  
MAYOR

(Original Version Signed)  
CHIEF ADMINISTRATIVE OFFICER



# Land Use Bylaw

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**No. 1051-25**

**TOWN OF HIGH LEVEL**



# AMENDING LAND USE BYLAW INDEX

## LAND USE BYLAW AMENDMENTS

| BYLAW # | DESCRIPTION | ADOPTED |
|---------|-------------|---------|
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## REZONING LAND USE BYLAW AMENDMENTS

| BYLAW # | DESCRIPTION | ADOPTED |
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## 1.0 ENACTMENT

### 1.1 TITLE OF THIS BYLAW

**1.1.1** This BYLAW shall be known as, and may be cited as the “Town of High Level Land Use Bylaw”.

### 1.2 PURPOSE OF THIS BYLAW

**1.2.1** Pursuant to Section 640 of the *Municipal Government Act*, the purpose of this BYLAW is to regulate the USE and development of land and BUILDINGS within the boundaries of the Town of High Level, to ensure the orderly development of land and to:

- a) Divide the TOWN into LAND USE DISTRICTS;
- b) Prescribe and regulate the PERMITTED USE and DISCRETIONARY USE of LOTS or BUILDINGS within each LAND USE DISTRICT;
- c) Provide the method used for issuance of and decision-making on applications for DEVELOPMENT PERMITS;
- d) Provide the manner in which a notice of issuance for a DEVELOPMENT PERMIT is given;
- e) Establish the number and type of DEVELOPMENT allowed on a PARCEL or LOT;
- f) Establish general DEVELOPMENT standards and specific land USE regulations;
- g) Establish PARKING, SIGNAGE and LANDSCAPING standards;
- h) Establish SUBDIVISION design standards; and
- i) Provide information on the process of appealing DEVELOPMENT decisions.

### 1.3 APPLICATION OF THIS BYLAW

**1.3.1** The provisions of this BYLAW apply to all lands and BUILDINGS within the boundaries of the Town of High Level, pursuant to Division 5 of Part 17 of the *Municipal Government Act*.

## **1.4 EFFECTIVE DATE OF THIS BYLAW**

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- 1.4.1** This BYLAW comes into force and takes effect upon the date of its third and final reading by COUNCIL.
- 1.4.2** Land Use Bylaw No. 1018-21, and all amendments thereto, are hereby repealed and replaced.

## **1.5 CONFORMITY WITH THIS BYLAW**

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- 1.5.1** No person shall commence any DEVELOPMENT within the TOWN except in conformity with this BYLAW.
- 1.5.2** Compliance with this BYLAW does not exempt any person or entity from the requirements of any adopted Statutory Plan, Federal or Provincial regulation.

## **1.6 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS**

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- 1.6.1** Nothing in this BYLAW affects the duty or obligation of a person to obtain a DEVELOPMENT PERMIT as required by this BYLAW or to obtain any other permit, license or other authorization required by this, or any other Bylaw.
- 1.6.2** In addition to the requirements of this BYLAW, an applicant must comply with all Federal, Provincial and other Municipal legislation.

## **1.7 TRANSITION**

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- 1.7.1** An application for a SUBDIVISION, DEVELOPMENT PERMIT or amendment to the Land Use Bylaw, which commenced prior to the adoption of this BYLAW, shall be evaluated using the provisions of the Town of High Level Land Use Bylaw No. 1018-21 as amended.

# 2

## 2.0 INTERPRETATION

### 2.1 INTERPRETATION

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- 2.1.1** The terms defined in this Section have specific, broader or different meanings than the usage and interpretation commonly found in the Oxford English Dictionary, which gives reasoning to the need of this Section. The meanings of all terms and vocabularies used in this BYLAW shall be interpreted in accordance with the:
- a)** Municipal Government Act and the Statutes of Alberta to which this BYLAW refers;
  - b)** the following definitions;
  - c)** the DEVELOPMENT AUTHORITY; and
  - d)** the Standard Oxford English Dictionary, in the event that the above-mentioned Section of definitions is silent.
- 2.1.2** The word “person” includes a corporation, firm, partnerships, trusts, and other similar entities as well as an individual.
- 2.1.3** Capitalized words within this BYLAW have specific meanings defined within Article 2.4.1.
- 2.1.4** When words defined within Article 2.4.1 are not capitalized, they are being used in a different context, however they typically bear the same meaning.
- 2.1.5** The words “shall”, “must”, and “is” require mandatory compliance except where a VARIANCE has been granted, pursuant to the ACT or this BYLAW.
- 2.1.6** All other words and expressions have the meaning respectively assigned to them in accordance with the ACT and any other applicable Statutes of Alberta. Where such words are not defined in this BYLAW, or in the ACT, the DEVELOPMENT AUTHORITY will provide the interpretation.

## **2.2 NUMBERING SYSTEM**

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- 2.2.1** In the numbering system used in this BYLAW:
- a)** the first number indicates the Section;
  - b)** the second number indicates the Subsection of the Section; and
  - c)** the third number indicates the Article of the Subsection.
- 2.2.2** An Article in this BYLAW may be divided into Clauses, which are indicated by lower case letters in parentheses, and the Clauses may be divided into Sub-clauses, which are indicated by roman numerals in parentheses.

## **2.3 MEASUREMENTS**

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- 2.3.1** The measurements contained in this BYLAW are in Imperial and Metric and may be abbreviated as follows:
- a)** metres or m;
  - b)** square metres or m<sup>2</sup>
  - c)** centimetres or cm;
  - d)** millimetres or mm;
  - e)** hectares or ha;
  - f)** feet or ft.;
  - g)** square feet or sq.ft.;
  - h)** inches or in; and
  - i)** acres or ac.

## **2.4 DEFINITIONS**

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- 2.4.1** The following words, terms, and phrases, wherever they occur in this BYLAW have the meaning assigned to them as follows:

### **A**

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#### **ABATTOIR**

means a commercial DEVELOPMENT where animals are slaughtered and/or meat is cut, wrapped, frozen, cured, smoked, or aged.

#### **ACCESS**

means an area that serves as the physical connection between a SITE and a PUBLIC ROADWAY.

#### **ACCESSORY BUILDING OR STRUCTURE**

means a BUILDING and/or STRUCTURE not used for human habitation, but may be attached to or located beneath a DWELLING - BACKYARD UNIT, where permitted. In other cases, it may include a GARAGE – DETACHED, detached CARPORT, or garden shed. The USE of an ACCESSORY BUILDING OR STRUCTURE is incidental and subordinate to the PRINCIPAL USE, BUILDING and/or STRUCTURE, and is located on the same LOT. This does not include children's play structures, PATIOS or DECKS associated with a DWELLING UNIT.

**ACCESSORY USE**

means a USE subordinate, incidental to and exclusively devoted to a PRINCIPAL USE of a BUILDING, STRUCTURE or property.

**ACT**

means the *Municipal Government Act* being Chapter M-26 of the revised *Statutes of Alberta*, or any amendments thereto.

**ADULT ENTERTAINMENT FACILITY**

means a DRINKING ESTABLISHMENT, nightclub, RESTAURANT or other establishment that features live performances of an explicit nature, escort services, or showcasing media materials inclusive of adult content.

**AGRICULTURE**

means the cultivation of the soil for the growing of a crop, the raising of livestock, or DEVELOPMENT of an industrial or commercial greenhouse.

**AIRPORT RESTRICTION AREA**

means the area shown on Map 2 of APPENDIX 1.

**ALTERNATIVE ENERGY TECHNOLOGY**

means any system, device or STRUCTURE that is used to collect natural energy sources, such as the sun or geothermal sources to generate thermal, electrical, or mechanical energy for USE as an alternative to fossil fuels, and other non-renewable resources. Typical examples are SOLAR COLLECTORS and GEOTHERMAL ENERGY SYSTEMS.

**AMUSEMENT ARCADE**

means a DEVELOPMENT with mechanical or electronic games that are provided for public entertainment, but does not include ADULT ENTERTAINMENT FACILITY, casino or bingo.

**AREA STRUCTURE PLAN**

means a statutory plan, prepared and adopted pursuant to Section 633 of the ACT, which addresses the future development of large areas of land at a conceptual level.

**ART GALLERY**

means a DEVELOPMENT used for the public display and sale of art.

**ASSISTED LIVING FACILITY**

means an institution primarily for persons where housing accommodation is provided, and medical or supervisory care may also be provided.

**AUCTION FACILITY**

means a DEVELOPMENT used for the auctioning of goods, MOTOR VEHICLES and equipment, including the temporary storage of such goods and equipment.

## **AUTOMOTIVE SALES AND RENTAL**

means a DEVELOPMENT used for the sale, service, and rental of MOTOR VEHICLES, but does not include RECREATIONAL VEHICLE SALES AND SERVICE or automotive body and paint service.

## **AUTOMOTIVE SERVICE**

means a DEVELOPMENT used for the service and repair of MOTOR VEHICLES, automotive body and paint work, the sale of gasoline, lubricating oils, and other automotive fluids, or any combination of such, but does not include AUTOMOTIVE SALES AND RENTAL, a FUEL STATION, or a CAR WASH.

## **B**

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### **BALCONY**

means an exterior platform projecting from a wall above the first STOREY of a BUILDING with ACCESS from an upper-floor.

### **BASEMENT**

means that portion of a BUILDING that is located below the GROUND FLOOR that is completely or partially below grade. A BASEMENT does not constitute a STOREY.

### **BED AND BREAKFAST BUSINESS**

means a business that forms an ACCESSORY USE to a DWELLING - SINGLE DETACHED and provides temporary sleeping accommodation with or without meals, including short-term rentals or vacation rentals, and does not include a BOARDING HOUSE.

### **BERM**

means an elongated mound of earth a minimum of 1m/3.2ft. in height above the FINISHED GRADE designed to provide SCREENING or noise attenuation within a DEVELOPMENT or between adjacent DEVELOPMENTS. For an example of a BERM please see [Figure 1](#).

### **BOARDING HOUSE**

means a DEVELOPMENT, within a DWELLING - SINGLE DETACHED, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Typical USES include student co-operative housing, and lodges for senior citizens, but does not include BED AND BREAKFAST BUSINESS, group home, HOTEL, DWELLING - DUPLEX, DWELLING - TOWNHOUSE, or DWELLING - MULTIPLE UNIT.

### **BOULEVARD**

means the portion of land located within a PUBLIC ROADWAY between the vehicular portion of the road and the abutting LOT LINE, but does not include the area used for a sidewalk or trail. For an example of a BOULEVARD please see [Figure 2](#).

### **BREWERY, WINE, DISTILLERY**

means a DEVELOPMENT where beer, wine, spirits or other alcoholic beverages are manufactured, which may also have areas and facilities for preparing, cooking and serving food, and serving alcoholic beverages.

## **BUFFER**

means a row of trees, shrubs, BERM, architectural devices, walls, fences, other landscape features, or a combination thereof used to provide visual SCREENING and separation between roadways, SITES or LAND USE DISTRICTS. For an example of a BUFFER please see [Figure 3](#).

## **BUILDING**

includes anything constructed or placed on, in, over or under land including supporting STRUCTURES of any type, but does not include a highway or PUBLIC ROADWAY or a bridge forming part of a highway or PUBLIC ROADWAY.

## **BUILDING DEMOLITION**

means the process of dismantling and removing a BUILDING with controlled plans that are approved by the DEVELOPMENT AUTHORITY, in accordance with the [Building Permit and Standards Bylaw](#).

## **BUILDING HEIGHT**

means the vertical distance measured from the highest FINISHED GRADE, along any wall of a BUILDING and/or STRUCTURE facing a street, to the highest point of the BUILDING and/or STRUCTURE. On a property with LOT FRONTAGE on two (2) or more streets, the highest FINISHED GRADE shall be taken from the wall featuring the principle entrance to the BUILDING. BUILDING HEIGHT shall include any accessory roof construction not structurally essential to the BUILDING, and does not include SIGNS or communication STRUCTURES. For an example of BUILDING HEIGHT please see [Figure 4](#).

## **BUILDING – MOVED IN**

means a residential, commercial or industrial constructed BUILDING that is to be relocated from one LOT to another, but does not include MANUFACTURED HOME – MOBILE, MANUFACTURED HOME – MODULAR, MANUFACTURED HOME – READY TO MOVE, or ACCESSORY BUILDINGS or STRUCTURES under 13m<sup>2</sup> / 139.9sq.ft.

## **BUILDING PERMIT**

means an application form issued by the TOWN, which is assessed by a Safety Codes Officer for compliance with the *National Building Code – Alberta Edition*.

## **BULK OIL, FUEL AND CHEMICAL STORAGE**

means a DEVELOPMENT where refined or crude oil, liquid, or solid chemical is stored outdoors and may include the sale of such.

## **BUSINESS SUPPORT SERVICE**

means a DEVELOPMENT used to provide support services to a PERMITTED USE or DISCRETIONARY USE in a LAND USE DISTRICT. Such businesses may be characterized, and not limited to the provision of support functions including: printing, duplicating, binding or photographic processing; office maintenance or custodial services; secretarial services; security services; sale, rental, repair or servicing of office and business equipment, furniture and machines; and, sale, rental, repair or servicing of computers, cellular phones and fax machines.

## **BYLAW**

means the Land Use Bylaw for the Town of High Level that regulates the use of land and BUILDINGS within the TOWN.

## C

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### CAMPGROUND

means a DEVELOPMENT used to provide outdoor spaces to the public for temporary accommodations in permanent STRUCTURES, tents or RECREATIONAL VEHICLE and may include day use areas and other USES necessary to operate a CAMPGROUND, including but not limited to caretaker residences, and washroom facilities.

### CANNABIS PRODUCTION AND DISTRIBUTION

means a DEVELOPMENT 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 shipping of materials, goods and products; or
- e) the distribution and sale of materials, goods and products to RETAIL – CANNABIS stores or to individual customers.

### CARPORT

means a roofed STRUCTURE attached to a DWELLING UNIT that is designed for the PARKING and storage of MOTOR VEHICLES, which is open on at least two sides providing unobstructed ACCESS to the YARD – REAR. For an example of a CARPORT please see [Figure 5](#).

### CAR WASH

means a DEVELOPMENT used for the cleaning of MOTOR VEHICLES.

### CATERING SERVICE

means a DEVELOPMENT where foods and beverages, to be served off the premises, are prepared for sale to the public.

### CAVEAT

means a warning (in land law) that a person has claimed an interest on a PARCEL of land. If entitled, a person can claim an interest in land through a CAVEAT; registered CAVEATS with Alberta Land Titles are recorded on a Certificate of Title.

### CEMETERY

means a DEVELOPMENT for the entombment of the deceased, which may include structures for those purposes.

### CHANGE OF USE

means changing a TOWN approved USE of a BUILDING, PARCEL or LOT to any other USE. Also see DEVELOPMENT.

### COMMUNITY HALL

means a DEVELOPMENT that provides auditorium, banquet, exhibition, gymnasium, meeting or seminar facilities, and does not include an ADULT ENTERTAINMENT FACILITY.

## **COMPLIANCE CERTIFICATE**

means a document that may be issued by the DEVELOPMENT AUTHORITY indicating that a BUILDING and/or STRUCTURE, as shown on documentation provided to the TOWN, is located in accordance with the minimum yard SETBACK requirements in this BYLAW, at the time the Certificate is issued.

## **CONDOMINIUM**

means individual ownership of a DWELLING UNIT, units within a DWELLING – MULTIPLE UNIT, or a PARCEL of land, which is part of a Condominium Plan registered with Alberta Land Titles, and usually indicates ownership in a share of common property administered and maintained by a Condominium Property Act.

## **CONSTRUCTION SERVICE**

means a DEVELOPMENT used to provide LANDSCAPING, electrical, plumbing, heating, painting, carpentry, woodworking or similar services to households or to general contractors, but does not include equipment rental.

## **COUNCIL**

means the elected COUNCIL of the Town of High Level, as defined in Part 5 Division 1 of the Municipal Government Act.

## **COVENANT**

means a Restrictive COVENANT, which equates to an agreement between owners of two (2) or more PARCELS of land, or from a building scheme established by the owner of several PARCELS of land, whereby non-compete clauses may be agreed upon and imposed upon adjacent LOTS, or architectural controls are imposed upon specific LOTS.

## **D**

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### **DANGEROUS OR HAZARDOUS GOODS**

means a product, substance or organism listed in the Dangerous Goods Transportation and Handling Act.

### **DAY CARE FACILITY**

means a DEVELOPMENT used to provide care and supervision, but not overnight accommodation, to children in accordance with the Residential Facilities Licensing Regulation, as well as any other applicable Provincial or Federal legislation including any amendments. Typical USES are day care centers and nursery schools, and does not include a PRIVATE BABYSITTING SERVICE.

### **DECK**

means an unenclosed STRUCTURE, elevated above FINISHED GRADE, as a stand-alone STRUCTURE or projecting from a BUILDING and supported by the ground at the FINISHED GRADE or below-ground engineered form. For the purposes of this BYLAW, a porch and veranda shall be considered a **DECK**.

### **DEVELOPMENT**

means:

- a) an excavation or stockpile of earth and the creation of either of them;
- b) a BUILDING, an addition to, replacement, or repair of a BUILDING and the construction

- c) or placement of any of them on, in, over or under land
- c) a CHANGE OF USE of a LOT, a BUILDING or an act done in relation to a LOT or a BUILDING that results in, or is likely to result in a CHANGE OF USE of the LOT or BUILDING (also see CHANGE OF USE); or
- d) a change in the intensity of USE of the LOT, a BUILDING or an act done in relation to a LOT or a BUILDING likely to result in a change in the intensity of USE of the LOT or BUILDING.

## **DEVELOPMENT AGREEMENT**

means a legally binding contract between a property owner or developer and the TOWN, regarding specific PARCELS, which often includes terms not otherwise required through provisions within this BYLAW.

## **DEVELOPMENT AUTHORITY**

means a person or persons appointed by the TOWN, pursuant to Section 624 of the ACT to administer the provisions of this BYLAW.

## **DEVELOPMENT PERMIT**

means a document issued by the TOWN permitting a DEVELOPMENT in compliance with this BYLAW.

## **DETENTION AND CORRECTION SERVICES**

means a DEVELOPMENT for the purpose of holding or confining, and treating or rehabilitating persons. Typical USES include prisons, mental institutions, jails, remand centers, asylums, and correction centers.

## **DISCRETIONARY USE**

means the USE of a LOT, BUILDINGS and/or STRUCTURES or any combination thereof provided for in this BYLAW where a DEVELOPMENT PERMIT may be issued, with or without conditions, for a certain purpose that is granted by the DEVELOPMENT AUTHORITY according to their discretionary judgement, based upon the merits of the application in accordance with the ACT.

## **DRINKING ESTABLISHMENT**

means a DEVELOPMENT licensed to serve alcoholic beverages for consumption on the premises as regulated by the Alberta Gaming and Liquor Commission.

## **DRIVE-THROUGH BUSINESS**

means a DEVELOPMENT or part of a DEVELOPMENT designed to serve customers remaining in their vehicles and may form part of the operations of a CAR WASH or FINANCIAL INSTITUTION, but does not include a DRIVE-THROUGH RESTAURANT or FUEL STATION.

## **DRIVE-THROUGH RESTAURANT**

means a RESTAURANT with one (1) or more of the following features: car attendant services; drive-through food and/or beverage pickup services; or PARKING primarily intended to allow for the ON-SITE consumption of food within a MOTOR VEHICLE.

## **DUGOUT**

means the excavation of lands resulting in manmade features that entrap water, includes excavations for a water supply and borrow pits.

#### **DWELLING – BACKYARD UNIT**

means a subordinate DWELLING UNIT that is detached from and located behind a DWELLING – SINGLE DETACHED, or DWELLING – DUPLEX, or DWELLING - TOWNHOUSE, and may be attached to or above an ACCESSORY BUILDING or GARAGE. A DWELLING – BACKYARD UNIT includes one or more bedrooms, a bathroom, cooking facilities, and a private entrance that provides direct access to the unit without requiring passage through a GARAGE.

#### **DWELLING – DUPLEX**

means a BUILDING containing two (2) DWELLING UNITS, arranged either side-by-side or stacked. Each of the two DWELLING UNITS may also include a DWELLING - SECONDARY SUITE where permitted. A DWELLING – DUPLEX may be located entirely on a single LOT or may straddle two LOTS with a PARTY WALL aligned along the shared LOT LINE. A DWELLING – SINGLE DETACHED with a DWELLING - SECONDARY SUITE is not considered a DWELLING – DUPLEX.

#### **DWELLING – SINGLE DETACHED**

means a detached PRINCIPAL BUILDING containing one (1) DWELLING UNIT and may contain one (1) DWELLING - SECONDARY SUITE where permitted. The BUILDING shall be constructed ON-SITE and does not include a MANUFACTURED HOME – MOBILE or a MANUFACTURED HOME – MODULAR.

#### **DWELLING – MULTIPLE UNIT**

means a BUILDING located entirely within a single SITE containing three (3) or more attached DWELLING UNITS, which may be arranged in various configurations, including but not limited to plex or apartment formats. Entrances may be independent, shared through a common area, or a combination of both.

#### **DWELLING - SECONDARY SUITE**

means a self-contained DWELLING UNIT located within, and accessory to, a DWELLING – SINGLE DETACHED, or DWELLING – DUPLEX, or DWELLING - TOWNHOUSE. A DWELLING – SECONDARY SUITE includes one or more bedrooms with egress-compliant windows, a separate bathroom, separate cooking facilities, and a private entrance that provides direct access to the suite without requiring passage through the principal DWELLING UNIT.

#### **DWELLING – TOWNHOUSE**

means a minimum of three (3) DWELLING UNITS arranged side-by-side in a row, with independent entrances at GROUND FLOOR level. A DWELLING - TOWNHOUSE may be located entirely on a single LOT or may span multiple LOTS, with PARTY WALLS that align with LOT LINES.

#### **DWELLING UNIT**

means a self-contained unit within a BUILDING, designed to be used as a permanent residence, and containing independent and exclusive sleeping, kitchen, living, and sanitary facilities. A DWELLING UNIT must have a private entrance, either directly from the exterior of the building or from a common interior area such as a hallway or lobby.

## **E**

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### **EASEMENT**

means a non-possessory right, granted by way of an agreement that is legally registered on a Certificate of Title with Alberta Land Titles, to use and/or enter onto a LOT, or PARCEL of land owned by another for a specified purpose or USE.

### **EFFECTIVE AGE**

is based on a DWELLING UNIT'S present condition and overall general maintenance or improvements. **EFFECTIVE AGE** can be lesser or greater than the unit's actual age at the time of the appraisal. It is the responsibility of an Appraiser, based upon their inspection of the DWELLING UNIT, to estimate the **EFFECTIVE AGE** of a subject unit.

### **EMERGENCY SERVICES FACILITY**

means a DEVELOPMENT which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of equipment and vehicles, which is necessary for the provision of emergency services. An **EMERGENCY SERVICES FACILITY** may include provisions for overnight accommodation as an ACCESSORY USE. Typical USES include fire stations, police stations, emergency medical services, and ancillary training facilities.

### **ENCLOSED DECK**

means a DECK that is enclosed by a roof and has more than 50% of its perimeter enclosed to the outside and shall be considered part of the main DWELLING UNIT, in terms of LOT COVERAGE and FLOOR AREA – GROSS.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

means a comprehensive SITE analysis to determine:

- a) the potential environmental impact of the proposed DEVELOPMENT on the SITE;
- b) the potential environmental impact of the proposed DEVELOPMENT upon the adjacent properties or land USES; and,
- c) the potential environmental impact of the proposed DEVELOPMENT upon the future land USE potential of the property.

### **ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

means a written document pursuant to Part 2 of the *Environmental Protection and Enhancement Act* containing the result of an ENVIRONMENTAL IMPACT ASSESSMENT.

### **ENVIRONMENTALLY SENSITIVE AREAS**

means areas that fall in one or more of the following categories, or by a study undertaken or commissioned by the Town of High Level:

- a) areas having exceedingly steep or unstable slopes;
- b) river valleys and lands, watercourses, and other types of WATERBODIES, and land subject to flooding;
- c) areas classified as having a high water table, or situated on sensitive aquifers;
- d) areas having soils subject to erosion, slippage, or subsidence of similar hazards;
- e) wetlands, unique wetlands, or fisheries habitat, or those areas having high levels of peat contents, or land incapable of meeting percolation requirements; and

- f) areas having stands of unique or mature natural vegetation or land features.

## **EQUIPMENT RENTAL FACILITY**

means a commercial establishment principally involving the rental of household or other equipment to the public, but does not include MOTOR VEHICLES rentals.

## **EXHIBITION GROUNDS**

means an outdoor facility used to host public events including rodeos, horse shows, jamborees, and exhibitions, and any ACCESSORY BUILDING OR STRUCTURE used for spectator seating or viewing.

## **F**

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### **FAMILY DAY HOME**

means an ACCESSORY USE within a DWELLING UNIT or part thereof used to provide care and supervision, but not overnight accommodation, for adults or children as per the *Residential Facilities Licensing Regulation* as well as any other applicable Provincial or Federal legislation including any amendments.

### **FARM IMPLEMENT SALES AND SERVICES**

means a DEVELOPMENT used for the sale and service of farm machinery and equipment.

### **FINANCIAL INSTITUTION**

means a bank, brokerage company, treasury branch, trust company, credit union, finance company, or similar institution.

### **FINISHED GRADE**

means the elevation of the ground at the exterior of a BUILDING when the construction of the BUILDING and LANDSCAPING are complete, which may be shown in an approved plan. For an example of a FINISHED GRADE please see [Figure 4](#).

### **FLEET SERVICE**

means a DEVELOPMENT where MOTOR VEHICLES are operated for the transportation of passengers or goods.

### **FLOOR AREA**

means the area of an individual STOREY or BASEMENT of a BUILDING and/or STRUCTURE measured from the outside surface of the exterior walls. FLOOR AREA does not include the area used for a mechanical room, stairwells, air handling equipment, garbage storage, electrical room, elevators, GARAGE – ATTACHED and car PARKING areas. For an example of a FLOOR AREA please see [Figure 6](#).

### **FLOOR AREA – GROSS**

means the combined FLOOR AREA of all STOREYS of a BUILDING, excluding BASEMENT FLOOR AREA. For an example of a FLOOR AREA – GROSS please see [Figure 6](#).

## FUEL STATION

means a DEVELOPMENT used for the sale of gasoline, diesel, lubricating oils, and other automotive fluids and incidental goods.

## FUNERAL HOME

means a DEVELOPMENT used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services, but does not include a PLACE OF WORSHIP.

## **G**

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### GARAGE

means an ACCESSORY BUILDING or part of a PRINCIPAL BUILDING, designed and used primarily for the storage of MOTOR VEHICLES. A GARAGE shall not be used for commercial activities or human habitation. For an example of a GARAGE please see [Figure 5](#).

### GARAGE – ATTACHED

means a GARAGE attached to a PRINCIPAL BUILDING. For an example of a GARAGE – ATTACHED please see [Figure 5](#).

### GARAGE – DETACHED

means a GARAGE that is separate from a PRINCIPAL BUILDING. For an example of a GARAGE – DETACHED please see [Figure 5](#).

### GARAGE – PORTABLE OR TEMPORARY

means a GARAGE that is designed to be collapsible in nature. For an example of a GARAGE – PORTABLE OR TEMPORARY please see [Figure 5](#).

### GENERAL SERVICE

means a DEVELOPMENT used to provide services related to the care and appearance of an individual, including the cleaning and repair of clothing, but does not include HEALTH SERVICE. Typical USES include: dry cleaner and laundromat; hair and tanning salons; tailor, dressmakers, and shoe repair; and facilities that provide pedicures, manicures, massages, and electrolysis.

### GEOTHERMAL ENERGY SYSTEM

means a renewable source of energy that employs the use of a heat pump to warm or cool air by utilizing the constant temperatures of the Earth.

### GOVERNMENT SERVICE

means a DEVELOPMENT providing Municipal, Provincial or Federal GOVERNMENT SERVICES directly to the public. This USE does not include an EMERGENCY SERVICES FACILITY, DETENTION AND CORRECTION SERVICES, UTILITY SERVICES – MAJOR, UTILITY SERVICES – MINOR and PUBLIC EDUCATION SERVICE.

### GROUND FLOOR

means the lowest STOREY of a BUILDING, and is located at or near FINISHED GRADE. A walk-out BASEMENT does not constitute a GROUND FLOOR. For an example of a GROUND FLOOR please see [Figure 7](#).

## H

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### **HANGARS AND TERMINAL FACILITIES**

means a DEVELOPMENT, which provides services to aircraft, aircraft passengers, and air freight located adjacent to, or in close proximity to, a municipally approved runway. Services provided within these facilities may include airport operations and administration, food and personal services, freight and baggage handling, vehicle rentals, and aircraft maintenance and repair.

### **HARD-SURFACED**

means a durable, dust free, all weather surface constructed of concrete, asphalt or similar materials.

### **HEALTH SERVICE**

means a DEVELOPMENT used for the provision of out-patient health care and social or counselling services, but does not include a HOSPITAL. Typical USES include: medical clinic; dental clinic; chiropractic clinic; therapeutic massage clinic; and physical therapy clinic.

### **HELICOPTER LANDING PAD**

means a designated landing area or platform for helicopters, which may be located on a roof, at or elevated above FINISHED GRADE. For an example of a HELICOPTER LANDING PAD please see [Figure 8](#).

### **HOME OCCUPATION**

means an ACCESSORY USE in a DWELLING UNIT or its GARAGE that involves a business operated by a RESIDENT of the DWELLING UNIT, which is not inclusive of businesses that may cause offensive noise, odor, traffic or generally serve as a nuisance to adjacent residential landowners.

### **HOME OFFICE**

means an ACCESSORY USE contained within one (1) room of a DWELLING UNIT, for a business that involves office functions only and is operated by a RESIDENT of the DWELLING UNIT.

### **HOSPITAL**

means a DEVELOPMENT used to provide in-patient and out-patient health care to the public, as defined by the [Hospitals Act](#).

### **HOTEL**

means a commercial DEVELOPMENT, including a motel, used to provide temporary sleeping accommodation to the public, and which may also contain a RESTAURANT, DRINKING ESTABLISHMENT or convention/banquet hall.

### **HOUSEHOLD REPAIR SERVICE**

means a DEVELOPMENT that provides repair services for household goods, equipment and appliances, but does not include GENERAL SERVICE. Typical USES include: electronics and appliance repair shops; and furniture refinishing and upholstery shops.

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## I

### INDUSTRIAL OPERATION

means a DEVELOPMENT used for manufacturing, assembling, warehousing, processing, or distribution of materials or goods.

### INTER-MUNICIPAL DEVELOPMENT PLAN

means a Statutory Planning document that is prepared and adopted, pursuant to Section 631 of the ACT, by the Councils of the Town of High Level and neighbouring municipalities.

### INTER-MUNICIPAL COLLABORATION FRAMEWORK

means a document that outlines an agreed upon level of cooperation between the Town of High Level and a neighbouring municipality, pursuant to Part 17.2 Division 1 of the Municipal Government Act, which ensures shared municipal services are provided to RESIDENTS efficiently and cost effectively.

### INTER-MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

means a joint board of individuals appointed pursuant to Section 627 of the Municipal Government Act that hears SUBDIVISION and DEVELOPMENT appeals, within the INTER-MUNICIPAL DEVELOPMENT PLAN area.

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## J

### JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD

means a Memorandum of Understanding (MOU) between the Town of High Level and neighbouring municipalities within the region. Whereby, each municipality can request qualified and appointed SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) members and clerks from any of the regional municipalities to participate in appeal hearings with their own municipal SDAB.

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## L

### LAND USE DISTRICT

means a district described in the text of the BYLAW and delineated on one or more LAND USE DISTRICT maps, in which only certain land USES may be allowed as either PERMITTED USES or DISCRETIONARY USES, and which specific requirements must be satisfied before DEVELOPMENT may proceed.

### LANDSCAPED AREA

means that portion of a SITE that requires LANDSCAPING.

### LANDSCAPING

means preserving, enhancing or incorporating vegetative and other materials in a DEVELOPMENT. This includes combining new and existing vegetative materials with architectural elements, existing SITE features or other DEVELOPMENT features including fences or walls.

### LANE

means a PUBLIC ROADWAY, not exceeding 9.1m/29.8ft. in width, which provides a secondary means of ACCESS to a LOT. For an example of a LANE please see Figure 9.

**LOADING SPACE**

means a space that accommodates a MOTOR VEHICLE while it is being loaded or unloaded.

**LOGGING SERVICE**

means a DEVELOPMENT used to provide services for the harvesting of timber for the forest products industry.

**LOT**

pursuant to Section 652 (3) of the *Municipal Government Act*, means a:

- a) quarter section of land;
- b) river LOT as shown on an official plan, as defined in the Surveys Act and any amendments thereto, that is registered with Alberta Land Titles;
- c) settlement LOT shown on an official plan, as defined in the Surveys Act and any amendments thereto, that is registered with Alberta Land Titles;
- d) part of a PARCEL where the boundaries of the part are separately described in a Certificate of Title other than by reference to a legal SUBDIVISION; or
- e) part of a PARCEL where the boundaries of the part are separately described in a Certificate of Title by reference to a plan of SUBDIVISION.

**LOT AREA**

means the area of a LOT including any area dedicated to an EASEMENT or a PUBLIC RIGHT-OF-WAY as shown on a plan of SUBDIVISION or described in a Certificate of Title.

**LOT CORNER**

means a LOT located at the intersection of two (2) or more PUBLIC ROADWAYS. For an example of a LOT CORNER please see [Figure 10](#).

**LOT COVERAGE**

means the percentage of LOT AREA covered by BUILDINGS and/or STRUCTURES above FINISHED GRADE on the same LOT, but does not include DECKS or PATIOS.

**LOT DEPTH**

means the distance between the middle of the LOT LINE – FRONT and the middle of the LOT LINE – REAR. For an example of a LOT DEPTH please see [Figure 11](#).

**LOT FRONTAGE**

means the length of the LOT LINE – FRONT abutting a PUBLIC ROADWAY. In the case of LOT CORNER, both the LOT LINE – FRONT and LOT LINE – FLANKAGE are considered to have LOT FRONTAGE. For an example of a LOT FRONTAGE please see [Figure 11](#).

**LOT LINE**

means a legally defined boundary of a LOT. For an example of a LOT LINE please see [Figure 12](#).

#### **LOT LINE – FLANKAGE**

means, in the case of a LOT CORNER, the longest LOT LINE that abuts a PUBLIC ROADWAY, other than a LANE, but does not include LOT LINE – FRONT. For an example of LOT LINE – FLANKAGE please see [Figure 12](#).

#### **LOT LINE – FRONT**

means the boundary dividing the LOT from an abutting PUBLIC ROADWAY, other than a LANE. In the case of a LOT CORNER, the shortest LOT LINE that abuts a PUBLIC ROADWAY, other than a LANE shall be the LOT LINE – FRONT. For an example of LOT LINE – FRONT please see [Figure 12](#).

#### **LOT LINE – REAR**

means the LOT LINE that is opposite to the LOT LINE – FRONT. For an example of LOT LINE – REAR please see [Figure 12](#).

#### **LOT LINE – SIDE**

means the LOT LINE other than the LOT LINE – FRONT or LOT LINE – REAR. For an example of LOT LINE – SIDE please see [Figure 12](#).

#### **LOT THROUGH**

means any LOT other than a LOT CORNER having an ACCESS on two streets. For an example of a LOT THROUGH please see [Figure 10](#).

#### **LOT WIDTH**

means the average horizontal distance between the LOT LINE – SIDE(s) as determined by the DEVELOPMENT AUTHORITY. In the case of LOT CORNER, LOT WIDTH means the average horizontal distance between the LOT LINE – SIDE and the LOT LINE – FLANKAGE. For an example of a LOT WIDTH please see [Figure 11](#).

#### **LUMBER YARD**

means a DEVELOPMENT for the storage and the wholesale or retail sale of forest industry products, which may include the sales of associated hardware and tools.

## **M**

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#### **MANUFACTURED HOME – COMMUNITY**

means a PARCEL of land, under single ownership that accommodates the placement of three (3) or more MANUFACTURED HOME – MOBILE or MANUFACTURED HOME – TINY HOME, whether privately-owned DWELLING UNITS or not, on PARK LOTS.

#### **MANUFACTURED HOME – MOBILE**

means a DWELLING UNIT, whether originally equipped with a heavy transport chassis, a hitch and wheel assembly or not, that is manufactured in a controlled environment that conforms to the CSA-Z240 of the *National Building Code – Alberta Edition*, is transported from one place to another as a single unit, or in two (2) sections if a double-wide unit. A MANUFACTURED HOME – MOBILE does not require a PERMANENT FOUNDATION, can be anchored on a concrete or wood block foundation, and does not include a MANUFACTURED HOME – MODULAR or MANUFACTURED HOME – READY TO MOVE. For an example of a MANUFACTURED HOME – MOBILE please see [Figure 13](#).

**MANUFACTURED HOME – MOBILE SALES**

means a DEVELOPMENT used for the sale of MANUFACTURED HOMES – MOBILE and/or MANUFACTURED HOME – MODULAR, which may include the storage and display of such units.

**MANUFACTURED HOME – MODULAR**

means a single detached DWELLING UNIT that is manufactured in a controlled environment, which conforms to the CSA-A277 of the *National Building Code – Alberta Edition* at the time of manufacture, is transported and assembled on a PARCEL in one (1) or more sections. MANUFACTURED HOME – MODULAR does not have a chassis, a hitch or wheel assembly, and the sections may be stacked vertically or placed side-by-side. MANUFACTURED HOME – MODULAR must be placed upon a PERMANENT FOUNDATION, includes MANUFACTURED HOME – READY TO MOVE, but does not include DWELLING - SINGLE DETACHED, DWELLING – DUPLEX or MANUFACTURED HOME – MOBILE. For an example of a MANUFACTURED HOME – MODULAR please see [Figure 13](#).

**MANUFACTURED HOME – PAD**

means that portion of SITE that has been graded and designed for the placement of the MANUFACTURED HOME – MOBILE or MANUFACTURED HOME – TINY HOME.

**MANUFACTURED HOME – READY TO MOVE**

means a MANUFACTURED HOME – MODULAR that is transported in one (1) piece and placed upon a PERMANENT FOUNDATION. A MANUFACTURED HOME – READY TO MOVE does not include MANUFACTURED HOME – MOBILE.

**MANUFACTURED HOME – TINY HOME**

means a PRINCIPAL DWELLING UNIT, whether originally equipped with a heavy transport chassis, a hitch and wheel assembly or not, that is manufactured in a controlled environment that conforms to either the CSA-Z240 or CSA-A277 of the *National Building Code – Alberta Edition*, is transported from one place to another as a single unit, and has a maximum FLOOR AREA of 46.45m<sup>2</sup>/500sq.ft. This does not include refurbished SHIPPING CONTAINERS or any other STRUCTURE that is constructed outside of a controlled environment.

**MINI-STORAGE**

means a DEVELOPMENT that provides cubicles for rent to the public for the storage of goods, and may include an office BUILDING containing eating and sleeping facilities for security personnel, but may not be used as a DWELLING UNIT.

**MIXED-USE BUILDING**

means a BUILDING that contains a combination of residential and non-residential uses. Non-residential uses may include commercial, community, or institutional USES.

**MOTOR VEHICLE**

means as defined in the [Traffic Safety Act](#), and any amendments thereto.

**MUNICIPALITY**

means the Town of High Level.

## MUSEUM

means a place or BUILDING in which works of artistic, historical, archeological, and scientific value are cared for, and exhibited.

## N

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### NEF 25- AREA

means the NOISE EXPOSURE FORECAST AREA that lies between the 25 NEF Contour and the boundary of the AIRPORT RESTRICTION AREA.

### NEF 25-30 AREA

means the NOISE EXPOSURE FORECAST AREA that lies between the 25 NEF Contour and the 30 NEF Contour.

### NEF 30-35 AREA

means the NOISE EXPOSURE FORECAST AREA that lies between the 30 NEF Contour and the 35 NEF Contour.

### NEF 35-40 AREA

means the NOISE EXPOSURE FORECAST AREA that lies between the 35 NEF Contour and the 40 NEF Contour.

### NEF 40+ AREA

means the NOISE EXPOSURE FORECAST AREA enclosed by the 40 NEF Contour.

### NOISE EXPOSURE FORECAST AREA

means an area that falls within a NOISE EXPOSURE FORECAST CONTOUR, between two NOISE EXPOSURE FORECAST CONTOURS, or between one NOISE EXPOSURE FORECAST CONTOUR and the boundary of the AIRPORT RESTRICTION AREA.

### NOISE EXPOSURE FORECAST CONTOUR

means a numbered contour as shown on [Map 4](#) of APPENDIX 1.

### NON-CONFORMING BUILDING

means, as defined in the ACT, a BUILDING:

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

### NON-CONFORMING USE

means, as defined in the ACT, a lawful specific USE:

- a) being made of land or of a BUILDING, or intended to be made of a BUILDING lawfully under construction at the date a Land Use Bylaw affecting the land or BUILDING becomes effective; and
- b) that on the date the Land Use Bylaw becomes effective the USE does not, or in the case of a BUILDING under construction, will not comply with the Land Use Bylaw.

## **NON-PROFIT COMMUNITY SUPPORT SERVICE**

means an organization that exists solely to provide programs and services that are of public benefit.

## **O**

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### **OFF-SITE**

means a location other than the SITE which is the subject of a DEVELOPMENT.

### **OFF-SITE LEVY**

means a charge or a requirement to make a payment, as established in the [Off-Site Levy Bylaw](#), that is imposed as a condition of approval for some DEVELOPMENTS including SUBDIVISIONS. These fees may relate to all or part of the capital costs associated with:

- a)** new or expanded facilities for the storage, transmission, treatment or supplying of water;
- b)** new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- c)** new or expanded storm sewer drainage facilities;
- d)** new or expanded roads required for or impacted by a SUBDIVISION or DEVELOPMENT;
- e)** land required for or in connection with any facilities described in Clauses (a) to (d).

### **OILFIELD SERVICE**

means a DEVELOPMENT used to provide services for field operations in the exploration and extraction of fossil fuels. Typical USES include power tongs and anchor services.

### **ON-SITE**

means a location on the SITE which is the subject of a DEVELOPMENT.

### **OUTDOOR STORAGE**

means an outdoor area forming part of a DEVELOPMENT used for the storage of equipment, goods, materials, MOTOR VEHICLES, RECREATIONAL VEHICLE or products.

## **P**

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### **PARCEL**

means the aggregate of one (1) 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 with Alberta Land Titles.

### **PARK LOT**

means that leasable or rentable portion of land within a MANUFACTURED HOME – COMMUNITY, which has been reserved for the placement of a MANUFACTURED HOME – MOBILE or MANUFACTURED HOME – TINY HOME.

### **PARKING**

means leaving a MOTOR VEHICLE unattended temporarily on a LOT, PARCEL or SITE.

**PARKING LOT**

means a DEVELOPMENT or part thereof, which provides for ACCESS, maneuvering and PARKING of MOTOR VEHICLES.

**PARKING STALL**

means a space within a STRUCTURE or a public or private PARKING LOT, exclusive of driveway, aisles, ramps and columns for the PARKING of one (1) MOTOR VEHICLE.

**PARKING STRUCTURE**

means a multi-storey or multi-level PARKING garage, used for the temporary PARKING of MOTOR VEHICLES.

**PARTY WALL**

means a wall separating a DWELLING – DUPLEX or DWELLING – TOWNHOUSE above and/or below grade that is jointly owned and used by two (2) separate parties under an EASEMENT or PARTY WALL agreement, or by a right in law, and erected at or upon a line separating two (2) PARCELS of land each of which is, or capable of being, a separate real-estate entity. For an example of a PARTY WALL please see [Figure 14](#).

**PATIO**

means an area at FINISHED GRADE designed for outdoor seating and may include the seasonal use of outdoor areas associated with DWELLING UNITS or the exterior of RESTAURANTS or cafes in commercial areas.

**PAWBROKER**

means a person who carries on a business of loaning money on the security of the pledge or pawn of personal property or a person who holds themselves out as ready to loan money on such security, and does not include FINANCIAL INSTITUTIONS.

**PERMANENT FOUNDATION**

means a STRUCTURE constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground with a foundational system or arrangement composed of, but not limited to, footing, raft or pole, which may include walls, light standards and SIGNS and renders the STRUCTURE fixed and immovable.

**PERMITTED USE**

means the USE of land or BUILDING, which is listed in the column captioned PERMITTED USES in most LAND USE DISTRICTS appearing in this BYLAW, and for which a DEVELOPMENT PERMIT shall be issued upon an application having conformed to the provisions of this BYLAW. In addition, a DEVELOPMENT PERMIT application shall be approved if the conditions of approval ensure that the DEVELOPMENT would conform to the provisions of this BYLAW.

**PET SERVICE**

means a DEVELOPMENT for the purpose of accommodation, boarding, breeding, grooming, impoundment, training, or the sale of small domestic animals including, but not limited to, cats and dogs.

**PLACE OF WORSHIP**

means a DEVELOPMENT used by a religious organization for worship and related religious, philanthropic or social activities, including rectories, manses, and ACCESSORY BUILDINGS OR STRUCTURES. Typical USES include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries, and any ACCESSORY USES to the PRINCIPAL USE.

**PLACE OF WORSHIP – STOREFRONT CHURCH**

means a church permitted in a commercial storefront BUILDING, within the C-1 LAND USE DISTRICT.

**PRINCIPAL BUILDING**

means a BUILDING where the main or PRINCIPAL USE of the SITE is conducted.

**PRINCIPAL USE**

means the primary or main purpose for which a BUILDING, STRUCTURE, land or any combination thereof is used.

**PRIVATE AMENITY AREA**

means a BALCONY, PATIO, DECK, or similar STRUCTURE which is attached to and has a private entrance from the interior of a DWELLING UNIT.

**PRIVATE BABYSITTING SERVICE**

means a service provided in a private residence where care is provided for children, some or all of whom are children of persons other than the person providing the service, and does not require a licence under the [Residential Facilities Licensing Regulation](#).

**PROFESSIONAL SERVICE**

means a DEVELOPMENT used to provide PROFESSIONAL SERVICES, but does not include HEALTH SERVICE or GOVERNMENT SERVICE. Typical USES are offices providing the following services: accounting, architectural, employment, engineering, insurance, investment, legal, real estate, secretarial, or travel agent.

**PROPANE FACILITY**

means a DEVELOPMENT used for the storage of bulk propane and may include the sale of propane.

**PUBLIC EDUCATION SERVICES**

means a DEVELOPMENT that is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provisions of such services at the same SITE. This USE includes public schools and colleges, but does not include SCHOOL – COMMERCIAL.

**PUBLIC RIGHT-OF-WAY**

means the right for the public to pass through a portion of land.

**PUBLIC ROADWAY**

means the PUBLIC RIGHT-OF-WAY of the following: a local road; a service road; a street; an avenue; a LANE; or, an undeveloped registered road plan that is publicly used or intended for PUBLIC USE.

## **PUBLIC USE**

means a USE, BUILDING, STRUCTURE or LOT used for public services which may be one (1) or more of the following: a telecommunications system; a waterworks system; an irrigation or drainage system; a system for the distribution of gas, whether natural or artificial; a system for the distribution of artificial light or electric power; a heating system; or, a sewage system.

## **R**

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### **REAL PROPERTY REPORT**

means a legal document showing BUILDING location and other SITE data prepared by a Registered Alberta Land Surveyor according to the standards of the [Alberta Land Surveyors Association](#). The REAL PROPERTY REPORT takes the form of a plan of the various physical features of the LOT. The buyer, seller, lender, and municipality can rely upon the REAL PROPERTY REPORT as an accurate representation of the BUILDINGS or improvements on the lot.

### **RECREATIONAL EQUIPMENT**

means equipment defined as an off-highway vehicle in the [Traffic Safety Act](#), and includes boats, but does not include a RECREATIONAL VEHICLE.

### **RECREATIONAL SERVICE – INDOOR**

means a DEVELOPMENT used for sports or recreation within an enclosed BUILDING and any related accessory DEVELOPMENT for the users of the principal facilities.

### **RECREATIONAL SERVICE – OUTDOOR**

means a DEVELOPMENT used for outdoor sports or leisure and any related ACCESSORY USES for the convenience of the users of the principal outdoor facilities.

### **RECREATIONAL VEHICLE**

means a portable STRUCTURE with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by another vehicle, or transported under its own power.

### **RECREATIONAL VEHICLE SALES AND SERVICE**

means a DEVELOPMENT used for the sales, rental, and service of RECREATIONAL VEHICLES.

### **RECYCLING DEPOT**

means a DEVELOPMENT for collecting, sorting and temporary storage of recyclable materials such as bottles, cans, paper, boxes, and small household goods, but does not include a SALVAGE YARD.

### **RELOCATABLE INDUSTRIAL ACCOMMODATION**

means a TEMPORARY DEVELOPMENT, subject to the *National Building Code – Alberta Edition*, greater than 80m<sup>2</sup>/861.1sq.ft. in BUILDING area that is designed to be relocatable and usable without a PERMANENT FOUNDATION for the provision of sleeping, sanitary and eating facilities for a work force.

### **RESIDENT**

means a person that permanently resides and normally eats and sleeps within the DWELLING UNIT, and when absent, intends to return.

**RESTAURANT**

means a DEVELOPMENT where foods and beverages are prepared and served for consumption ON-SITE by the public and may include a take-out component as an ACCESSORY USE.

**RETAIL – ADULT**

means a DEVELOPMENT where more than 50 percent of the retail store inventory is for the sale or rental of media materials including adult content, and / or where more than 50 percent of the retail store inventory is offering the display and sale of non-clothing merchandise and/or products intended for adult use.

**RETAIL – CANNABIS**

means a DEVELOPMENT used for a retail store licensed by the Province of Alberta, where non-medicinal cannabis and cannabis accessories are offered for sale to the public.

**RETAIL – CONVENIENCE**

means a DEVELOPMENT used for retail sales of those goods required by RESIDENTS on a day-to-day basis in an enclosed BUILDING. Typical USES include: small food stores; drug stores; video sales and rentals; and, variety stores selling confectionary, tobacco, groceries beverages, pharmaceuticals, personal care items, hardware, and printed matter.

**RETAIL – GENERAL**

means a DEVELOPMENT used for retail sale of groceries, beverages, household goods, furniture and appliances, clothing, hardware, home improvement supplies, garden supplies, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed BUILDING.

**RETAIL – LIQUOR**

means a store that sells alcoholic beverages and products for OFF-SITE consumption.

**RETAIL – SPECIALTY STORE**

means a store that specializes in, and offers a wide variety of brands, styles, and models from a relatively narrow category of specific goods for retail sale.

**RETAINING WALL**

means a structure designed to support and retain any material (usually earth) on a SITE. For an example of a RETAINING WALL please see [Figure 15](#).

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**S****SALVAGE YARD**

means a facility for the storage, processing, or transshipment of derelict MOTOR VEHICLES, machinery, scrap metal, and similar materials for sale.

**SCHOOL – COMMERCIAL**

means a commercial DEVELOPMENT used for the training and instruction in a trade, skill or service, but does not include PUBLIC EDUCATION SERVICE. Typical USES include: trade; secretarial; business; hairdressing; driver training; dancing; music; or academic tutoring schools.

**SCREENING**

means a vertical physical barrier constructed out of building or vegetative materials used for the purpose of total or partial concealment, containment or to prevent unauthorized access, which serves as a visual screen.

**SETBACK**

means a specified distance from a PUBLIC ROADWAY, LOT LINE, or STRUCTURE, within which a BUILDING is prohibited in compliance with this BYLAW.

**SHIPPING CONTAINER**

means a steel SHIPPING CONTAINER for ACCESSORY USE to the PRINCIPAL BUILDING. For an example of a SHIPPING CONTAINER please see [Figure 16](#).

**SHOPPING CENTRE**

means a DEVELOPMENT comprising three (3) or more separate commercial USE facilities that operate as one (1) unit, and share a common PARKING LOT.

**SIGHT TRIANGLE**

means a triangular area formed at the intersection of two PUBLIC ROADWAYS, including LANES, designed to maintain clear and unobstructed sightlines for drivers and pedestrians. No fence, vegetation, SIGN, BUILDING, or other obstruction exceeding a specified height may be located within this area. For SIGHT TRIANGLE regulations see Subsection 5.3, and for a visual example see [Figure 17](#).

**SIGN OR SIGNAGE**

means an object, STRUCTURE or device used for the purpose of identification or advertising, or to call attention to any person, matter, or event, or to provide direction. For an example of SIGNS OR SIGNAGE please see [Figure 18](#).

**SIGN AREA**

means the total visible surface area of the SIGN. In the case of SIGN – FASCIA with individual lettering, the sum of the combined areas of each individual letter is the total SIGN AREA. For examples of how to calculate SIGN AREA please see [Figure 19](#).

**SIGN – BILLBOARD**

means a large SIGN affixed to the ground with no association to any business or USE located on the LOT or premises on which it is located. For an example of a SIGN – BILLBOARD please see [Figure 18](#).

**SIGN – CANOPY**

means a SIGN attached to or forming part of a permanent BUILDING projection, projecting or fixed structural framework, which extends outward from the exterior wall of a BUILDING. SIGN – CANOPY includes marquees and awnings. For an example of a SIGN – CANOPY please see [Figure 18](#).

**SIGN – DIRECTORY**

means a SIGN located on a property with more than one (1) establishment, which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo. For an example of a SIGN – DIRECTORY please see [Figure 18](#).

**SIGN FACE**

means each individual side or face of a SIGN.

**SIGN – FASCIA**

means a SIGN, other than a SIGN – ROOF or SIGN – PROJECTING, which is attached to and supported by a wall of a BUILDING. For examples of a SIGN – FASCIA please see [Figure 18](#).

**SIGN – FREESTANDING**

means a SIGN, other than a SIGN – PORTABLE OR MOBILE, supported independently of a BUILDING and securely fixed to the ground. For an example of a SIGN – FREESTANDING please see [Figure 18](#).

**SIGN – ILLUMINATED**

means a SIGN lit internally with light(s) shining through a translucent or coloured material. For an example of a SIGN – ILLUMINATED please see [Figure 18](#).

**SIGN – PORTABLE OR MOBILE**

means a SIGN greater than 1m<sup>2</sup>/10.7sq.ft. in SIGN AREA, that is located on, but not permanently attached to the ground. It is capable of being easily relocated and holds a SIGN with one (1) or more faces featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or other means. For an example of a SIGN – PORTABLE OR MOBILE please see [Figure 18](#).

**SIGN – PROJECTING**

means any SIGN, other than a SIGN – CANOPY, that is attached directly to a BUILDING wall, where the SIGN FACE is perpendicular to the wall it is attached to. For an example of a SIGN – PROJECTING please see [Figure 18](#).

**SIGN – ROOF**

means any SIGN erected upon a roof, directly above a roof, on top of, or above the parapet of a BUILDING. For an example of a SIGN – ROOF please see [Figure 18](#).

**SIGN – SANDWICH**

means a SIGN less than 1m<sup>2</sup>/10.7sq.ft. in area, which is constructed of two (2) boards connecting at one (1) end that can be readily taken on and off a SITE. For an example of a SIGN – SANDWICH please see [Figure 18](#).

**SITE**

means a LOT or PARCEL where a DEVELOPMENT exists or occurs, or for which a DEVELOPMENT PERMIT application is submitted.

**SMALL WIND ENERGY SYSTEM**

means a wind energy conversion system consisting of a wind turbine rotating on, either a vertical or horizontal axis, or a tower, and associated control or conversion electronics, which has a rated capacity of not more than 5KW, which is intended to provide electrical power for consumption ON-SITE.

**SOLAR COLLECTOR**

means any device used to absorb sunlight that is part of a system used to convert solar radiation energy into thermal or electrical energy.

**STOREY**

means a complete horizontal section of a BUILDING, having one (1) continuous or practically continuous floor, with all the rooms on the same level. A BASEMENT does not constitute a STOREY. For an example of a STOREY please see [Figure 7](#).

**STRUCTURE**

means anything that is erected, built, or constructed of multiple parts joined together or any such assembly fixed to or supported by the FINISHED GRADE, or any other BUILDINGS and/or STRUCTURES, excluding fences.

**SUBDIVISION**

means the division of a PARCEL of land into one (1) or smaller PARCELS by a Plan of SUBDIVISION, registered with Alberta Land Titles.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

means a board of individuals, appointed pursuant to Section 627 of the [Municipal Government Act](#) that hears SUBDIVISION and DEVELOPMENT appeals, and renders a decision.

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**T****TAXI SERVICE**

means a passenger transportation service with a MOTOR VEHICLE provided for a fee based on time and / or distance travelled.

**TEMPORARY**

means a USE or BUILDING which occurs from the date of the DEVELOPMENT PERMIT approval for a length of time as specified in the permit approval by the DEVELOPMENT AUTHORITY.

**TEMPORARY BUNKHOUSE**

means a TEMPORARY DEVELOPMENT, 80m<sup>2</sup>/861.1sq.ft. or less, that is designed to be relocatable and usable without a PERMANENT FOUNDATION for the provision of sleeping and sanitary facilities, which may include eating facilities.

**THEATRE**

means a DEVELOPMENT where live entertainment or motion pictures is provided to the public, not including an ADULT ENTERTAINMENT FACILITY.

**TOWN**

means the Town of High Level.

**TRANSMITTING STATION**

means a DEVELOPMENT used for the transmission of data, or rebroadcast of telecommunications through antenna or satellite transmitting equipment, which can be located above or at ground-level.

**U**

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**UNSIGHTLY CONDITION**

means:

- a) a STRUCTURE whose exterior shows signs of significant physical deterioration;
- b) land that, in the opinion of the DEVELOPMENT AUTHORITY, shows signs of serious disregard for general maintenance or upkeep; and
- c) any other definition pursuant to the [Community Standards Bylaw](#).

**UTILITY SERVICES – MAJOR**

means a DEVELOPMENT for public utility infrastructure purposes, which is likely to have a major impact on the environment or adjacent lands by virtue of their potential emissions, affects, or their appearance. Typical USES include sanitary landfill sites, sewage treatment lagoons and power generating stations.

**UTILITY SERVICES – MINOR**

means a DEVELOPMENT for public utility infrastructure purposes, which is likely to have some impact on the environment or adjacent uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical USES include vehicle, equipment material storage for utilities and services, snow dumping sites and water treatments plants.

**USE**

means the purpose for which land or a BUILDING and/or STRUCTURE, or any combination thereof, is designated, arranged, erected, intended, occupied, or maintained.

**V**

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**VARIANCE**

means a deliberate deviation from the set of provisions supplied by the TOWN, which can be applied for within DEVELOPMENT PERMIT applications, regarding DEVELOPMENT guidelines, requirements and parameters within this BYLAW.

**VETERINARY CLINIC**

means a DEVELOPMENT used for the medical care and treatment of domestic animals and incidental overnight accommodation, and does not include PET SERVICE.

**W**

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**WAREHOUSE**

means the indoor storage of equipment, goods, MOTOR VEHICLES, RECREATIONAL VEHICLES, materials, or products as part of a commercial or industrial DEVELOPMENT.

## WAREHOUSE STORE

means a DEVELOPMENT used for retail sale of goods at discounted prices, which provides a no-frills experience and warehouse shelving stocked with merchandise intended for purchase in bulk or higher volumes.

## WATERBODY

means any location where water flows and/or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to, wetlands and aquifers, and does not include part of a drainage or irrigation system.

## X

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### XERISCAPING

means LANDSCAPING and gardening in a manner to reduce or eliminate the need for watering and irrigation systems.

## Y

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### YARD – FLANKAGE

means a YARD – SIDE abutting the road of a LOT CORNER. YARD – FLANKAGE is determined by the horizontal dimension measured from a LOT LINE – FLANKAGE at a right angle to the nearest point of a wall of any BUILDING and/or STRUCTURE on the LOT. In the case of a curved LOT LINE – FLANKAGE, the YARD – FLANKAGE will also form a curve. For an example of a YARD – FLANKAGE please see [Figure 20](#).

### YARD – FRONT

means a yard extending across the full width of a SITE from the LOT LINE – FRONT to the nearest point on the exterior of any BUILDING and/or STRUCTURE situated on the LOT measured at right angles to the LOT LINE – FRONT. In the case of a curved LOT LINE – FRONT, the YARD – FRONT will also form a curve. For an example of a YARD – FRONT please see [Figure 20](#).

### YARD – REAR

means a yard extending across the full width of a SITE from the LOT LINE – REAR to the nearest point on the exterior of any BUILDING and/or STRUCTURE situated on the SITE, measured at right angles to the LOT LINE – REAR. In the case of a curved LOT LINE – REAR, the YARD – REAR will also form a curve. For an example of a YARD – REAR please see [Figure 20](#).

### YARD – SIDE

means the horizontal dimension measured from a LOT LINE – SIDE at a right angle to the nearest point of a wall of any BUILDING and/or STRUCTURE on the LOT. In the case of a curved LOT LINE – SIDE, the YARD – SIDE will also form a curve. For an example of a YARD – SIDE please see [Figure 20](#).

# 3

## 3.0. ADMINISTRATION AND PROCEDURES DEVELOPMENT AUTHORITY

### **3.1 BYLAW AMENDMENTS**

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- 3.1.1** A BYLAW amendment application shall be made to COUNCIL on the [Land Use Bylaw Amendment Application Form](#) that is signed by the applicant, or their agent.
- 3.1.2** All applications to amend this BYLAW shall be submitted with a statement of the reasons for the amendment.
- 3.1.3** If the amendment involves the re-zoning of a LOT to a different LAND USE DISTRICT, the application must contain:
  - a)** the application fee as set by COUNCIL;
  - b)** a Certificate of Title for the subject property;
  - c)** written consent from the registered landowner, in a case where the applicant is not the owner of the LOT affected by the application;
  - d)** an appropriately dimensioned map describing the SITE to the satisfaction of the DEVELOPMENT AUTHORITY;
  - e)** an AREA STRUCTURE PLAN when required by the DEVELOPMENT AUTHORITY;  
and
  - f)** any additional information as the DEVELOPMENT AUTHORITY may require in evaluating the application, including but not limited to, traffic impact assessments, ENVIRONMENTAL IMPACT ASSESSMENTS, soil tests, engineering reports or geotechnical reports.
- 3.1.4** The TOWN may at any time initiate an amendment to this BYLAW.
- 3.1.5** Where an application for an amendment to this BYLAW has been refused, the submission of another application to amend this BYLAW which affects the same PARCEL, and same or similar amendment, may not be made by any applicant for a minimum of six (6) months.

## **3.2 BYLAW AMENDMENT NOTIFICATION REQUIREMENTS**

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**3.2.1** On first reading being given to a bylaw to amend this BYLAW, in accordance with the Advertisement – Public Notification Bylaw administration will:

- a)** Arrange for notice of a public hearing to be published in a newspaper circulating within TOWN, the publication of the second issue being not less than five (5) days prior to the commencement of the public hearing in a manner outlined in Section 606 of the ACT;
- b)** Post copies of the public hearing notice on the TOWN'S digital media platforms for public viewing;
- c)** Mail a notice of the public hearing to any neighbouring landowners who, in the opinion of the DEVELOPMENT AUTHORITY, may be affected by the proposed amendment; and
- d)** May contact neighbouring landowners who, in the opinion of the DEVELOPMENT AUTHORITY, may be affected by the proposed amendment via email.

## **3.3 SUBDIVISION AND DEVELOPMENT AUTHORITIES**

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### **3.3.1 DEVELOPMENT AUTHORITIES**

- a)** The DEVELOPMENT AUTHORITY is established by the Development Authority Bylaw, pursuant to Section 624 of the ACT.
- b)** The DEVELOPMENT AUTHORITY shall exercise development powers and duties on behalf of the TOWN.
- c)** The DEVELOPMENT AUTHORITY shall be the Chief Administrative Officer, or where the context of this BYLAW permits, the SUBDIVISION AND DEVELOPMENT APPEAL BOARD, TOWN COUNCIL, or the Inter-Municipal Planning Commission.
- d)** The DEVELOPMENT AUTHORITY shall appoint a Development Officer to receive and process all DEVELOPMENT PERMIT applications for authorization, maintain a record of all DEVELOPMENT PERMIT applications and supporting information, and ensure approved amendments to this BYLAW are completed for public use in a timely manner.
- e)** COUNCIL shall serve as the DEVELOPMENT AUTHORITY for all applications in the Direct Control (DC) LAND USE DISTRICTS, and may delegate applications within the DC LAND USE DISTRICT with direction they consider appropriate, to the DEVELOPMENT AUTHORITY.

### **3.3.2 SUBDIVISION AUTHORITIES**

- a)** The SUBDIVISION Authority is established by the Subdivision Authority Bylaw, pursuant to Section 623 of the ACT.
- b)** The SUBDIVISION Authority shall exercise SUBDIVISION powers and duties on behalf of the TOWN.
- c)** The SUBDIVISION Authority shall be the Chief Administrative Officer, or where the context of this BYLAW permits, the SUBDIVISION AND DEVELOPMENT APPEAL BOARD, TOWN COUNCIL, or the Inter-Municipal Planning Commission.

### **3.3.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- a)** The SUBDIVISION AND DEVELOPMENT APPEAL BOARD shall be established by the Subdivision and Development Appeal Board Bylaw, pursuant to Section 627 of the ACT.
- b)** The Board shall carry out the duties and responsibilities pursuant to Section 628 of the ACT, and in accordance with the Subdivision and Development Appeal Board Bylaw.

- c) Elected officials shall not form the majority of a SUBDIVISION AND DEVELOPMENT APPEAL BOARD or Committee hearing an appeal.

**3.3.4 INTER-MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- a) The INTER-MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD shall be established by a separate BYLAW.
- b) The Board shall carry out the duties and responsibilities pursuant to Section 627 of the ACT, and in accordance with the bylaw that creates it.
- c) Elected officials from a single Municipality shall not form the majority of an INTER-MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD or Committee hearing an appeal.

**3.3.5 JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- a) The JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD shall function under the signed Memorandum of Understanding between the Town of High Level and neighbouring or regional Municipalities.
- b) The Board shall carry out the duties and responsibilities pursuant to Section 627 of the ACT, and in accordance with the Memorandum of Understanding that creates it.
- c) Elected officials from a single Municipality shall not form the majority of a JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD or Committee hearing an appeal.

# 4

## 4.0 DEVELOPMENT ADMINISTRATION AND PROCEDURES

### 4.1 CONTROL OF DEVELOPMENT

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- 4.1.1 No person shall commence any DEVELOPMENT within the TOWN except in conformity with this BYLAW.
- 4.1.2 Compliance with the requirements of this BYLAW does not exempt any person or entity from the requirements of any adopted Statutory Plan or Federal or Provincial regulation.

### 4.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

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- 4.2.1 The following DEVELOPMENTS do not require a DEVELOPMENT PERMIT, but must comply with the regulations of this BYLAW to the extent applicable:
  - a) a DEVELOPMENT that is subject to valid DEVELOPMENT agreement for:
    - i) constructing, widening, altering, redesigning or maintaining a PUBLIC ROADWAY;
    - ii) traffic management projects and devices;
    - iii) water reservoirs, water lines, storm and sanitary sewer installations;
    - iv) street furniture, playgrounds, public park LANDSCAPING, municipal recreational equipment and civic BUILDINGS with FLOOR AREA – GROSS under 75m<sup>2</sup>/807.2sq.ft. and;
    - v) constructing and maintaining public utilities;
  - b) construction and maintenance of that part of a public utility located in, on, over or under a PUBLIC ROADWAY, a public utility right-of-way or public utility LOT;
  - c) the USE of a BUILDING or a part of it in connection with a Federal, Provincial, Municipal, or School election, referendum or census;
  - d) subject to Subsection 5.13 GARAGES – PORTABLE OR TEMPORARY;
  - e) routine maintenance of and repairs to a BUILDING not involving any structural changes;
  - f) in a residential LAND USE DISTRICT, construction of a BUILDING or STRUCTURE with a load bearing roof up-to 10m<sup>2</sup>/107.7sq.ft. in FLOOR AREA, such as a garden shed

- g) or playhouse, if the DEVELOPMENT complies with this BYLAW;  
in a residential LAND USE DISTRICT, construction of:
  - i) a DECK to a maximum of 0.6m/1.9ft. above FINISHED GRADE;
  - ii) a PATIO;
  - iii) a permanent outdoor kitchen;
  - iv) a pergola;
  - v) subject to Section 5.23 a private swimming pool or hot tub;
- h) in a residential LAND USE DISTRICT, one (1) radio antenna less than 12m/39.3ft. above FINISHED GRADE at its highest point, which otherwise complies with this BYLAW;
- i) construction of a fence less than 2m/6.5ft. in height above FINISHED GRADE in a YARD – REAR, YARD – SIDE and YARD – FLANKAGE and no more than 1m/3.2ft. in YARD – FRONT;
- j) a HOME OCCUPATION that involves catalogue sales or product presentation through home parties not held at the vendor's residence, employs no other person than the RESIDENT and does not increase traffic generation;
- k) a HOME OFFICE, provided that:
  - i) no individual other than a permanent RESIDENT of the DWELLING UNIT operates the HOME OFFICE;
  - ii) no client or customer is received in the DWELLING UNIT for business purposes;
  - iii) the HOME OFFICE does not generate any vehicular traffic related to deliveries or pickups;
  - iv) there are no ON-SITE exterior displays or advertisements of the HOME OFFICE;
  - v) no equipment, materials, goods or finished products for sale are stored ON-SITE;
  - vi) the HOME OFFICE is operated as an ACCESSORY USE only and must not change the residential character or external appearance of the DWELLING UNIT;
- l) PRIVATE BABYSITTING SERVICE; and
- m) LANDSCAPING that does not affect the grading or drainage of the subject or adjacent properties, except where LANDSCAPING forms part of a DEVELOPMENT that requires a DEVELOPMENT PERMIT.

**4.2.2** Notwithstanding Article 4.2.1, DEVELOPMENTS with a project value of \$5,000.00 (five-thousand dollars) or more require a DEVELOPMENT PERMIT and a BUILDING PERMIT, unless exempted under the Safety Codes Act Permit Regulation as amended.

### **4.3 APPLICATION FOR A DEVELOPMENT PERMIT**

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- 4.3.1** In addition to DEVELOPMENT PERMITS being required for all DEVELOPMENT, except those excluded in Subsection 4.2, a DEVELOPMENT PERMIT shall be required for:
- a) a CHANGE OF USE of a property;
  - b) a change in the intensity of a USE;
  - c) a change to the footprint of an existing BUILDING and/or STRUCTURE;
  - d) a change in the location or placement of a BUILDING and/or STRUCTURE;
  - e) a HOME OCCUPATION;
  - f) an ACCESSORY BUILDING OR STRUCTURE, subject to Clause 4.2.1(f); and
  - g) an existing BUILDING or USE that has not been in operation for a period of six (6) consecutive months.

- 4.3.2** Without limiting the generality of Article 4.3.1, BUILDING – MOVED IN requires a DEVELOPMENT PERMIT.
- 4.3.3** An application for a DEVELOPMENT PERMIT shall be made by the registered owner of the LOT on which the DEVELOPMENT is proposed, by a person having a registered interest in the land where the DEVELOPMENT is proposed, or by another person with written consent from the owner, to the DEVELOPMENT AUTHORITY by submitting the following:
- a) the applicable [Development Permit Application Form](#) completed and signed;
  - b) the fee as set by COUNCIL; and
  - c) the information required in Article 4.3.4.
- 4.3.4** Unless the DEVELOPMENT AUTHORITY or this BYLAW specifies otherwise, the following information must be submitted when an application for a DEVELOPMENT PERMIT is made:
- a) SITE plans drawn to scale, in duplicate, showing:
    - i) the legal description and civic address of the property;
    - ii) LOT LINES with dimensions and SETBACK requirements in accordance to this BYLAW;
    - iii) location and height of proposed and any existing BUILDINGS and/or STRUCTURES, including SIGNS, RETAINING WALLS and fencing;
    - iv) utilities, SITE drainage, grade elevations, existing and FINISHED GRADE, the grade of streets and location of proposed water and sewer lines;
    - v) loading and PARKING provisions;
    - vi) ACCESS locations from the SITE;
    - vii) garbage, storage areas and the fencing and SCREENING proposed for the SITE;
    - viii) location and dimensions of existing and proposed culverts and crossings;
    - ix) location and provision for amenity areas and LANDSCAPED AREAS;
  - b) BUILDING plans drawn to scale, in duplicate, showing:
    - i) floor plans;
    - ii) BUILDING elevations;
    - iii) exterior BUILDING finishing materials;
  - c) a statement of ownership of and interest of applicant therein;
  - d) the estimated commencement and completion dates;
  - e) the total approximate project value in Canadian dollars;
  - f) a Lot Grading Plan that is in conformance with Section 5.6; and
  - g) such additional information deemed necessary by the DEVELOPMENT AUTHORITY to ensure the provisions of this BYLAW are met.
- 4.3.5** Despite Article 4.3.3, depending on the specific location and proposed USE, the DEVELOPMENT AUTHORITY may also require detailed information such as:
- a) specifics related to the USE and type of operation;
  - b) traffic generation and potential impacts on streets related to PARKING;
  - c) SIGNAGE;
  - d) number of employees;
  - e) hours of operation;
  - f) architectural drawings, which are encouraged to be consistent with the [Town of High Level Design Guidelines](#); and
  - g) other matters at the discretion of the DEVELOPMENT AUTHORITY, with the intent of protecting adjacent and nearby properties.

**4.3.6** All DEVELOPMENTS that require new a water and sewer connection, must apply for a Water and Sewer Connection Permit.

## **4.4 DECISION PROCESS**

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**4.4.1** The DEVELOPMENT AUTHORITY shall receive all applications for DEVELOPMENT PERMITS and shall determine whether the submitted applications are complete and;

- a)** if the application is deemed complete, the DEVELOPMENT AUTHORITY must, within 40 days after receipt of an application for a DEVELOPMENT PERMIT, issue to the applicant an acknowledgement that the permit application is complete, via electronic or regular mail;
- b)** if the application is deemed incomplete, the DEVELOPMENT AUTHORITY must notify the applicant of the outstanding required information and/or documents, and provide a timeline within which the documents must be submitted through electronic or regular mail. If the applicant fails to submit outstanding information and/or documents, either on or before the date specified in the notification, the application will be refused, unless an agreement occurs between the DEVELOPMENT AUTHORITY and the applicant; or
- c)** if the application is deemed complete, the DEVELOPMENT AUTHORITY may within 40 days after receipt of an application approve or refuse the application, and notify the applicant of the decision via electronic or regular mail.

**4.4.2** The DEVELOPMENT AUTHORITY shall review each application for a DEVELOPMENT PERMIT to determine if the DEVELOPMENT is a PERMITTED USE or a DISCRETIONARY USE.

**4.4.3** Subject to Subsection 4.9 and any other VARIANCE provision contained in this BYLAW, the DEVELOPMENT AUTHORITY shall refuse an application, which does not conform to this BYLAW unless, in the opinion of the DEVELOPMENT AUTHORITY,

- a)** The proposed DEVELOPMENT would not
  - i)** unduly interfere with the amenities of the neighbourhood; or
  - ii)** materially interfere with or affect the USE, enjoyment or value of neighbouring PARCELS of land; and
- b)** the proposed DEVELOPMENT conforms with the USE prescribed for that LOT or BUILDING within the BYLAW.

**4.4.4** Notwithstanding Article 4.4.3, the DEVELOPMENT AUTHORITY may exercise discretion to approve a DEVELOPMENT that does not conform to this BYLAW, if in the opinion of the DEVELOPMENT AUTHORITY the DEVELOPMENT addresses a safety, accessibility or other concern.

**4.4.5** The DEVELOPMENT AUTHORITY shall issue a DEVELOPMENT PERMIT for a PERMITTED USE with or without conditions, if the application conforms to this BYLAW.

**4.4.6** The DEVELOPMENT AUTHORITY may issue a DEVELOPMENT PERMIT for a DISCRETIONARY USE, with or without conditions, if the application conforms to this BYLAW.

**4.4.7** The DEVELOPMENT AUTHORITY may issue a DEVELOPMENT PERMIT approval for USES which are not permitted or discretionary with or without conditions at their discretion.

- 4.4.8** The DEVELOPMENT AUTHORITY may refuse a DEVELOPMENT PERMIT application for a DISCRETIONARY USE on its merits even if it conforms to the regulations of this BYLAW.
- 4.4.9** The DEVELOPMENT AUTHORITY shall make their decision in writing and shall send a copy of the written decision to the applicant.
- 4.4.10** If the DEVELOPMENT AUTHORITY refuses an application for a DEVELOPMENT PERMIT, the decision notice shall contain the reasons for refusal.
- 4.4.11** An application for a DEVELOPMENT PERMIT shall, at the option of the applicant, be deemed refused when a decision is not made within 40 days of the DEVELOPMENT AUTHORITY'S receipt of the complete application, unless the applicant has entered into an agreement with the DEVELOPMENT AUTHORITY to extend the time for approval beyond the 40 day period.
- 4.4.12** TEMPORARY DEVELOPMENT PERMITS may be issued for a specified time period, at the discretion of the DEVELOPMENT AUTHORITY, for PERMITTED USES or DISCRETIONARY USES defined within this BYLAW, if the USE is identified as TEMPORARY, or if the DEVELOPMENT AUTHORITY deems it appropriate. TEMPORARY DEVELOPMENT PERMITS may also be approved for non-permitted USE and non-discretionary USE within any LAND USE DISTRICT, at the discretion of the DEVELOPMENT AUTHORITY.

## **4.5 NOTIFICATIONS**

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- 4.5.1** In accordance with the Advertisement – Public Notification Bylaw, the DEVELOPMENT AUTHORITY shall provide notification of all decisions on DEVELOPMENT PERMITS, including COUNCIL decisions related to DEVELOPMENTS in Direct Control LAND USE DISTRICTS, in the following ways:
- copies of decisions made available for public viewing at the TOWN Office;
  - posting copies of decisions on the TOWN'S digital media platforms for public viewing;
  - posting in a newspaper circulated within TOWN, stating the DEVELOPMENT, its location and decision within 15 days of the decision; and
  - via email to applicants and registered landowners.
- 4.5.2** In addition to Article 4.5.1, upon refusing a DEVELOPMENT PERMIT application; the DEVELOPMENT AUTHORITY shall deliver a notice of the decision by registered mail or by personal service to the applicant, stating the DEVELOPMENT and the decision.
- 4.5.3** In addition to Article 4.5.1, the DEVELOPMENT AUTHORITY shall provide written notice of the approval of a BUILDING – MOVED IN or a HOME OCCUPATION, with the exception of Clause 4.2.1(l), to all adjacent landowners within a 100m/330ft. radius of the proposed SITE.
- 4.5.4** Notwithstanding Article 4.5.3, at the discretion of the DEVELOPMENT AUTHORITY, adjacent landowner notifications for an approved HOME OCCUPATION may be limited to select adjacent landowners within the 100m/330ft. radius if the proposed USE would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the USE, enjoyment or value of nearby PARCELS, based upon the nature of the proposed USE or location of the subject SITE.

## **4.6 DEVELOPMENT PERMIT CONDITIONS**

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- 4.6.1** The DEVELOPMENT AUTHORITY may, with respect to any USE, require the applicant to make satisfactory arrangements for the supply of utilities or vehicular and pedestrian ACCESS, including payment of the cost of installation or construction.
- 4.6.2** The DEVELOPMENT AUTHORITY may, with respect to any USE, require that an applicant enter into an agreement or interim agreement, which shall form part of such DEVELOPMENT PERMIT, to do any or all of the following:
- a)** construct, or pay for the construction of, a PUBLIC ROADWAY required to give ACCESS to the DEVELOPMENT;
  - b)** construct, or pay for the construction of:
    - i)** a pedestrian walkway to serve the DEVELOPMENT;
    - ii)** pedestrian walkways that will connect the pedestrian walkway system serving the DEVELOPMENT with a pedestrian walkway system that serves or is proposed to serve an adjacent DEVELOPMENT;
    - iii)** or both;
  - c)** install, or pay for the installation of, utilities that are necessary to serve the DEVELOPMENT;
  - d)** pay an OFF-SITE LEVY, redevelopment levy or both, imposed by the Off-Site Levy Bylaw;
  - e)** specify the number and location of vehicular and pedestrian ACCESS points to the DEVELOPMENT from PUBLIC ROADWAYS;
  - f)** construct or pay for the construction of off-street or OFF-SITE PARKING facilities or loading or unloading facilities;
  - g)** repair, reinstate or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalk, BOULEVARD LANDSCAPING and tree planting which may be damaged, destroyed or otherwise harmed by DEVELOPMENT or BUILDING operations upon the SITE;
  - h)** install, construct or pay for the installation or construction of LANDSCAPING and fencing on the DEVELOPMENT, PUBLIC ROADWAYS and public lands adjacent to the DEVELOPMENT; and
  - i)** to give security to ensure that the terms of the agreement under this Section are carried out.
- 4.6.3** The DEVELOPMENT AUTHORITY may require that an agreement between the TOWN and applicant be entered into for items identified in Article 4.6.1 and Article 4.6.2, and that this agreement be registered by CAVEAT against Certificate of Title to the LOT with Alberta Land Titles.
- 4.6.4** The agreement under Article 4.6.3 may include provisions contemplated by Section 651 of the ACT in respect of oversize improvements.
- 4.6.5** In addition to Article 4.6.1 and Article 4.6.2, the DEVELOPMENT AUTHORITY may, with respect to a PERMITTED USE, impose conditions as deemed appropriate, having regard to the regulations of this BYLAW, and any Statutory Plan including, but not limited to the following conditions:
- a)** limiting the hours of operation;
  - b)** limiting the number of patrons;
  - c)** establishing LANDSCAPING requirements;
  - d)** requiring noise mitigation;

- e) requiring special provisions be made for PARKING;
  - f) specifying the location, character and appearance of a BUILDING;
  - g) specifying the grading of a SITE or such other procedures as are necessary to protect the SITE from other DEVELOPMENTS, or to protect other DEVELOPMENTS from the SITE;
  - h) establishing the period of time which a DEVELOPMENT may continue;
  - i) specifying certain measures be taken to make the DEVELOPMENT compatible with surrounding DEVELOPMENT; and
  - j) requiring measures be taken to make the DEVELOPMENT compliant and compatible with the general DEVELOPMENT or LAND USE DISTRICT regulations of this BYLAW.
- 4.6.6** It is hereby deemed a condition of every DEVELOPMENT PERMIT, whether or not expressly stated therein that the applicant is responsible for identifying and shall comply with all applicable Federal, Provincial and Municipal enactments and any other law with respect to the USE and DEVELOPMENT of the land and BUILDINGS and shall, as required, to obtain any and all permits, licenses and approvals.
- 4.6.7** In addition to Article 4.6.1 and 4.6.2, the DEVELOPMENT AUTHORITY, may with respect to a DISCRETIONARY USE, or COUNCIL regarding a Direct Control LAND USE DISTRICT, may impose conditions as deemed appropriate, having regard to the regulations of this BYLAW, and any Statutory Plan including, but not limited to the following conditions:
- a) limiting the hours of operation;
  - b) limiting the number of patrons;
  - c) establishing LANDSCAPING requirements;
  - d) requiring noise mitigation;
  - e) requiring special provisions be made for PARKING;
  - f) specifying the location, character and appearance of a BUILDING;
  - g) specifying the grading of a SITE or such other procedures as are necessary to protect the SITE from other DEVELOPMENTS or to protect other DEVELOPMENTS from the SITE;
  - h) establishing the period of time which a DEVELOPMENT may continue;
  - i) specifying certain measures be taken to make the DEVELOPMENT compatible with surrounding DEVELOPMENT; and
  - j) requiring measures be taken to make the DEVELOPMENT compliant and compatible with the general DEVELOPMENT or LAND USE DISTRICT regulations of this BYLAW.

## **4.7 DEVELOPMENT PERMIT RULES**

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- 4.7.1** Unless otherwise provided by this BYLAW, a DEVELOPMENT PERMIT remains in effect unless:
- a) the DEVELOPMENT PERMIT is suspended or cancelled; or
  - b) the DEVELOPMENT for which the permit is issued has not commenced within one (1) year of the date the permit is issued.
- 4.7.2** Notwithstanding Clause 4.7.1(b), if a BUILDING PERMIT is issued for the DEVELOPMENT within the one (1) year period, the DEVELOPMENT PERMIT shall not lapse unless the BUILDING PERMIT is cancelled, or the timeframe for the BUILDING PERMIT lapses.

- 4.7.3** Prior to the DEVELOPMENT PERMIT lapsing as outlined in Article 4.7.1, the DEVELOPMENT AUTHORITY may extend the validity of a DEVELOPMENT PERMIT once for a period not exceeding one (1) year.
- 4.7.4** When a DEVELOPMENT PERMIT is refused by the DEVELOPMENT AUTHORITY or the SUBDIVISION AND DEVELOPMENT APPEAL BOARD, another DEVELOPMENT PERMIT application for the same or similar DEVELOPMENT or USE on the same LOT may not be made by any applicant for a six (6) month period, from the date of refusal.
- 4.7.5** Notwithstanding Article 4.7.4, the DEVELOPMENT AUTHORITY is authorized to accept a new or revised application for the same or similar DEVELOPMENT or USE for the same SITE prior to six (6) months having elapsed from the date of refusal, if in the opinion of the DEVELOPMENT AUTHORITY, the aspects of the application that caused it to be refused have been sufficiently modified or resolved.
- 4.7.6** An application for a PERMITTED USE on the same SITE, which complies with all applicable provisions of this BYLAW, may be submitted prior to six (6) months having elapsed from the date of refusal.
- 4.7.7** If after the issuance of a DEVELOPMENT PERMIT, it becomes known to the DEVELOPMENT AUTHORITY that:
- a) the application for the DEVELOPMENT PERMIT contains a misrepresentation; or
  - b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the DEVELOPMENT PERMIT;
- the DEVELOPMENT AUTHORITY may suspend or cancel the DEVELOPMENT PERMIT and must advise the applicant in writing to the address given in the DEVELOPMENT PERMIT application.
- 4.7.8** The DEVELOPMENT shall not be altered, changed, or modified from the approved plans or specifications without written authorization from the DEVELOPMENT AUTHORITY.

## **4.8 COMPLIANCE CERTIFICATES AND REAL PROPERTY REPORTS**

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- 4.8.1** The registered owner, or a person with a legal or equitable interest in a SITE, may apply, upon payment of the fee as set by COUNCIL, to the DEVELOPMENT AUTHORITY for a COMPLIANCE CERTIFICATE.
- 4.8.2** The applicant for a COMPLIANCE CERTIFICATE shall submit an original REAL PROPERTY REPORT for the SITE. Any REAL PROPERTY REPORT that is dated for a period of more than 90 days from the date of application, must be submitted with a Statutory Declaration indicating the accuracy of the REAL PROPERTY REPORT.
- 4.8.3** The DEVELOPMENT AUTHORITY may issue a COMPLIANCE CERTIFICATE, when in the opinion of the DEVELOPMENT AUTHORITY, the BUILDINGS, STRUCTURES or combination thereof as shown on the REAL PROPERTY REPORT provided by the applicant, are located on the SITE in accordance with the separation distance and minimum yard requirements of this BYLAW, or the minimum yard requirements specified in any DEVELOPMENT PERMIT, which may have been issued for the SITE.

- 4.8.4** The COMPLIANCE CERTIFICATE shall only cover those BUILDINGS and/or STRUCTURES, or parts thereof, shown on the REAL PROPERTY REPORT as provided by the applicant.
- 4.8.5** The DEVELOPMENT AUTHORITY may refuse to issue a COMPLIANCE CERTIFICATE when the REAL PROPERTY REPORT does not contain sufficient information to determine if the BUILDINGS and/or STRUCTURES as shown are located in accordance with the yard and BUILDING SETBACK regulations of this BYLAW, or the minimum yard requirements specified in any DEVELOPMENT PERMIT, which may have been issued for the SITE.
- 4.8.6** The DEVELOPMENT AUTHORITY may refuse to issue a COMPLIANCE CERTIFICATE when:
- the REAL PROPERTY REPORT does not indicate all DEVELOPMENTS that are located on the LOT;
  - DEVELOPMENTS on the LOT were constructed without a DEVELOPMENT PERMIT; or
  - the DEVELOPMENT is in non-compliance with this, or any other TOWN bylaw.
- 4.8.7** A COMPLIANCE CERTIFICATE is not considered a DEVELOPMENT PERMIT.

## 4.9 VARIANCES

- 4.9.1** The DEVELOPMENT AUTHORITY may exercise discretion to approve DEVELOPMENT PERMIT applications with up-to 100% VARIANCES for all provisions of the BYLAW, except for the provisions within Table 4.1, if the proposed DEVELOPMENT would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the USE, enjoyment, or value of the neighbouring PARCELS of land.

**TABLE 4.1** VARIANCES FOR DEVELOPMENTS THAT COME INTO EXISTENCE AFTER THE ENACTMENT OF THIS BYLAW

| COMPONENT                             | VARIANCE IN ALL DISTRICTS |
|---------------------------------------|---------------------------|
| <u>BUILDING HEIGHT</u>                | 10% Increase              |
| <u>LOT COVERAGE</u>                   | 10% Relaxation            |
| <u>PARKING Requirements (minimum)</u> | 15% Relaxation            |

- 4.9.2** In exercising discretion pursuant to Article 4.9.1, a VARIANCE shall only be permitted if, in the opinion of the DEVELOPMENT AUTHORITY:
- the DEVELOPMENT would not:
    - unduly interfere with the appearance of the neighborhood as it relates to BUILDING;
    - design, BUILDING scale and LANDSCAPING; or
    - materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - the DEVELOPMENT conforms with the USE prescribed for that LAND USE DISTRICT or BUILDING in this BYLAW.

- 4.9.3** Requests for VARIANCES for non-complying or NON-CONFORMING BUILDINGS shall be made to the DEVELOPMENT AUTHORITY by submitting the following:

- a) the fee as set by COUNCIL; and
  - b) a REAL PROPERTY REPORT or Surveyor's Certificate stamped and signed by a Registered Alberta Land Surveyor.
- 4.9.4** Applicants who request VARIANCES for proposed DEVELOPMENTS, shall make their request at the time of submitting their DEVELOPMENT PERMIT application and shall submit the information required in Subsection 4.3.
- 4.9.5** Applicants who request a VARIANCE that exceeds the DEVELOPMENT AUTHORITY'S ability under Table 4.1 shall have their application for a DEVELOPMENT PERMIT refused with a decision notice issued as per Article 4.4.10.

## **4.10 APPEAL PROCESS**

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**4.10.1** If the DEVELOPMENT AUTHORITY:

- a) refuses or fails to issue a DEVELOPMENT PERMIT to a person;
- b) issues a DEVELOPMENT PERMIT subject to conditions; or
- c) issues an Order under Section 645 of the ACT;

the person applying for the permit or affected by the Order under Section 645 of the ACT, may appeal upon payment of the fee, as set by COUNCIL, to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

**4.10.2** A person affected by a decision or DEVELOPMENT PERMIT made or issued by the DEVELOPMENT AUTHORITY, other than a person having a right of appeal under Article 4.10.1, may appeal upon payment of the fee, as set by COUNCIL, to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD in accordance to this BYLAW and the ACT.

**4.10.3** The SUBDIVISION AND DEVELOPMENT APPEAL BOARD shall conduct an appeal in accordance with the Subdivision and Development Appeal Board Bylaw and the ACT.

**4.10.4** The Appellant shall file a written notice of an appeal and the required fee with the Secretary of the SUBDIVISION AND DEVELOPMENT APPEAL BOARD within fourteen (14) days of notification of the SUBDIVISION decision and twenty-one (21) days for DEVELOPMENT PERMIT decisions and conditions, pursuant to Sections 686(1) and 678(2) of the ACT, or an Order pursuant to Section 685 of the ACT.

## **4.11 NON-CONFORMING DEVELOPMENT**

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**4.11.1** Where a DEVELOPMENT PERMIT issued on, or before, the effective date this of BYLAW or any amendment thereto is enacted, the DEVELOPMENT PERMIT shall continue to be in effect regardless of compliance with this BYLAW or any subsequent amendments.

**4.11.2** A NON-CONFORMING USE or NON-CONFORMING BUILDING, or both, may continue unless:

- a) that USE is discontinued for a period of six (6) consecutive months or more;
- b) the BUILDING is enlarged or undergoes any structural alterations;
- c) additional BUILDINGS associated with NON-CONFORMING USE are constructed on the same SITE; or

- d) a NON-CONFORMING BUILDING is damaged or destroyed to the extent of more than 75% of the value of the BUILDING above its foundation.

**4.11.3** Notwithstanding Article 4.11.2, a NON-CONFORMING BUILDING may be enlarged, rebuilt or structurally altered if the proposed construction:

- a) will bring the NON-CONFORMING BUILDING into compliance with this BYLAW; or
- b) if in the opinion of the DEVELOPMENT AUTHORITY, it is necessary for routine maintenance of the BUILDING.

**4.11.4** The USE of a LOT or the USE of a BUILDING is not affected by a change of ownership or tenancy of the LOT or BUILDING.

**4.11.5** LOTS existing prior to the adoption of this BYLAW that do not meet the minimum required width, depth and area as prescribed for their LAND USE DISTRICT will continue to exist, should all other requirements of this BYLAW be met.

## **4.12 ENFORCEMENT**

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**4.12.1** If the DEVELOPMENT AUTHORITY finds that a DEVELOPMENT, USE of a LOT or USE of a BUILDING is not in accordance with this BYLAW, DEVELOPMENT PERMIT or SUBDIVISION approval, the DEVELOPMENT AUTHORITY may, by written notice, order the owner, the person in possession of the LOT or BUILDING, or the person responsible for the contravention, or all of them, to:

- a) stop the DEVELOPMENT or USE of the LOT or BUILDINGS in whole or part as directed by the notice;
- b) demolish, remove or replace the DEVELOPMENT;
- c) carry out any other actions required by the notice so that the DEVELOPMENT or USE of the LOT or BUILDING complies with this BYLAW, DEVELOPMENT PERMIT or a SUBDIVISION approval, within the time set out in the notice; or
- d) any combination of the above.

**4.12.2** A person who receives a notice referred to in Article 4.12.1 may appeal to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD in accordance to Subsection 4.10.

**4.12.3** If a person fails or refuses to comply with an Order directed to them under this Section or an Order of the SUBDIVISION AND DEVELOPMENT APPEAL BOARD, the TOWN may enter on the LOT or BUILDING and take any action necessary to carry out the Order. The costs of the TOWN'S action may be placed against the tax roll of the property, pursuant to Sections 542, 549 and 646(1) of the ACT.

**4.12.4** The TOWN may register a CAVEAT under the Land Titles Act in respect of an Order against the Certificate of Title for the LOT that is the subject of the Order.

## **4.13 PENALTIES**

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**4.13.1** Violation Penalties:

- a) Any person who contravenes any provision of this BYLAW is guilty of an offence and is liable to a fine for each offence of not more than:

- i) \$500.00 for a first offence;
- ii) \$2,500.00 for a second and subsequent offence;
- b) The DEVELOPMENT AUTHORITY is hereby appointed as a Bylaw Enforcement Officer pursuant to the ACT, for the purpose of enforcing this BYLAW and is empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act;
- c) The DEVELOPMENT AUTHORITY may appoint another individual as a Bylaw Enforcement Officer for the purpose of enforcing this BYLAW pursuant to Section 3 of the Bylaw Enforcement Officer Bylaw, who is empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act;
- d) Where a contravention of this BYLAW is of a continuing nature, the DEVELOPMENT AUTHORITY may issue further violation tickets for each day that the contravention continues;
- e) The person to whom the violation ticket is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation ticket and pay the fine to the Clerk of the Court at the location indicated on the violation ticket; and
- f) Where a contravention of this BYLAW continues fourteen (14) days after a conviction has been entered as a result of such contravention, the person against whom the conviction has been entered is guilty of a new and separate offence for each day as long as the offence continues.

**4.13.2** Where a person is found guilty of an offence pursuant to this BYLAW, the Alberta Court of King's Bench may, in addition to any other penalty imposed, order the person to comply with the ACT and any regulations, a DEVELOPMENT PERMIT, a SUBDIVISION approval, an Order or decision of the SUBDIVISION AND DEVELOPMENT APPEAL BOARD, or this BYLAW.

#### **4.14 COMPLIANCE WITH OTHER LEGISLATION**

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**4.14.1** A person applying for, or in possession of, a valid DEVELOPMENT PERMIT is not relieved from full responsibility for ascertaining and complying with, or carrying out and shall ascertain, comply or carry out DEVELOPMENT in accordance with:

- a) the requirements of the Safety Codes Act, Environmental Protection and Enhancement Act, Natural Resources Conservation Board Act, Water Act, National Building Code – Alberta Edition, National Fire Code – Alberta Edition and Public Highways Development Act and any amendments thereto;
- b) the Building Permit and Standards Bylaw;
- c) the requirements of any other Federal, Provincial or Municipal enactment or any other law; and
- d) the conditions of any CAVEAT, COVENANT, EASEMENT or other instrument affecting a BUILDING or LOT.

**4.14.2** The TOWN is not responsible for, nor does the TOWN have any obligation to determine, what other legislation may apply to a DEVELOPMENT, nor to monitor or enforce compliance with such legislation.

# 5

## 5.0 GENERAL LAND USE PROVISIONS

### 5.1 LAND USE REGULATIONS

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- 5.1.1 Notwithstanding any other land-use regulation contained within this BYLAW, the following regulations shall apply to all DEVELOPMENT.

### 5.2 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS AND/OR STRUCTURES

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- 5.2.1 In consideration of a DEVELOPMENT PERMIT, the appearance of all BUILDINGS and/or STRUCTURES must be compatible with any other BUILDING and/or STRUCTURE existing on the SITE and in the vicinity, unless the BUILDING and/or STRUCTURE, in the opinion of the DEVELOPMENT AUTHORITY, sets a higher standard of design, character and appearance for a LAND USE DISTRICT or part of it.
- 5.2.2 The design of any DEVELOPMENT within the Town is encouraged to be consistent with the [Town of High Level Design Guidelines](#).

### 5.3 SIGHT TRIANGLE ON LOT CORNER

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- 5.3.1 On a LOT CORNER a fence, SIGN, hedge, shrub, bush, tree, BUILDING and/or STRUCTURE cannot be erected or permitted to grow to a height more than 1m/3.2ft. above the FINISHED GRADE of the street or LANE that abuts the LOT within the SIGHT TRIANGLE. An example of a SIGHT TRIANGLE can be found in [Figure 17](#). By 5.5m/18.0ft. for residential LAND USE DISTRICT LOTS on minor roads and 7.5m/24.6ft. in all other instances, the SIGHT TRIANGLE is measured from the intersection or theoretical intersection of:
- a) the LOT LINE – FRONT and the LOT LINE – FLANKAGE; or
  - b) the LOT LINE – FLANKAGE and the LOT LINE – REAR in the case of a LOT CORNER with a rear LANE.

- 5.3.2** Despite Article 5.3.1, the DEVELOPMENT AUTHORITY may restrict the placement of any object, regardless of height, if in the opinion of the DEVELOPMENT AUTHORITY, traffic safety is interfered with.

## 5.4 PERMITTED ENCROACHMENTS

- 5.4.1** Permitted encroachments into required yards are features that are attached to a BUILDING, which may project over or into a required minimum yard area, as outlined in Table 5.1.

**TABLE 5.1 PERMITTED ENCROACHMENTS INTO REQUIRED YARDS**

| BUILDINGS,<br>STRUCTURES<br>OR<br>COMPONENTS                   | AREA TO BE ENCROACHED       |  |   |                             |                            |
|--|-----------------------------|--|---|-----------------------------|----------------------------|
|  | Required<br>YARD –<br>FRONT | Required<br>YARD –<br>SIDE                 | Required<br>YARD – REAR                     | Required YARD<br>– FLANKAGE | PUBLIC<br>RIGHT-OF-<br>WAY |
| <u>DECKS</u> not more than 1.5m above <u>FINISHED GRADE</u>    | 1.5m/4.9ft.                 | Within 1m/3.2ft. of <u>LOT LINE – SIDE</u> | Within 3m/9.85ft. of <u>LOT LINE – REAR</u> | 0m/0ft.                     | 0m/0ft.                    |
| Canopy, <u>BALCONY</u> , unenclosed verandah or porch          | 1.5m/4.9ft.                 | 600mm/23.6in                               | 0m/0ft.                                     | 600mm/23.6in                | 0m/0ft.                    |
| Cantilevered wall section or chimney                           | 600mm/24in                  | 600mm/23.6in                               | 1.5m/4.9ft.                                 | 600mm/23.6in                | 0m/0ft.                    |
| Unenclosed steps, not more than 3m above <u>FINISHED GRADE</u> | 1.5m/4.9ft.                 | 0m/0ft.                                    | 1.5m/4.9ft.                                 | 0m/0ft.                     | 0m/0ft.                    |
| Cornice or eave of a <u>PRINCIPAL BUILDING</u>                 | 1.5m/4.9ft.                 | 600mm/23.6in                               | 1.2m/3.9ft.                                 | 1.2m/3.9ft.                 | 0m/0ft.                    |
| Cornice or eave of an <u>ACCESSORY BUILDING OR STRUCTURE</u>   | 600mm/23.6in                | 600mm/23.6in                               | 600mm/23.6in                                | 600mm/23.6in                | 0m/0ft.                    |
| Freestanding exterior air conditioner                          | 0m/0ft.                     | 1m/3.2ft. from <u>LOT LINE</u>             | 1m/3.2ft. from <u>LOT LINE</u>              | 0 m/0ft.                    | 0m/0ft.                    |

- 5.4.2** Notwithstanding Article 5.4.1, the encroachment of eaves, canopies and BALCONIES within C-1 LAND USE DISTRICT may be permitted to exceed the requirements outlined in Table 5.1 at the discretion of the DEVELOPMENT AUTHORITY, so long as they do not surpass the LOT LINE.

- 5.4.3** No permitted encroachment outlined in Articles 5.4.1 and 5.4.2 shall result in runoff or drainage from the roof of a BUILDING and/or STRUCTURE running through or ponding on a neighbouring property.

## **5.5 DEVELOPMENT OF WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS AND LANDS SUBJECT TO FLOODING AND SUBSIDENCE**

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- 5.5.1** The DEVELOPMENT AUTHORITY may submit any DEVELOPMENT PERMIT application for DEVELOPMENTS on or near ENVIRONMENTALLY SENSITIVE AREAS or wetlands to the Government of Alberta for comments and recommendations.
- 5.5.2** When reviewing a DEVELOPMENT PERMIT application for DEVELOPMENTS on or near ENVIRONMENTALLY SENSITIVE AREAS and wetlands the DEVELOPMENT AUTHORITY shall consider:
- a)** the affect of the proposed DEVELOPMENT on the subject lands and the surrounding area;
  - b)** the soil and slope conditions of the subject property and surrounding areas;
  - c)** any information on the history of the subject property from a geo-technical perspective; and
  - d)** comments and recommendations from the Government of Alberta.
- 5.5.3** On lands near, or identified as, ENVIRONMENTALLY SENSITIVE AREAS or wetlands, or lands subject to flooding and subsidence, the DEVELOPMENT AUTHORITY may require the following information to be submitted as part of a DEVELOPMENT PERMIT application, an application to amend this BYLAW, an application for SUBDIVISION approval or an application to amend a Statutory Plan:
- a)** a geo-technical study, prepared by a qualified professional geo-technical engineer, addressing the proposed DEVELOPMENT. The geo-technical study shall establish BUILDING and/or STRUCTURE SETBACKS from these LOT LINES or wetlands based on the land characteristics of the subject property;
  - b)** a Certificate from a qualified professional geo-technical engineer certifying that the design of the proposed DEVELOPMENT was undertaken with full knowledge of the soil and slope conditions of the subject property;
  - c)** a Certificate from a qualified professional geo-technical engineer when the proposed DEVELOPMENT includes cut and/or fill sections on slopes, including the addition of fill to the subject property;
  - d)** storm-water modelling to determine potential impacts on neighbouring properties and the TOWN'S existing infrastructure, which may result in the preparation of a Storm-water Management Plan prepared by a certified engineer; and
  - e)** any other study or assessment as may be recommended by the Government of Alberta.
- 5.5.4** The DEVELOPMENT AUTHORITY may require that the property owner and/or the applicant to register a restrictive COVENANT against the Certificate of Title for the subject property related to the DEVELOPMENT approved for the subject property.

## **5.6 LOT GRADING AND DRAINAGE**

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- 5.6.1** LOT grading design shall compliment the overall design of both the minor and major storm drainage systems of the TOWN.
- 5.6.2** LOTS shall be graded and sloped in such a manner that a minimum of surface run-off water will be conducted to other properties.

- 5.6.3** Where surface drainage swales direct run-off from one LOT to the next, the necessary drainage EASEMENTS shall be registered concurrently with the Lot Grading Plan of a SUBDIVISION.
- 5.6.4** All lands shall be graded to drain towards developed streets and/or storm water catch basins or drainage channels.
- 5.6.5** BOULEVARD areas shall be graded to provide a minimum slope of 2% from LOT LINE to top of the curb.
- 5.6.6** Commercial and Industrial LOTS may be graded to drain to ON-SITE storm water catch basins.
- 5.6.7** In circumstances where YARD-REAR slopes towards the BUILDING, provisions are required to keep the run-off at least 3m/9.85ft. away from the BUILDING, with the possibility of draining the surface water along the LOT LINES onto the streets.
- 5.6.8** Where drainage swales are provided on LOT LINE – REAR in LANE-less SUBDIVISIONS, the developer shall provide an approved concrete drainage swale. The drainage swale shall be provided on one (1) side of the LOT LINE and be placed in a drainage EASEMENT.
- 5.6.9** The maximum slope draining towards LOT LINES shall not exceed 10% within 1.5m/4.9ft. of the LOT LINE. The slope away from BUILDINGS shall meet the minimum requirements of the *National Building Code – Alberta Edition*. Downspouts from eaves-troughs and discharge hoses from sump-pumps shall not discharge within 0.6m/1.9ft. of a LOT LINE.
- 5.6.10** Where extremes in elevation of adjoining LOTS require the construction of a RETAINING WALL, such shall be indicated on the proposed Lot Grading Plan and no work or construction will be permitted on the building LOTS that are the subject of, or adjacent to, the said RETAINING WALL without a written authorization from the owner(s) of both LOTS affected by the construction of the RETAINING WALL at the time of construction of the proposed BUILDING.
- 5.6.11** A Lot Grading Plan shall meet the requirements of Subsection 2.4 of the [Municipal Engineering and Construction Standards](#).
- 5.6.12** A Lot Grading Certificate shall meet the requirements of Section 11 of the [Building Permit and Standards Bylaw](#).

## **5.7 LANDSCAPING AND SCREENING**

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### **GENERAL LANDSCAPING REQUIREMENTS**

- 5.7.1** Unless otherwise stipulated under Article 4.2.1, by a DEVELOPMENT AGREEMENT or by the DEVELOPMENT AUTHORITY, LANDSCAPING of any SITE:
  - a)** requires a DEVELOPMENT PERMIT;
  - b)** is subject to Section 5.7; and
  - c)** shall be completed within two (2) years of approval of the BUILDING PERMIT.

- 5.7.2** The DEVELOPMENT AUTHORITY may require an area that is landscaped to be left in its natural state if it is of the opinion that the natural state would enhance the appearance of the SITE, and meet the intent of LANDSCAPING requirements.
- 5.7.3** The DEVELOPMENT AUTHORITY may require LANDSCAPING plans with any DEVELOPMENT PERMIT application; however, LANDSCAPING plans shall be required with an application for USES within the:
- a) R-3 LAND USE DISTRICT;
  - b) the R-4 LAND USE DISTRICT, specifically related to the DEVELOPMENT of a MANUFACTURED HOME COMMUNITY;
  - c) Commercial LAND USE DISTRICT; and
  - d) Industrial LAND USE DISTRICT.
- 5.7.4** At a minimum, all LANDSCAPED AREAS shall be seeded or sodded with grass unless specified otherwise. Aesthetically pleasing alternative LANDSCAPED AREAS are encouraged to include XERISCAPING or other forms of low maintenance and drought-resistant LANDSCAPING techniques, which allow for reduced water usage and naturalized storm-water management. In no case shall hard-LANDSCAPING features, such as decorative paving or other impervious surfaces, exceed 25% of the required LANDSCAPED AREA.
- 5.7.5** All LANDSCAPING that includes the planting of new trees and shrubs must avoid the use of plant species, which are either harmful to existing native plant species or municipal infrastructure, inclusive of but not limited to, streets, sidewalks, and belowground utilities.
- 5.7.6** DEVELOPMENTS in Commercial LAND USE DISTRICTS that are required in this BYLAW to be screened from residential USES must include trees and/or fencing that in the opinion of the DEVELOPMENT AUTHORITY, would be sufficient to screen the DEVELOPMENT.

## BOULEVARD LANDSCAPING

- 5.7.7** An applicant whose DEVELOPMENT involves the creation of a new ACCESS or other earthworks within the PUBLIC ROADWAY shall be responsible for the construction or replacement of a BOULEVARD to Municipal Engineering and Construction Standards.
- 5.7.8** All applications that include new LANDSCAPING of a BOULEVARD shall require an approved DEVELOPMENT AGREEMENT or conditions within the DEVELOPMENT PERMIT approval, which will specify all mandatory design elements and requirements for the BOULEVARD.
- 5.7.9** When creating a DEVELOPMENT AGREEMENT with a property owner or developer for an application regarding LANDSCAPING of a BOULEVARD, the DEVELOPMENT AUTHORITY shall consider the USE, value and enjoyment of adjoining lands, the aesthetics of the LANDSCAPING, public safety and municipal operations. The DEVELOPMENT AUTHORITY may include any condition within the DEVELOPMENT AGREEMENT it deems necessary in accordance with these considerations.
- 5.7.10** The owner or developer of a residential property is not responsible for LANDSCAPING the BOULEVARD along a LOT LINE – FLANKAGE that is adjacent to a road classified as an arterial road in the Municipal Development Plan.

**5.7.11** If COUNCIL has adopted a plan, policy or Bylaw in regards to LANDSCAPING any specific area, street or neighbourhood, all LANDSCAPING must be in accordance to that plan, policy or Bylaw.

## PARKING LOT LANDSCAPING

**5.7.12** Any PARKING LOT abutting a public street, park or residential land-use shall be separated by a 2m/6.5ft. landscaped BUFFER. For an example of PARKING LOT LANDSCAPING please see [Figure 22](#). Alternatively, the DEVELOPMENT AUTHORITY may consider an opaque fence meeting the requirements of Subsection 5.15 as an alternative.

## BUFFERS

**5.7.13** Where a Commercial or Industrial USE is proposed adjacent to a residential LAND USE DISTRICT, a landscaped BUFFER shall be provided in accordance with the following:

- a) the landscaped BUFFER shall be the full length of any required minimum yard adjacent to a residential LAND USE DISTRICT, along the entire length of the adjacent residential LOT LINE;
- b) at a minimum, the BUFFER shall be 3m/9.85ft.;
- c) a combination of trees, shrubs and other landscaped elements shall be used; and
- d) the preservation of existing vegetation shall be encouraged as an alternative to the planting of new trees and shrubs.

**5.7.14** Notwithstanding Article 5.7.13, a vegetated BERM may be a suitable alternative to a landscaped BUFFER and must:

- a) be a minimum of 2m/6.5ft. in height above the FINISHED GRADE;
- b) feature at minimum, a combination of trees and shrubs planted along the entire length of the BERM, subject to Article 5.7.5.

For an example of a vegetated BERM as a landscaped BUFFER please see [Figure 23](#).

**5.7.15** In addition to Articles 5.7.13 and 5.7.14, where in the opinion of the DEVELOPMENT AUTHORITY, the proposed USE may have a negative aesthetic impact or present safety concerns relative to surrounding residential USES, a fence may be required in accordance with Subsection 5.15.

## 5.8 ILLUMINATION

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**5.8.1** The applicant must locate and arrange outdoor lighting so that:

- a) lights are not directed at an adjacent SITE and indirect lights do not adversely affect an adjacent SITE; and
- b) traffic safety is not adversely affected.

## 5.9 BUILDING – MOVED IN

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**5.9.1** In addition to the DEVELOPMENT PERMIT application requirements outlined in Subsection 4.3, the following shall also be submitted as part of an application for a BUILDING – MOVED IN.

- a) floor plans;
- b) coloured photographs of the proposed BUILDING, accurately depicting the building's style and general condition; and documentation indicating the BUILDING – MOVED IN

certification and compliance with the *National Building Code – Alberta Edition*.

- 5.9.2** All renovations and any conditions imposed by the DEVELOPMENT AUTHORITY to a BUILDING – MOVED IN shall be completed by the time stipulated by the DEVELOPMENT AUTHORITY, and in no case is that time to exceed one (1) year, or the expiration of the BUILDING PERMIT.

## **5.10 OUTDOOR STORAGE**

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- 5.10.1** In a Residential LAND USE DISTRICT there shall be no OUTDOOR STORAGE of materials or goods that are associated with a business or HOME OCCUPATION.

- 5.10.2** OUTDOOR STORAGE in a Commercial LAND USE DISTRICT shall be located at the rear of the BUILDING and screened from view of public roads, highways and Residential LAND USE DISTRICTS by a solid fence or wall, or ON-SITE LANDSCAPING that provides a year-round screen. The height of the fence and amount of LANDSCAPING shall be at the discretion of the DEVELOPMENT AUTHORITY, and dependent upon the height of the goods or materials to be stored.

- 5.10.3** Subject to Article 5.10.2, the USE of SHIPPING CONTAINERS involving OUTDOOR STORAGE is permitted in accordance with the following:

- a)** Limited to one (1) SHIPPING CONTAINER per LOT in Residential LAND USE DISTRICTS;
- b)** Not permitted in YARD – FRONT, (permitted in YARD – SIDE and YARD – REAR only);
- c)** Considered as an ACCESSORY BUILDING OR STRUCTURE;
- d)** Storage of items excludes DANGEROUS OR HAZARDOUS GOODS;
- e)** Must conform to specific SETBACKS within the LAND USE DISTRICT;
- f)** Exterior finish of SHIPPING CONTAINERS must match or compliment the exterior finish of the PRINCIPAL BUILDING, or be finished to such a standard that is acceptable and approved by the DEVELOPMENT AUTHORITY.

- 5.10.4** In the case of a LOT that does not include a BUILDING, SHIPPING CONTAINERS shall be screened from all streets with opaque fencing.

## **5.11 GARBAGE STORAGE**

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- 5.11.1** Garbage storage within Commercial, and Industrial LAND USE DISTRICTS, or as part of a MANUFACTURED HOME COMMUNITY shall:

- a)** be fully screened with an opaque fence measuring at least 2m/6.5ft. in height;
- b)** not be located within any required minimum yard, within 6m/19.6ft. of a public street or 2m/6.5ft. of a residential USE; and
- c)** not have garbage piled higher than the fence designed to screen it.

For an example of garbage storage please see [Figure 24](#).

- 5.11.2** Garbage storage associated with DWELLING – MULTIPLE UNIT and ASSISTED LIVING FACILITIES shall be screened with materials that are compatible with and complementary to the primary building materials and overall site design.

**5.11.3** The USE of SHIPPING CONTAINERS for garbage storage is prohibited in all LAND USE DISTRICTS, with the exception of the C-3 and Industrial LAND USE DISTRICTS and shall only be located at the rear of a BUILDING.

## 5.12 ACCESSORY BUILDINGS OR STRUCTURES

**5.12.1** The regulations of this section do not apply to a BUILDING that comprises of a DWELLING - BACKYARD UNIT attached to or above an ACCESSORY BUILDING or GARAGE - DETACHED. Instead, those BUILDINGS must follow the regulations of Section 5.31.

**5.12.2** ACCESSORY BUILDINGS OR STRUCTURES, excluding GARAGE - DETACHED and detached CARPORTS are subject to the requirements outlined in Table 5.2.

**TABLE 5.2 REQUIREMENTS FOR ACCESSORY BUILDINGS OR STRUCTURES**

| COMPONENT   | RESIDENTIAL DISTRICTS  | COMMERCIAL, INDUSTRIAL AND OTHER DISTRICTS  |
|---|--|---|
| Minimum distance from <u>PRINCIPAL BUILDING</u>   | 2m/6.5ft.  | 2m/6.5ft.   |
| Combined area of all <u>ACCESSORY BUILDINGS OR STRUCTURES</u>                                 | 15% of the <u>LOT</u>  | 20% of the <u>LOT</u>   |
| Maximum height  | 4.5m/14.7ft.   | 6m/19.6ft. for all <u>DISTRICTS</u> except for the Industrial <u>LAND USE DISTRICT</u> which is 16m/52.4ft. or 4 stories. |
| Minimum distance from <u>LOT LINE - REAR</u> abutting a street                                | The minimum <u>YARD - REAR</u> as prescribed for the <u>LAND USE DISTRICT</u>  | The minimum <u>YARD - REAR</u> as prescribed for the <u>LAND USE DISTRICT</u> .   |
| Minimum distance from <u>LOT LINE - SIDE</u> and <u>LOT LINE - REAR</u> not abutting a street | 0.6m/1.9ft.  | The minimum <u>YARD - SIDE</u> and <u>YARD - REAR</u> as prescribed for the <u>LAND USE DISTRICT</u> .                    |
| Minimum distance from <u>LOT LINE - FRONT</u> and <u>LOT LINE - FLANKAGE</u>                  | The minimum <u>YARD - FRONT</u> and <u>YARD - FLANKAGE</u> as prescribed in the <u>LAND USE DISTRICT</u> , and shall not be closer to the <u>LOT LINE - FRONT</u> , than the <u>PRINCIPAL BUILDING</u> . |   |

**5.12.3** No ACCESSORY BUILDING OR STRUCTURE shall be used as a DWELLING UNIT, but may be attached to or below a DWELLING - BACKYARD UNIT where permitted.

**5.12.4** An ACCESSORY BUILDING OR STRUCTURE with a FLOOR AREA - GROSS of less than 13m<sup>2</sup>/139.9.sq.ft. may be located up to 0m/0ft. from a LOT LINE, if the LOT LINE does not have LOT FRONTAGE so long as they do not surpass the LOT LINE.

**5.12.5** GARAGE - DETACHED and detached CARPORTS in Residential LAND USE DISTRICTS are subject to the requirements outlined in Table 5.3.

**TABLE 5.3 REQUIREMENTS FOR GARAGE – DETACHED AND CARPORT**

| COMPONENT   | REQUIREMENT  |
|---|--|
| Minimum distance from <u>PRINCIPAL BUILDING</u>                         | 2m/6.5ft.  |
| Minimum distance from <u>LOT LINE – SIDE</u> and <u>LOT LINE – REAR</u> | 1.2m/3.9ft.  |
| Minimum distance from <u>LOT LINE – FRONT</u>                           | The minimum <u>YARD – FRONT</u> as prescribed for the <u>LAND USE DISTRICT</u> , and at no point shall it be closer to the <u>LOT LINE – FRONT</u> , than the <u>PRINCIPAL BUILDING</u> .  |
| Minimum distance from <u>LOT LINE – FLANKAGE</u>                        | At least 4.5m/14.7ft. from the <u>LOT LINE – FLANKAGE</u> where there is no sidewalk.<br>6m/19.6ft. from the face of a <u>GARAGE</u> or <u>CARPORT</u> to the edge of the sidewalk closest to the <u>DEVELOPMENT</u> .               |
| Minimum distance from a <u>LOT LINE</u> adjoining a <u>LANE</u>         | When <u>ACCESS</u> to the <u>GARAGE – DETACHED</u> or detached <u>CARPORT</u> comes from a <u>LANE</u> : a minimum distance of 1.2m/3.9ft. and a maximum distance of 6m/19.6ft. from the <u>LOT LINE</u> adjoining the <u>LANE</u> . |
| Maximum size  | 15% of the <u>LOT AREA</u>   |
| Maximum height  | 4.5m/14.7ft.   |

## **5.13 GARAGES – PORTABLE OR TEMPORARY**

- 5.13.1** GARAGE – PORTABLE OR TEMPORARY designed for temporary use or storage, in accordance with Articles 5.13.3 and 5.13.4, do not require a DEVELOPMENT PERMIT.
- 5.13.2** GARAGE – PORTABLE OR TEMPORARY designed for permanent use or storage, in accordance with Article 5.13.5, will require a DEVELOPMENT PERMIT and are subject to annual inspections by the DEVELOPMENT AUTHORITY to assess the aesthetical condition of the GARAGE – PORTABLE OR TEMPORARY.
- 5.13.3** GARAGE – PORTABLE OR TEMPORARY may be permitted within YARD – FRONT on any LOT in all Residential LAND USE DISTRICTS between October 1<sup>st</sup> and April 30<sup>th</sup>, inclusive.
- 5.13.4** Subject to the applicable SETBACK provisions, GARAGE – PORTABLE OR TEMPORARY may be permitted year-round within YARD – SIDE and YARD – REAR, in all Residential LAND USE DISTRICTS.
- 5.13.5** Subject to the applicable SETBACK provisions, GARAGE – PORTABLE OR TEMPORARY may be permitted year-round within YARD – FRONT on any LOT measuring up to 600m<sup>2</sup>/6,458.35sq.ft. in all Residential LAND USE DISTRICTS.
- 5.13.6** GARAGE – PORTABLE OR TEMPORARY cannot be located within or encroach upon TOWN-owned property.

## **5.14 DECKS**

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- 5.14.1** If a DECK is more than 1.5m/4.9ft. above FINISHED GRADE, it must be located at least 5m/16.4ft. from all LOT LINES, unless the DEVELOPMENT AUTHORITY determines that a 5m/16.4ft. separation from all LOT LINES is not required, due to the size of the LOT, distance from neighbouring land USES, LANDSCAPING or combination thereof, which mitigates the potential impact on neighbouring land USES.
- 5.14.2** Any ENCLOSED DECK shall be considered part of the PRINCIPAL BUILDING for the purposes of assessing LOT COVERAGE and minimum yard requirements.

## **5.15 FENCES**

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- 5.15.1** The maximum height of a fence in Residential, Commercial and Community USE LAND USE DISTRICTS shall be:
- 1m/3.2ft. in height above the FINISHED GRADE in any YARD – FRONT; and
  - 2m/6.5ft. above the FINISHED GRADE in any YARD – SIDE, YARD – REAR or YARD – FLANKAGE.
- 5.15.2** Notwithstanding Article 5.15.1, the DEVELOPMENT AUTHORITY may consider a fence exceeding this height in Commercial or Community Use LAND USE DISTRICTS for security or public safety purposes, while having particular regard for the design and appearance of the fence from neighbouring properties and streets.
- 5.15.3** Fences in the Industrial LAND USE DISTRICT shall not exceed 2m/6.5ft. in height unless otherwise approved by the DEVELOPMENT AUTHORITY for safety and/or security purposes.
- 5.15.4** Notwithstanding all conditions of Section 5.15, no fence is permitted in the YARD – FRONT or YARD – FLANKAGE of a LOT CORNER if, in the opinion of the DEVELOPMENT AUTHORITY, the fence will block or impede traffic sight lines.
- 5.15.5** Any fences incorporating barbed wire or other devices for security measures that may cause bodily harm, shall be at the discretion of the DEVELOPMENT AUTHORITY.
- 5.15.6** All fences shall be made of a durable material, such as wood, be adequately anchored and fixed to the ground, such that they are freestanding and not supported by any other BUILDING.
- 5.15.7** The USE of a chain link fence is only permitted within the Highway Commercial, Community Use and Industrial LAND USE DISTRICTS, unless otherwise approved at the discretion of the DEVELOPMENT AUTHORITY.
- 5.15.8** Chain link fences may be approved at the discretion of the DEVELOPMENT AUTHORITY in a LAND USE DISTRICT, not identified in Article 5.15.7, if the USE of LANDSCAPING or other design treatments is incorporated in a manner that provides a consistent or complimentary appearance to fences found within the same LAND USE DISTRICT or neighbourhood.

## **5.16 AIR CONDITIONERS**

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**5.16.1** A freestanding exterior air conditioner cannot be:

- a) located in a YARD – FRONT; or
- b) located less than 1m/3.2ft. from LOT LINE – SIDE and LOT LINE – REAR.

## **5.17 FIRE PITS AND BARBECUES**

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**5.17.1** A fixed outdoor fire pit, barbecue, fireplace or stove shall not be:

- a) located in a YARD – FRONT or YARD – FLANKAGE;
- b) located less than 3m/9.85ft. from LOT LINE – SIDE and LOT LINE – REAR; or
- c) located less than 3m/9.85ft. from any BUILDING.

**5.17.2** An application for an outdoor fire pit shall be made by the registered owner of the LOT on which the fire pit is proposed, or by another person with written consent from the owner, to the DEVELOPMENT AUTHORITY by submitting the following:

- a) the [Fire Pit Application Form](#) completed and signed; and
- b) the fee as set by COUNCIL.

## **5.18 FIRE HYDRANTS**

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**5.18.1** No fence, driveway, object, BUILDINGS and/or STRUCTURES shall be located within a 1.2m/4ft. radius of a fire hydrant.

## **5.19 HOME OCCUPATIONS**

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**5.19.1** A HOME OCCUPATION shall:

- a) operate as an ACCESSORY USE only and shall not involve a change to the principal character or external appearance of any BUILDINGS and/or STRUCTURES;
- b) not involve the storing of materials, commodities or finished products associated with the HOME OCCUPATION outside the DWELLING UNIT or GARAGE;
- c) not involve the use of mechanical equipment in connection with the HOME OCCUPATION, unless the equipment is commonly used in a home;
- d) in the case of a HOME OCCUPATION involving personal instruction, having no more than five (5) students or customers in attendance at the SITE at any one time;
- e) have no person, other than a RESIDENT of the DWELLING UNIT, be employed as part of the HOME OCCUPATION;
- f) not be permitted if it produces offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance; and
- g) not be permitted if the DEVELOPMENT AUTHORITY determines that such USE would be more suitable within a Commercial or Industrial LAND USE DISTRICT having regard for (among other matters) potential traffic generation and interference with the residential character of the neighbourhood.

**5.19.2** Notwithstanding Clause 5.19.1(e), a replacement worker for a HOME OCCUPATION RESIDENT worker may be allowed during vacation, periods of illness or other similar circumstances deemed appropriate by the DEVELOPMENT AUTHORITY.

**5.19.3** Subject to Article 7.3.1, a HOME OCCUPATION shall be permitted to have one SIGN.

**5.19.4** Notwithstanding Articles 5.19.1 and 5.19.2, HEALTH SERVICES operated as a HOME OCCUPATION shall:

- a) be limited to one (1) health professional and two (2) support staff working at any given time;
- b) have a minimum of two (2) ON-SITE PARKING STALLS;
- c) retain a residential character comparable to surrounding properties. In the case of new construction, the BUILDING must be of a residential character equal to, or exceeding, the appearance of surrounding properties and keeping with the intent of the LAND USE DISTRICT; and
- d) demonstrate that the USE is limited to that which does not interfere with the rights of other RESIDENTS to a quiet enjoyment of a residential neighbourhood, and in consideration of other RESIDENTS.

**5.19.5** A HEALTH SERVICE may be refused by the DEVELOPMENT AUTHORITY if, at the time of application, the same HEALTH SERVICE exists in a Commercial LAND USE DISTRICT.

**5.19.6** TAXI SERVICE is not considered as a HOME OCCUPATION, and taxi operators are permitted to park individual MOTOR VEHICLES intended for passenger transportation at residential properties.

**5.19.7** Prior to approval, the DEVELOPMENT AUTHORITY may require that an inspection by a Public Health Inspector be conducted for select HOME OCCUPATION types.

## **5.20 BED AND BREAKFAST BUSINESS**

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**5.20.1** BED AND BREAKFAST BUSINESS establishments shall:

- a) have no cooking facilities in a guest room;
- b) have a minimum guest room size of 7m<sup>2</sup>/75.34sq.ft. per single occupant and 4.6m<sup>2</sup>/49.51sq.ft. per person for multiple occupants;
- c) have at least one (1) window for each guest room; and
- d) have sanitation facilities and potable water as required by relevant authorities.

**5.20.2** Prior to approval, the DEVELOPMENT AUTHORITY may require that the following inspections are performed, and associated fees paid:

- a) a BUILDING inspection; and
- b) an inspection by a Public Health Inspector.

**5.20.3** Subject to Article 7.3.1, a BED AND BREAKFAST BUSINESS shall be permitted to have one SIGN.

## **5.21 DRIVE-THROUGH BUSINESSES**

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**5.21.1** A DRIVE-THROUGH BUSINESS shall have entrances and exits approved by the DEVELOPMENT AUTHORITY that provides means for circulation within the LOT, which are adequately sign-posted.

**5.21.2** The minimum number of queuing spaces required for a DRIVE-THROUGH BUSINESS shall be in accordance with Table 5.4.

**TABLE 5.4 DRIVE-THROUGH BUSINESS REQUIRED QUEUING SPACES**

| DRIVE-THROUGH BUSINESS TYPE                                  | INBOUND QUEUING SPACES | OUTBOUND QUEUING SPACES |
|--|------------------------|-------------------------|
| <u>DRIVE-THROUGH RESTAURANT</u>                              | 11                     | 1                       |
| <u>FUEL STATION</u>  | 5                      | 1                       |
| <u>AUTOMOTIVE SERVICE, CAR WASH or FINANCIAL INSTITUTION</u> | 3                      | 1                       |

**5.21.3** All queuing spaces shall be a minimum of 6.5m/21.3ft. in length; and 3m/9.85ft. wide.

**5.21.4** No portion of any DRIVE-THROUGH BUSINESS, including queuing spaces or otherwise, shall be located within any required yard.

**5.21.5** A FUEL STATION shall be subject to the following additional requirements:

- a) no portion of any pump shall be located closer than 15m/49.2ft. to a street;
- b) all canopies shall meet all minimum SETBACK requirements; and
- c) no driveway be located within 9m/29.5ft. of another driveway, or within 15m/49.2ft. of a street intersection.

## **5.22 EASEMENTS**

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**5.22.1** A DEVELOPMENT PERMIT shall not be issued for a DEVELOPMENT, other than a fence, that encroaches into or over a utility EASEMENT or right-of-way, without written consent from the EASEMENT owner, and/or the utility line owner.

## **5.23 PRIVATE SWIMMING POOLS**

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**5.23.1** Notwithstanding any other provision of this BYLAW, a DEVELOPMENT PERMIT is required prior to the installation of a permanent belowground private swimming pool, or a BUILDING or STRUCTURE constructed to enclose a swimming pool or hot tub..

**5.23.2** Every private swimming pool and hot tub must be within an enclosed BUILDING, unless it is located within an entirely fenced YARD – REAR or YARD – SIDE.

**5.23.3** Private swimming pools and hot tubs shall not be located within a YARD – FRONT.

**5.23.4** Every fence enclosing a private swimming pool or hot tub, constructed outside of an enclosed BUILDING or STRUCTURE, shall be 2m/6.5ft. in height or, at the discretion of the DEVELOPMENT AUTHORITY, higher. All fences:

- a) shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or crawl under the fence;
- b) shall be equipped with a gate that has a self-latching device, and lock mechanism located on the inside of the gate; and
- c) no barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be permitted.

**5.23.5** All private swimming pools and hot tubs, located within a new or existing enclosed BUILDING or STRUCTURE, must comply with the requirements of the *National Building Code – Alberta Edition*.

## **5.24 MORE THAN ONE MAIN PRINCIPAL BUILDING ON A LOT**

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**5.24.1** Any DEVELOPMENT involving more than one PRINCIPAL BUILDING except for DWELLING - MULTIPLE UNITS, DWELLING – TOWNHOUSES, or MIXED-USE BUILDINGS on a LOT is a DISCRETIONARY USE in all LAND USE DISTRICTS and must:

- a) provide adequate spacing between BUILDINGS, consistent with the minimum yard requirements within the LAND USE DISTRICT; and
- b) where applicable, conform to requirements of the Condominium Property Act.

**5.24.2** In addition to Article 5.24.1, when considering a DEVELOPMENT involving more than one PRINCIPAL BUILDING on a LOT, the DEVELOPMENT AUTHORITY will consider the following:

- a) design to support human-scale development, with particular attention to pedestrian safety, accessibility, and overall site connectivity;
- b) use of LANDSCAPING to enhance the appearance of PARKING LOTS or limiting the visual dominance of driveways;
- c) potential traffic impacts;
- d) scale and design of the BUILDINGS relative to surrounding DEVELOPMENTS; and
- e) the use of design elements to minimize the visual impact of blank walls and continuous rooflines.

## **5.25 ALTERNATIVE ENERGY TECHNOLOGY**

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### **GENERAL REQUIREMENTS**

**5.25.1** All ALTERNATIVE ENERGY TECHNOLOGIES shall be approved at the discretion of the DEVELOPMENT AUTHORITY and reviewed to ensure the proposal does not negatively affect the surrounding area in which it is located. The DEVELOPMENT AUTHORITY shall have specific regard for the potential impacts of:

- a) noise and/or vibrations associated with ALTERNATIVE ENERGY TECHNOLOGY;
- b) the visual appearance from neighbouring properties and streets;
- c) the casting of shadows on neighbouring properties;
- d) any smell associated with the ALTERNATIVE ENERGY TECHNOLOGY;
- e) the ALTERNATIVE ENERGY TECHNOLOGY on existing municipal infrastructure including streets; and
- f) the ALTERNATIVE ENERGY TECHNOLOGY on the overall design and aesthetics of a BUILDING and/or STRUCTURE relative to surrounding DEVELOPMENTS.

**5.25.2** The proposed installation of any ALTERNATIVE ENERGY TECHNOLOGY system, device or STRUCTURE shall require the issuance of a DEVELOPMENT PERMIT and any other applicable Municipal permits. In addition to the requirements for DEVELOPMENT PERMITS outlined in Subsection 4.3, the DEVELOPMENT AUTHORITY may also require:

- a) confirmation that all necessary and applicable Provincial and Federal regulations and approvals have been met;
- b) methods of SCREENING shall be used to ensure that all ALTERNATIVE ENERGY

- TECHNOLOGIES visually blend with the surrounding natural and built environment in which they are situated; and
- c) technical drawings or studies relating to the proposed ALTERNATIVE ENERGY TECHNOLOGY STRUCTURE required to address items outlined in Article 5.25.1.

- 5.25.3** There shall be no aboveground portion of an ALTERNATIVE ENERGY TECHNOLOGY located in a YARD – FRONT or the minimum required YARD – SIDE of the BUILDING and/or STRUCTURE as specified in the LAND USE DISTRICT.
- 5.25.4** No advertising, except for a manufacturer's logo, shall be visible on any ALTERNATIVE ENERGY TECHNOLOGY.
- 5.25.5** Under no circumstances will the DEVELOPMENT AUTHORITY approve a DEVELOPMENT application that includes a SMALL WIND ENERGY SYSTEM.

## SOLAR COLLECTORS

- 5.25.6** A SOLAR COLLECTOR may be located on the roof or wall of a BUILDING and/or STRUCTURE, or ground mounted in a YARD – SIDE, provided the STRUCTURE complies with the minimum YARD – SIDE requirements of the LAND USE DISTRICT.
- 5.25.7** A SOLAR COLLECTOR mounted on a roof must not extend beyond the outermost edge of the roof or above the peak of the roof.
- 5.25.8** A SOLAR COLLECTOR that is mounted on a wall may project a maximum of:
- 1.5m/4.9ft. from the surface of that wall, when the wall is facing a LOT LINE – REAR; and
  - in all other cases, 0.6m/1.9ft. from the surface of that wall.
- 5.25.9** Notwithstanding Article 5.25.8, a SOLAR COLLECTOR may have a 0m/0ft. from the LOT LINE – REAR if located within the Industrial LAND USE DISTRICT.

## 5.26 TELECOMMUNICATIONS STRUCTURES

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- 5.26.1** All telecommunications structures require a DEVELOPMENT PERMIT.
- 5.26.2** Telecommunications structures will be considered a DISCRETIONARY USE within all LAND USE DISTRICTS.
- 5.26.3** All telecommunications structure permit applications shall include a SITE plan drawn to an appropriate scale identifying SITE boundaries; tower elevations; guy wire anchor locations; existing and proposed STRUCTURES; vehicular PARKING and ACCESS; existing vegetation to be retained, removed or replaced; the uses and STRUCTURES on the PARCEL and abutting PARCELS.
- 5.26.4** A telecommunications structure base shall be SETBACK from abutting PARCELS and roadways as required by the DEVELOPMENT AUTHORITY.

**5.26.5** The appearance of a telecommunications structure, including but not limited to, LANDSCAPING and fencing, shall be to the satisfaction of the DEVELOPMENT AUTHORITY.

**5.26.6** The DEVELOPMENT AUTHORITY may require the applicant for a telecommunications structure to undertake community consultation prior to the submission of an application. The applicant would be required to submit a summary of their community consultation process and findings with the application, including how any concerns will be addressed and mitigated.

## **5.27 HELICOPTER LANDING PADS**

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**5.27.1** All HELICOPTER LANDING PADS require a DEVELOPMENT PERMIT.

**5.27.2** HELICOPTER LANDING PADS will be considered a DISCRETIONARY USE on all PARCELS within a Community Use LAND USE DISTRICT.

**5.27.3** HELICOPTER LANDING PADS will be considered a DISCRETIONARY USE in the Industrial LAND USE DISTRICT, only within:

- a) PARCELS located on both sides of 92 Street from 98 Avenue to 114 Avenue, inclusive of Plan 8320882, Block 4, Lot B; or
- b) PARCELS located north of 105 Avenue, south of 98 Avenue, and east of the Canadian National Railway line.

**5.27.4** The specifications and design elements of all HELICOPTER LANDING PADS must meet and maintain the minimum requirements as established by the *Canadian Aviation Regulations*.

**5.27.5** The minimum SETBACK from all BUILDING and STRUCTURES for HELICOPTER LANDING PADS shall be the diameter of the helicopter's primary rotor blade, plus 3m/9.84ft.

**5.27.6** The minimum SETBACK from the LOT LINE – FRONT shall be 20m/65.61ft. to the edge of the HELICOPTER LANDING PAD.

**5.27.7** The minimum SETBACK from all LOT LINE – SIDE shall be 10m/32ft. to the edge of the HELICOPTER LANDING PAD.

**5.27.8** All proposed operations related to HELICOPTER LANDING PADS, must conform to all mandatory *Canadian Aviation Regulations*.

**5.27.9** The operations of all HELICOPTER LANDING PADS must function in a manner that mitigates all potential noise, dust control and nuisance issues that may affect adjacent landowners.

## **5.28 AIRPORT RESTRICTION AREA**

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- 5.28.1** The following requirements apply to all land and land use districts shown in the AIRPORT RESTRICTION AREA unless otherwise stated. No DEVELOPMENT shall be exempt from adhering to the requirements of the AIRPORT RESTRICTION AREA.
- 5.28.2** Commercial airport-related DEVELOPMENT shall not be permitted unless otherwise located at a municipally approved site.
- 5.28.3** Private airstrips shall not be permitted within the AIRPORT RESTRICTION AREA.
- 5.28.4** The DEVELOPMENT AUTHORITY shall not allow DEVELOPMENT within the AIRPORT RESTRICTION AREA that may be negatively impacted by air travel or may impede the current operation and future DEVELOPMENT of the High Level Airport.
- 5.28.5** The DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD may issue a DEVELOPMENT PERMIT with or without any conditions under these restrictions for any DEVELOPMENT that involves a USE that is classified as "YES" in Table 5.6, or if the USE is similar in the opinion of the DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD, and meets other requirements and uses of the Land Use Bylaw.
- 5.28.6** The DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD may permit a DEVELOPMENT that involves a USE classified as "A," "B," or "C" in Table 5.6, or if the USE is similar in the opinion of the DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD, only if the appropriate conditions specified by that classification have been met or are prescribed as a condition on the DEVELOPMENT PERMIT.
- 5.28.7** The DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD shall not permit a DEVELOPMENT if that USE is classified as "NO" within Table 5.6 of this section, or if the USE is similar in the opinion of the DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD to a prohibited use, or involves a use that is not listed in Table 5.6.
- 5.28.8** A USE listed in Table 5.6 includes ACCESSORY USES and ACCESSORY BUILDINGS or STRUCTURES unless otherwise noted.
- 5.28.9** A DEVELOPMENT PERMIT shall not be issued for a DEVELOPMENT in any LAND USE DISTRICT if the proposed DEVELOPMENT exceeds the maximum elevation specified on Map 3 of APPENDIX 1 or as indicated on the Certificate of Title for the subject property.
- 5.28.10** No DEVELOPMENT, especially those including a TRANSMITTING STATION, shall be allowed in the AIRPORT RESTRICTION AREA which would, in the opinion of the DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD, negatively affect communication and electronic facilities necessary to the operation of a commercial airport.
- 5.28.11** No DEVELOPMENT, except for critical infrastructure as deemed by a municipal, provincial, or federal government, shall be allowed within the AIRPORT RESTRICTION AREA that would result in an increased presence of birds at or around a commercial airport.

**5.28.12** Additional conditions and requirements shall be placed on all DEVELOPMENTS that fall within a NOISE EXPOSURE FORECAST CONTOUR as outlined in Table 5.6. DEVELOPMENTS for USES not listed in table 5.6 and which are not similar in the opinion of the DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD shall be classified at the discretion of the DEVELOPMENT AUTHORITY or SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

- a) All USES with the "YES" classification shall be permitted.
- b) All USES with the "NO" classification shall not be permitted.
- c) All USES with the "A" classification shall only be approved if the DEVELOPMENT AUTHORITY is satisfied that acoustic insulation features, if required, have been considered and included in the building design.
- d) All USES with the "B" classification in Table 5.6 shall be made aware that they fall within the respective NOISE EXPOSURE FORECAST CONTOUR and should consider implementing internal acoustic insulation features.
- e) All USES with the "C" classification in Table 5.6 shall only be permitted if they are related directly to aviation-oriented activities or services and shall only be approved if the DEVELOPMENT AUTHORITY is satisfied that acoustic insulation features, if required, have been considered and included in the building design.

Existing DEVELOPMENTS for USES with the "NO" classification are permitted to renovate or improve these DEVELOPMENTS so long as no structural changes are undertaken.

**TABLE 5.6 LAND USE CLASSIFICATIONS RELATED TO NOISE EXPOSURE FORECAST CONTOURS**

| <b>Airport</b>                          |              |                |                |                |             |
|---|--------------|----------------|----------------|----------------|-------------|
|   | NEF 40+ Area | NEF 40-35 Area | NEF 35-30 Area | NEF 30-25 Area | NEF 25-Area |
| HANGERS AND TERMINAL FACILITIES         | YES          | YES            | YES            | YES            | YES         |
| HELICOPTER LANDING PAD                  | YES          | YES            | YES            | YES            | YES         |
| <b>Residential</b>                      |              |                |                |                |             |
|   | NEF 40+ Area | NEF 40-35 Area | NEF 35-30 Area | NEF 30-25 Area | NEF 25-Area |
| All Residential Uses                    | NO           | NO             | NO             | A              | YES         |
| All Temporary/Industrial Accommodations | NO           | NO             | NO             | A              | YES         |
| <b>Agriculture</b>                      |              |                |                |                |             |
|   | NEF 40+ Area | NEF 40-35 Area | NEF 35-30 Area | NEF 30-25 Area | NEF 25-Area |
| AGRICULTURE                             | YES          | YES            | YES            | YES            | YES         |
| <b>Commercial</b>                       |              |                |                |                |             |
|   | NEF 40+ Area | NEF 40-35 Area | NEF 35-30 Area | NEF 30-25 Area | NEF 25-Area |
| AUTOMOTIVE SALES & RENTALS              | B            | B              | B              | B              | YES         |
| RECREATIONAL VEHICLE SALES AND SERVICE  | B            | B              | B              | B              | YES         |
| RESTAURANT                              | C            | C              | B              | B              | YES         |
| RETAIL - CONVENIENCE                    | C            | C              | B              | B              | YES         |
| RETAIL - GENERAL                        | C            | C              | B              | B              | YES         |
| <b>Industrial / Utilities</b>           |              |                |                |                |             |

|  | NEF 40+<br>Area | NEF 40-<br>35 Area | NEF 35-<br>30 Area | NEF 30-<br>25 Area | NEF 25-<br>Area |
|--|-----------------|--------------------|--------------------|--------------------|-----------------|
| ALTERNATIVE ENERGY<br>TECHNOLOGY         | YES             | YES                | B                  | B                  | YES             |
| BULK OIL, FUEL, AND CHEMICAL<br>STORAGE  | YES             | YES                | YES                | YES                | YES             |
| INDUSTRIAL OPERATION                     | B               | B                  | B                  | B                  | YES             |
| LOGGING SERVICE                          | B               | B                  | B                  | B                  | YES             |
| LUMBER YARD                              | B               | B                  | B                  | B                  | YES             |
| PUBLIC USE                               | YES             | YES                | YES                | YES                | YES             |
| SHIPPING CONTAINER                       | YES             | YES                | YES                | YES                | YES             |
| TRANSMITTING STATION                     | YES             | YES                | YES                | YES                | YES             |
| WAREHOUSE                                | YES             | YES                | YES                | YES                | YES             |
| <b>Public / Recreational</b>             |                 |                    |                    |                    |                 |
|  | NEF 40+<br>Area | NEF 40-<br>35 Area | NEF 35-<br>30 Area | NEF 30-<br>25 Area | NEF 25-<br>Area |
| CAMPGROUND                               | NO              | NO                 | NO                 | A                  | YES             |
| CEMETERY                                 | NO              | NO                 | NO                 | NO                 | YES             |
| EMERGENCY SERVICES<br>FACILITY           | YES             | YES                | YES                | YES                | YES             |
| EXHIBITION GROUNDS                       | NO              | NO                 | NO                 | NO                 | YES             |
| GOVERNMENT SERVICES                      | C               | C                  | YES                | B                  | YES             |
| NON-PROFIT COMMUNITY<br>SUPPORT SERVICES | C               | C                  | C                  | B                  | YES             |
| PUBLIC PARKS & PLAYGROUNDS               | NO              | NO                 | NO                 | YES                | YES             |
| RECREATIONAL SERVICES,<br>OUTDOOR        | NO              | NO                 | NO                 | YES                | YES             |
| RECREATIONAL SERVICES,<br>INDOOR         | NO              | NO                 | NO                 | YES                | YES             |
| TOURIST INFORMATION FACILITY             | C               | C                  | C                  | B                  | YES             |
| PUBLIC PARKS & PLAYGROUNDS               | NO              | NO                 | NO                 | YES                | YES             |
| <b>Other</b>                             |                 |                    |                    |                    |                 |
|  | NEF 40+<br>Area | NEF 40-<br>35 Area | NEF 35-<br>30 Area | NEF 30-<br>25 Area | NEF 25-<br>Area |
| ACCESSORY BUILDINGS AND<br>STRUCTURES    | YES             | YES                | YES                | YES                | YES             |
| BUILDING – MOVED IN                      | C               | C                  | B                  | B                  | YES             |
| SIGNAGE                                  | YES             | YES                | YES                | YES                | YES             |

## 5.29 MIXED-USE BUILDINGS

5.29.1 MIXED-USE BUILDINGS shall not have:

- a) commercial units directly above DWELLING UNITS;
- b) DWELLING UNITS in a BASEMENT; nor
- c) DWELLING UNITS on any portion of the GROUND FLOOR that faces an arterial road.

5.29.2 ACCESS to the residential and non-residential portions of a MIXED-USE BUILDING must be separate, without passage required through one unit type to access the other. The number of required ACCESESSES must be in accordance with the *National Building Code – Alberta Edition*.

## 5.30 DWELLING - SECONDARY SUITES

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- 5.30.1 There may only be up to one DWELLING – SECONDARY SUITE per principal DWELLING UNIT in the PRINCIPAL BUILDING.
- 5.30.2 DWELLING – SECONDARY SUITES may only be permitted within or attached to a:
- DWELLING – SINGLE DETACHED; or
  - DWELLING – DUPLEX; or
  - DWELLING – TOWNHOUSE.
- 5.30.3 A DWELLING – SECONDARY SUITE must have a FLOOR AREA that is less than the principal DWELLING UNIT, unless the DWELLING – SECONDARY SUITE is predominantly within a BASEMENT;
- 5.30.4 A DWELLING – SECONDARY SUITE:
- must have cooking, bathroom, and shower/bathing facilities within the unit and access to laundry within the unit or in a common area on the LOT;
  - shall not be separated as a CONDOMINIUM or by SUBDIVISION;
  - must have a continuous HARD-SURFACED path at least 0.9m/3.0ft. wide that leads from the external entrance of the DWELLING – SECONDARY SUITE to a public sidewalk. If there is no public sidewalk abutting the LOT, then the path must lead to a PUBLIC ROADWAY that is not a LANE; and
  - may be part of the original design and construction of the associated principal DWELLING UNIT, or may be added subsequently through interior renovation or by constructing an addition to the BUILDING.

## 5.31 DWELLING - BACKYARD UNITS

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- 5.31.1 There may only be one (1) DWELLING – BACKYARD UNIT per principal DWELLING UNIT in the PRINCIPAL BUILDING.
- 5.31.2 A DWELLING – BACKYARD UNIT may only be permitted on a LOT where the PRINCIPAL BUILDING is either a:
- DWELLING – SINGLE DETACHED; or
  - DWELLING – DUPLEX; or
  - DWELLING – TOWNHOUSE.
- 5.31.3 A DWELLING – BACKYARD UNIT may not be any closer to the LOT LINE – FRONT than the PRINCIPAL BUILDING. For any PRINCIPAL BUILDING that has a front entrance facing the LOT LINE – FLANKAGE, a DWELLING – BACKYARD UNIT may not be any closer to the LOT LINE – FLANKAGE than the PRINCIPAL BUILDING.
- 5.31.4 A DWELLING – BACKYARD UNIT must be separated from any other BUILDING on the LOT by at least 2m/6.6ft. and must be separated by at least 4m/13.1ft. from any other DWELLING UNIT within the LOT.
- 5.31.5 A DWELLING – BACKYARD UNIT shall comply with the following BUILDING HEIGHT regulations:
- The maximum BUILDING HEIGHT shall not exceed the height of the PRINCIPAL BUILDING

- on the same LOT;
- b) In all cases, the maximum BUILDING HEIGHT shall not exceed 6.8m/22.3ft.;
  - c) Where the LOT LINE – REAR directly abuts a LOT designated R-1 and there is no intervening LANE, the maximum BUILDING HEIGHT shall be reduced to 4.6m/15.1ft.
- 5.31.6 The maximum FLOOR AREA – GROSS of a DWELLING – BACKYARD UNIT is 70m<sup>2</sup>/753.5sq.ft. of habitable space plus an additional 70m<sup>2</sup>/753.5sq.ft. for a GARAGE if attached.
- 5.31.7 A DWELLING – BACKYARD UNIT may be constructed on-site or be pre-fabricated but may not be on a chassis. A DWELLING – BACKYARD UNIT must be placed on a permanent foundation, with design and aesthetic qualities that are complimentary to the surrounding context and to the satisfaction of the DEVELOPMENT AUTHORITY.
- 5.31.8 A DWELLING – BACKYARD UNIT:
- a) must have cooking, bathroom, and shower/bathing facilities within the unit and access to laundry within the unit or in a common area on the LOT;
  - b) shall not be separated as a CONDOMINIUM or by SUBDIVISION;
  - c) must have a continuous HARD-SURFACED path at least 0.9m/3.0ft. wide that leads from the external entrance of the DWELLING – SECONDARY SUITE to a public sidewalk. If there is no public sidewalk abutting the LOT, then the path must lead to a PUBLIC ROADWAY that is not a LANE;
  - d) may have a BASEMENT, but may not have a kitchen within the BASEMENT;
  - e) if attached to a GARAGE, the DWELLING UNIT must have a separate and independent entrance, not including a garage door; and
  - f) shall not be built before there is a principal DWELLING UNIT on the LOT, but may be built concurrently with a principal DWELLING UNIT; a DWELLING – BACKYARD UNIT may only be inhabited before the principal DWELLING UNIT is constructed if the foundation of the principal DWELLING UNIT has been completed and framing is underway.

# 6

## 6.0 PARKING AND LOADING REQUIREMENTS

### 6.1 PARKING REQUIREMENTS

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**6.1.1** ON-SITE PARKING shall be provided in accordance with the requirements set out in Table 6.1. All required PARKING STALLS must be provided on the same LOT as the DEVELOPMENT.

**TABLE 6.1 MINIMUM ON-SITE PARKING STALL REQUIREMENTS**

| LAND USE TYPE           | MINIMUM REQUIREMENTS   |
|-------------------------|--|
| Residential <u>USES</u> | <ul style="list-style-type: none"><li>• 2 stalls per <u>DWELLING UNIT</u> for <u>DWELLING – SINGLE DETACHED</u>, <u>DWELLING – DUPLEX</u>, and all definitions of manufactured homes.</li><li>• 1 stall per <u>DWELLING UNIT</u> for all other residential <u>USES</u>.</li><li>• For <u>DEVELOPMENTS</u> containing 10 or more <u>DWELLING UNITS</u>, visitor stalls shall be provided at a minimum ratio of 1 stall per 10 <u>DWELLING UNITS</u>, unless, in the opinion of the <u>DEVELOPMENT AUTHORITY</u>, a lack of visitor stalls would not significantly impact surrounding street parking. Developers are encouraged to exceed this minimum ratio when site capacity allows.</li><li>• <u>DWELLING – SECONDARY SUITE</u> and <u>DWELLING – BACKYARD UNIT</u> may be exempt from providing off-street parking where, in the opinion of the <u>DEVELOPMENT AUTHORITY</u>, there is adequate street parking abutting the <u>LOT</u>.</li></ul> |

|  |   |
|--|---|
| Schools and Daycares                                       | <ul style="list-style-type: none"> <li>• 1 <u>PARKING STALL</u> per employee and 1 additional stall per 10 children/students (based on designed building capacity).</li> <li>• Where an adequate pick-up and drop-off loop is provided the <u>DEVELOPMENT AUTHORITY</u> may waive the requirement for 1 additional stall per 10 children (except for High Schools).</li> <li>• Dedicated bus <u>PARKING</u> may be required at the discretion of the <u>DEVELOPMENT AUTHORITY</u>.</li> </ul>   |
| Commercial or Community <u>USES</u> with Fixed Seats       | <ul style="list-style-type: none"> <li>• 1 <u>PARKING STALL</u> per employee and 1 additional stall per 10 seating spaces.</li> </ul>   |
| Commercial or Community <u>USES</u> with Appointment Rooms | <ul style="list-style-type: none"> <li>• 1 <u>PARKING STALL</u> per employee and 1 additional stall per appointment room.</li> </ul>  |
| Hotels/Motels  | <ul style="list-style-type: none"> <li>• 1 <u>PARKING STALL</u> per employee, 1 additional stall per guest room.</li> <li>• Dedicated large truck or truck and trailer <u>PARKING</u> may be required at the discretion of the <u>DEVELOPMENT AUTHORITY</u>.</li> </ul>   |
| All Other <u>USES</u>                                      | <ul style="list-style-type: none"> <li>• 1 <u>PARKING STALL</u> per employee and 1 additional stall per 50m<sup>2</sup>/538sq.ft. of building space accessible by the public or clients.</li> <li>• For industrial <u>DEVELOPMENTS</u>, the <u>DEVELOPMENT AUTHORITY</u> may waive or decrease the requirement for additional <u>PARKING STALLS</u>, if in the opinion of the <u>DEVELOPMENT AUTHORITY</u>, the <u>DEVELOPMENT</u> is not expected to generate significant customer traffic.</li> <li>• Dedicated large truck or truck and trailer <u>PARKING</u> may be required at the discretion of the <u>DEVELOPMENT AUTHORITY</u>.</li> </ul> |

- 6.1.2** The DEVELOPMENT AUTHORITY may reduce or eliminate required ON-SITE PARKING specified in Article 6.1.1 for commercial and community USES if it is deemed that:
- a) There is sufficient street parking along the LOT FRONTRAGE or LOT LINE – FLANKAGE; or,
  - b) There is a municipal or paid PARKING LOT within 50m/164.0ft. of the DEVELOPMENT that, in the opinion of the DEVELOPMENT AUTHORITY, has sufficient capacity.
- 6.1.3** In assessing Article 6.1.1, and at the discretion of the DEVELOPMENT AUTHORITY, the number of PARKING STALLS provided for DWELLING UNITS in residential LAND USE DISTRICTS shall include those located within GARAGES, CARPORTS, and driveways, based on the number of stalls that can be reasonably accommodated within these areas. Each DWELLING UNIT must have access to at least one (1) PARKING STALL that is not double-parked; any stalls that do not allow unobstructed access will not be counted toward the required total.
- 6.1.4** Where a DEVELOPMENT includes multiple uses outlined in Article 6.1.1, the total number of minimum PARKING STALLS shall be the combination of each use.
- 6.1.5** Where parking requirements are based on the number of employees, the required number of PARKING STALLS shall be determined by the maximum number of employees present during

peak operating times, as declared by the applicant and to the satisfaction of the DEVELOPMENT AUTHORITY.

- 6.1.6** Where a DEVELOPMENT includes multiple uses with different peak usage times, the DEVELOPMENT AUTHORITY may approve a minimum number of PARKING STALLS equal to the use with the largest minimum parking requirements.
- 6.1.7** If a calculation of required PARKING STALLS results in a fractional number, the number shall be rounded upwards to the next whole number.
- 6.1.8** When a BUILDING and/or STRUCTURE is enlarged, altered, or a CHANGE OF USE occurs that intensifies the USE of an existing BUILDING and/or STRUCTURE, provisions shall be made for additional PARKING STALLS to bring the DEVELOPMENT in compliance with Article 6.1.1.
- 6.1.9** The increase in PARKING STALLS required under Article 6.1.8 may be waived if the DEVELOPMENT AUTHORITY determines that the absence of the required stalls would not significantly impact traffic flow or surrounding properties.
- 6.1.10** DEVELOPMENTS with 15 or more PARKING STALLS must provide barrier-free parking at a rate of 10% (up to four total), unless otherwise specified or exempt in the *National Building Code – Alberta Edition*. Barrier-free stalls must meet the width, access, and design requirements outlined in the *National Building Code – Alberta Edition*.
- 6.1.11** The DEVELOPMENT AUTHORITY may require that up to 10% of PARKING STALLS (up to four (4) total), be designated as Parent with Child parking for commercial or community use DEVELOPMENTS expected to attract families. These stalls must be at least 3.5m/11.5ft. wide and clearly marked with appropriate signage.
- 6.1.12** PARKING STALLS on private LOTS shall not be designed in a way that allows MOTOR VEHICLES leaving the PARKING STALLS to back onto arterial or collector roads, except where those PARKING STALLS are part of a private residential driveway.
- 6.1.13** Where a PARKING LOT is required, it shall be designed, located, and constructed so that:
  - a) there is a legal means of MOTOR VEHICLE ACCESS;
  - b) MOTOR VEHICLES leaving the PARKING LOT do not back directly from a parking stall into a roadway;
  - c) it is in accordance with an approved lot grading and drainage plan prepared by a registered engineer;
  - d) it can be properly maintained and cleared of snow; and
  - e) it is to the satisfactory to the DEVELOPMENT AUTHORITY in size, shape, location, and construction.
- 6.1.14** Where, in the opinion of the DEVELOPMENT AUTHORITY a DEVELOPMENT is likely to cause increased traffic congestion on nearby roads or LANES, the DEVELOPMENT AUTHORITY may require the property owner and/or developer to submit a Traffic Impact Assessment. Based on the findings of the Traffic Impact Assessment, the DEVELOPMENT AUTHORITY may require the property owner and/or developer to enter into a DEVELOPMENT AGREEMENT. This agreement may include the obligation for the property owner and/or developer to fund necessary upgrades to the surrounding roadways to accommodate the increased traffic congestion caused by the DEVELOPMENT.

- 6.1.15** Provided PARKING STALLS and aisles shall be in accordance with table 6.2 unless otherwise specified or required by other legislation.

**TABLE 6.2 PARKING STALL DIMENSIONS**

| ANGLE (In degrees from road or aisle) | MINIMUM WIDTH | MINIMUM LENGTH |
|---------------------------------------|---------------|----------------|
| 0                                     | 2.8m/9.2ft.   | 7.0m/23.0ft.   |
| 45/60                                 | 2.8m/9.2ft.   | 5.8m/19.0ft.   |
| 90                                    | 2.8m/9.2ft.   | 5.8m/19.0ft.   |

- 6.1.16** Where a PARKING STALL is directly adjacent to a wall or other barrier, the minimum stall width shall be 3.1m/10.2ft.

- 6.1.17** Where a PARKING STALL has direct access from a lane or alley, the minimum stall depth shall be 7m/23.0ft.

**TABLE 6.3 PARKING LOT AISLE DIMENSIONS**

| TYPE OF TRAFFIC       | DRIVEWAYS OR MANEUVERING AISLES | TYPE OF VEHICLE MOVEMENTS   |
|-----------------------|---------------------------------|---|
| One-Way Passenger     | 3.6m/11.8ft.                    | 0/45 Degrees: 3.6m/11.8ft.<br>60 Degrees: 5.5m/18.0ft.<br>90 Degree: 7m/23.0ft. |
| Two-Way Passenger     | 7m/23.0ft.                      | 7 m/23.0ft.   |
| One-Way Non-Passenger | 4.6m/15.1ft.                    | 9m/29.5ft.  |
| Two-Way Non-Passenger | 9m/29.5ft.                      | 9m/29.5ft.  |

- 6.1.18** All PARKING LOT aisles must meet the minimum width requirements for passenger traffic as specified in Table 6.3. If the DEVELOPMENT AUTHORITY determines that a significant portion of traffic will consist of non-passenger vehicles, the DEVELOPMENT AUTHORITY may require aisle widths to accommodate non-passenger traffic.

## **6.2 OFF-STREET PARKING, ACCESS, AND LOCATION**

- 6.2.1** Where a DEVELOPMENT involves off-street PARKING, it shall be treated and finished, including the whole area contained within a PUBLIC RIGHT-OF-WAY, in accordance with Table 6.4.

**TABLE 6.4 OFF-STREET PARKING STALL AND AISLE TREATMENTS**

| LAND USE TYPE           | TREATMENT/LOCATION   |
|-------------------------|--|
| Residential <u>USES</u> | All new driveways, parking pads, and <u>PARKING LOTS</u> with direct access to a <u>HARD-SURFACED</u> road shall be <u>HARD-SURFACED</u> within one (1) year of occupancy. Driveways, parking pads, and <u>PARKING LOTS</u> accessed from a <u>LANE</u> need not be <u>HARD-SURFACED</u> , but shall be of a surface that is |

|                       |  |
|-----------------------|--|
|                       | <p>easily maintainable and minimizes the carrying of dirt or foreign matter upon the highway or road.</p> <p>Off-street <u>PARKING LOTS</u> shall not be located in the <u>YARD – FRONT</u>. The <u>DEVELOPMENT AUTHORITY</u> may waive this requirement, if in the opinion of the <u>DEVELOPMENT AUTHORITY</u>:</p> <ol style="list-style-type: none"> <li><u>SITE</u> conditions do not permit rear <u>PARKING</u>; or</li> <li><u>PARKING</u> in the <u>YARD – FRONT</u> is compatible with adjacent properties.</li> </ol> |
| All Other <u>USES</u> | <p>Where <u>ACCESS</u> to a lot is <u>HARD-SURFACED</u>, <u>PARKING</u> and aisles in front of the <u>PRINCIPAL BUILDING</u> shall be <u>HARD-SURFACED</u> with a comparable material. Parking at the side or rear of the <u>BUILDING</u> need not be <u>HARD-SURFACED</u>, but shall be of a surface that is easily maintainable and minimizes the carrying of dirt or foreign matter upon the highway or road.</p>   |

- 6.2.2** Where, in the opinion of the DEVELOPMENT AUTHORITY, the lack of a HARD-SURFACED treatment would not negatively impact the quality of nearby highways or roads, the DEVELOPMENT AUTHORITY may waive the requirements of Table 6.4.
- 6.2.3** The DEVELOPMENT AUTHORITY may require a lot grading and drainage plan prepared by a qualified professional engineer in alignment with Section 5.6 for a driveway, parking pad, or PARKING LOT.
- 6.2.4** All curb and/or sidewalk cuts or removals to facilitate access to a property shall require an Access Approach Application and shall be replaced and constructed with concrete to the Town's Municipal Engineering and Construction Standards. Each curb cut shall not exceed 11m/36ft, unless otherwise approved by the DEVELOPMENT AUTHORITY.
- 6.2.5** The number of driveways or accesses required to access off-street PARKING shall not exceed two (2) unless otherwise approved by the DEVELOPMENT AUTHORITY.
- 6.2.6** ACCESS to an off-street PARKING LOT shall be SETBACK a minimum distance of:
- 15.0m/49.2ft. from the intersection of the street rights-of-way;
  - 20.0m/65.6ft. from an ACCESS associated with the same DEVELOPMENT; and
  - 6.0m/19.6ft. from an ACCESS associated with a DEVELOPMENT on a different property.
- 6.2.7** The sides of driveway approaches crossing sidewalks or BOULEVARDS may be constructed on an angle with the curb line, but in no case should the angle between the curb and the driveway be less than 30 degrees perpendicular to the PUBLIC ROADWAY.
- 6.2.8** PARKING STALLS must be set back a minimum of 1.5m/4.9ft. from building entrances and exits to ensure safe and unobstructed pedestrian access. DEVELOPMENTS must provide designated pedestrian access leading to building entrances and exits to the DEVELOPMENT AUTHORITY'S satisfaction. These pathways should be direct, continuous, and clearly defined.

## **6.3 LOADING SPACE**

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- 6.3.1** The DEVELOPMENT AUTHORITY may require non-residential DEVELOPMENTS that involve regular delivery or shipping of goods to provide designated LOADING SPACES. LOADING SPACES must be designed and located to ensure that all delivery or shipping vehicles can park and maneuver entirely within the SITE before accessing adjacent streets.
- 6.3.2** The number, size, and location of LOADING SPACES shall be appropriate for the scale and nature of the DEVELOPMENT. When required by the DEVELOPMENT AUTHORITY per Article 6.3.1, a LOADING SPACE must have a minimum width of 3.0m/9.85ft., depth of 9.0m/29.5ft, and overhead clearance of 4.3m/14.1ft. LOADING SPACES must be clearly marked, accessible, and designed to minimize conflicts with pedestrian and MOTOR VEHICLE circulation.

# 7

## 7.0 SIGN CONTROL

### 7.1 GENERAL SIGNAGE CRITERIA

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**7.1.1** No SIGN shall be erected, operated, used or maintained which:

- a)** due to its position, shape, colour, format or illumination obstruct the view of, or may be confused with, an official traffic SIGN, signal or device, as determined by the DEVELOPMENT AUTHORITY;
- b)** displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
- c)** obstructs the use of a fire escape, door, window or other required exit;
- d)** projects over or rests upon any part of a PUBLIC RIGHT-OF-WAY or public sidewalk, except a SIGN – FASCIA or SIGN – CANOPY, unless otherwise permitted in this BYLAW;
- e)** extend more than 45cm/17.7in above the roof line or parapet of the BUILDING or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy that it is attached to;
- f)** is attached to a tree;
- g)** is a SIGN – ILLUMINATED which creates a nuisance to surrounding residential properties;
- h)** is a SIGN – ROOF; and
- i)** is an OFF-SITE SIGN, except a SIGN giving general warning or direction to the public.

**7.1.2** The provisions of this BYLAW, with respect to existing SIGNS that do not conform to the BYLAW at the time of its effective date, shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming SIGN that is relocated, altered, or removed, which is then required to comply with the provisions of this BYLAW. The provisions of this Section shall not exempt the owner of a non-conforming SIGN from the obligation for required maintenance of a SIGN.

**7.1.3** No SIGN shall be painted upon, cover a fence or a roof.

**7.1.4** Unless otherwise specified in this BYLAW, the following SETBACKS are to be adhered to for all SIGNAGE:

- a) Located a minimum of 1.5m/4.9ft. from any LOT LINE;
- b) Located a minimum of 3m/9.85ft. from any ACCESS to the SITE;
- c) Located a minimum of 6m/19.6ft. from an intersection; and
- d) no higher than 3m/9.85ft. above FINISHED GRADE.

**7.1.5** No person shall place permanent or TEMPORARY SIGNAGE on Town-owned land or a PUBLIC RIGHT-OF-WAY without an approved Sign Permit.

## **7.2 SIGN AREA CALCULATIONS**

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**7.2.1** For the purposes of determining the total permitted SIGN AREA:

- a) the SIGN AREA is the total sum of the surface area of the SIGN FACE, in the direction of its largest dimension as shown in Figure 19.
- b) in the case of SIGN – FASCIA featuring individual letters affixed to a BUILDING face, the total SIGN AREA is the sum of the area for each individual letter as shown in Figure 19.
- c) when determining the SIGN AREA of a SIGN – DIRECTORY or SIGN – FREESTANDING, the total area of one or more SIGN boxes must be calculated as shown in Figure 19; and
- d) each visible face of a SIGN shall be calculated separately and then added together to determine the SIGN AREA.

**7.2.2** No person shall construct, erect, display, alter or relocate a SIGN without an approved Sign Permit from the DEVELOPMENT AUTHORITY, in accordance with this BYLAW.

**7.2.3** No permits shall be issued for a SIGN constructed on a PERMANENT FOUNDATION without an approved BUILDING PERMIT from the DEVELOPMENT AUTHORITY.

**7.2.4** Despite Articles 7.2.1 and 7.2.2, a SIGN permit is not required for:

- a) real estate SIGNS for temporary usage, which advertise the property where they are located as being available for immediate sale or lease;
- b) construction SIGNS temporarily located on a LOT that identifies the project, owner, architect and/or consulting engineer;
- c) advertising upcoming community events;
- d) traffic and directional SIGNS authorized by the TOWN;
- e) SIGNS less than 900cm<sup>2</sup>/139.5in<sup>2</sup> in area;
- f) political election SIGNS;
- g) SIGNS posted or exhibited in a BUILDING, including SIGNS inside a window, except for neon or flashing SIGNS;
- h) SIGNS posted or exhibited inside a BUILDING;
- i) window SIGNS, provided they are not for the purpose of advertising a HOME OCCUPATION or HOME OFFICE;
- j) SIGNS erected by the TOWN;
- k) GARAGE Sale SIGNS;
- l) SIGNS located on a community notice board; and
- m) SIGNS identifying a construction or BUILDING DEMOLITION project.

- n) Temporary SIGNS advertising promotions, sales, or community events, provided that these temporary SIGNS align with the requirements of the LAND USE DISTRICT the SIGN is to be placed in, are displayed for no more than 30 consecutive days, and are not placed within a PUBLIC RIGHT-OF-WAY.

## 7.3 SIGN APPLICATIONS AND PLANS

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### 7.3.1 An applicant for a SIGN permit shall:

- a) complete and submit a Sign Permit Application to the DEVELOPMENT AUTHORITY;
- b) submit plans and specifications of the proposed SIGN and of any supporting framework or anchoring devices;
- c) submit a SITE plan showing private and PUBLIC RIGHT-OF-WAY boundaries, the location of any existing SIGNS, and the proposed SIGN;
- d) a list of materials proposed to be used in the construction of the SIGN;
- e) provide any additional information at the DEVELOPMENT AUTHORITY request, which may include stress-bearing capacities of the SIGN and the equipment used in its placement or support; and
- f) submit separate permits for each SIGN that a permit is required for, under the provisions of this BYLAW.

## 7.4 ABANDONED AND UNLAWFUL SIGNS

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### 7.4.1 No person being the owner or lessee of property where a SIGN is located shall permit, suffer or allow a SIGN, its supports, electrical system or anchorage to become UNSIGHTLY, dilapidated or unsafe.

### 7.4.2 The DEVELOPMENT AUTHORITY may require the removal of any SIGN that has become UNSIGHTLY, or is in such a state of disrepair as to constitute a hazard to the public. Should the SIGN not be removed within sixty (60) days of receiving a written notification from the TOWN, the TOWN may remove the SIGN at the owner's expense.

### 7.4.3 Any SIGN that no longer advertises a genuine business or service on the premises shall be removed by the property owner within sixty (60) days of termination of the business or service. Should the SIGN not be removed within sixty (60) days of receiving a written notification from the TOWN, the TOWN may remove the SIGN at the owner's expense.

## 7.5 SIGNAGE VARIANCES

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### 7.5.1 The DEVELOPMENT AUTHORITY may permit a proposed SIGN – DIRECTORY, SIGN – FASCIA or SIGN – FREESTANDING to exceed the height, area and projection requirements of this BYLAW through a VARIANCE. When reviewing a VARIANCE application, the DEVELOPMENT AUTHORITY shall consider the following:

- a) the visual dominance of the SIGN;
- b) whether the SIGN is out of scale in context to surrounding BUILDINGS and other SIGNAGE in the area;
- c) the impact on the architectural features of the BUILDING and surrounding environment;
- d) the impact of SIGNS – ILLUMINATED on the surrounding environment; and
- e) whether the proposed SIGNAGE impacts pedestrian or vehicular movement.

# 8

## 8.0 ESTABLISHMENT OF LAND USE DISTRICTS

### 8.1 LAND USE DISTRICT CLASSIFICATION

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- 8.1.1** For the purposes of this BYLAW, all lands within the boundaries of the TOWN shall be divided into the following LAND USE DISTRICTS as indicated in Table 8.1.

**TABLE 8.1 LAND USE DISTRICT CLASSIFICATION**

| LAND USE DISTRICT   | SYMBOL |
|---|--------|
| <b>RESIDENTIAL</b>  |        |
| Low Density Residential Land Use District                                 | R-1    |
| Medium Density Residential Land Use District                              | R-2    |
| High Density Residential Land Use District                                | R-3    |
| Manufactured Home – Mobile and Transition Neighbourhood Land Use District | R-4    |
| <b>COMMERCIAL</b>   |        |
| Downtown Commercial Land Use District                                     | C-1    |
| Highway Commercial Land Use District                                      | C-3    |
| <b>INDUSTRIAL</b>   |        |
| Industrial Land Use District  | IND    |
| <b>OTHER</b>  |        |
| Community Use Land Use District   | CU     |
| Parks Land Use District   | P      |
| Agricultural Land Use District  | A      |
| Reserve Land Use District   | RES    |

|                                  |    |
|----------------------------------|----|
| Direct Control Land Use District | DC |
| Airport Land Use District        | AP |
| Forestry Services                | FS |

- 8.1.2** Throughout this BYLAW and any amendments thereto, a LAND USE DISTRICT may be referred to, either by its full name or symbol as set out in Table 8.1.
- 8.1.3** The Land Use Bylaw Zoning Map, as may be amended or replaced from time to time, is attached to and forming part of this BYLAW as Appendix 1.
- 8.1.4** Where uncertainty exists as to the boundary of a LAND USE DISTRICT as shown on the Land Use Zoning Map, the following shall apply:
- a)** where a boundary is shown following a street or LANE, it shall be deemed to follow the centre line of such; or
  - b)** where a boundary is shown as approximately following a LOT LINE, or the boundary of the TOWN, it shall be deemed to follow the LOT LINE.

# 9

## 9.0 RESIDENTIAL LAND USE DISTRICTS

### 9.1 R-1 (LOW DENSITY RESIDENTIAL) LAND USE DISTRICT

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#### INTENT

The R-1 LAND USE DISTRICT is intended to accommodate low-density residential development while supporting the redevelopment of established neighbourhoods. The R-1 LAND USE DISTRICT provides opportunities to gently introduce housing diversity in a manner that is compatible with existing built form, character, and development patterns.

#### USES

**TABLE 9.1 PERMITTED AND DISCRETIONARY USES IN THE R-1 LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES  |
|--|---|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>DWELLING – BACKYARD UNIT</u>;</li><li>c) <u>DWELLING – DUPLEX</u>;</li><li>d) <u>DWELLING – SECONDARY SUITE</u>;</li><li>e) <u>DWELLING – SINGLE DETACHED</u>;</li></ul> <p><i>On applicable LOT CORNERS (see 9.1.1):</i></p> <ul style="list-style-type: none"><li>f) <u>DWELLING – MULTIPLE UNIT</u>; and</li><li>g) <u>DWELLING – TOWNHOUSE</u>.</li></ul> | <ul style="list-style-type: none"><li>a) <u>ACCESSORY USES</u> associated with a <u>DWELLING – SINGLE DETACHED</u>:<ul style="list-style-type: none"><li>i) <u>BED AND BREAKFAST BUSINESS</u>; and</li><li>ii) <u>FAMILY DAY HOME</u>.</li></ul></li><li>b) <u>ACCESSORY USES</u> associated with any <u>DWELLING UNIT</u> type:<ul style="list-style-type: none"><li>i) <u>HOME OCCUPATION</u>.</li></ul></li><li>c) <u>MANUFACTURED HOME – MODULAR</u>.</li></ul> |

## PROVISIONS

- 9.1.1** The maximum number of permitted DWELLING UNITS on a R-1 LAND USE DISTRICT LOT shall not exceed, in any combination: four (4) DWELLING UNITS on a LOT CORNER, or two (2) DWELLING UNITS on any other LOT; for the purpose of this Article, LANES do not count in determining if a LOT is a LOT CORNER. Within these maximums, no more than one (1) DWELLING – SECONDARY SUITE and one (1) DWELLING – BACKYARD UNIT are permitted per principal DWELLING UNIT.
- 9.1.2** Despite any provision within Section 5 of this BYLAW, all properties located within the R-1 (Low Density Residential) LAND USE DISTRICT shall be subject to the requirements outlined in Table 9.2.

**TABLE 9.2 R-1 LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT   | REQUIREMENT  |
|---|--|
| <u>LOT AREA</u> (minimum)   | Standard: 625m <sup>2</sup> /6,727.4sq.ft.<br><u>DUPLEX/TOWNHOUSE</u> with a <u>PARTY WALL</u> on 1 side: 312 m <sup>2</sup><br><u>TOWNHOUSE</u> with a <u>PARTY WALL</u> on 2 sides: 208 m <sup>2</sup> |
| <u>LOT WIDTH</u> (minimum)  | Standard: 15m/49.2 ft.<br><u>DUPLEX/TOWNHOUSE</u> with a <u>PARTY WALL</u> on 1 side: 7m/23.0 ft.<br><u>TOWNHOUSE</u> with a <u>PARTY WALL</u> on 2 sides: 5m/16.4 ft.                                   |
| <u>LOT DEPTH</u> (minimum)  | 35m/114.8ft.   |
| <u>YARD – FRONT</u> (minimum)   | 4m/13.1ft.   |
| <u>YARD – FLANKAGE</u> (minimum)  | 2m/6.6ft.  |
| <u>YARD – SIDE</u> for <u>PRINCIPAL BUILDING</u> or <u>BACKYARD UNIT</u> (minimum)            | 2m/6.6ft.<br>0m on the side with a <u>PARTY WALL</u> for <u>PRINCIPAL BUILDING</u>   |
| <u>YARD – SIDE</u> for <u>ACCESSORY BUILDING OR STRUCTURE</u> (minimum)                       | 1m/3.3ft.  |
| <u>YARD – REAR</u> (minimum)  | <u>BACKYARD UNIT</u> above a <u>GARAGE</u> or abutting a <u>LANE</u> : 1m/3.3ft.<br>All other <u>DWELLING UNITS</u> : 5m/16.4ft.   |
| <u>FLOOR AREA – GROSS</u> for <u>PRINCIPAL BUILDING</u> , all units within combined (minimum) | 82m <sup>2</sup> /882.6sq.ft.  |
| <u>BUILDING HEIGHT</u> (maximum)  | 10.5m/34.4ft.  |
| <u>LOT COVERAGE</u> (maximum)   | 50%  |

## ADDITIONAL REQUIREMENTS

- 9.1.3** DEVELOPMENT involving more than one PRINCIPAL BUILDING on a LOT must follow the requirements of subsection 5.24.

**9.1.4** DWELLING – TOWNHOUSE and DWELLING – MULTIPLE UNIT are only permitted USES on a LOT CORNER in the R-1 LAND USE DISTRICT and shall not exceed a maximum height of two (2) STOREYS.

**9.1.5** All DEVELOPMENTS must follow the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND REQUIREMENTS

**9.1.6** When assessing a DISCRETIONARY USE within the R-1 LAND USE DISTRICT, the applicant must demonstrate the following to the DEVELOPMENT AUTHORITY:

- a) the scale of the BUILDINGS and/or STRUCTURES is compatible with other DWELLING UNITS within the LAND USE DISTRICT in terms of ground FLOOR AREA, FLOOR AREA – GROSS and BUILDING HEIGHT;
- b) the BUILDINGS and/or STRUCTURES avoid creating a blank appearance when orientated towards a street through the use of design elements such as shutters, bay windows, dormers, porches, verandahs, pillars, material changes or other features, while helping to avoid a design that is significantly in contrast with the surrounding neighbourhood; and
- c) the BUILDING'S appearance is compatible with a DWELLING – SINGLE DETACHED through the use of:
  - i) an integrated roof line;
  - ii) consistent materials and design;
  - iii) visually breaking up the larger massing into smaller individual components; and
  - iv) reducing the visual dominance of driveways and GARAGES.

**9.1.7** In considering approved ACCESSORY USES the applicant will need to demonstrate the following to the DEVELOPMENT AUTHORITY:

- a) that any HOME OCCUPATION meets the requirements of Subsection 5.19;
- b) that any BED AND BREAKFAST BUSINESS meet the requirements of Subsection 5.20;
- c) in the case of group homes, FAMILY DAY HOMES that:
  - i) the scale of the BUILDINGS and/or STRUCTURES is comparable to other DWELLING UNITS within the LAND USE DISTRICT in terms of ground FLOOR AREA, FLOOR AREA – GROSS and BUILDING HEIGHT;
  - ii) the BUILDING'S appearance is compatible with a DWELLING – SINGLE DETACHED through the use of elements outlined in Clause 9.1.5(d);
- d) potential impacts such as noise and traffic have been mitigated; and
- e) there shall be no use of SIGNAGE, unless permitted under Articles 5.19.3, 5.20.3 or 9.1.9.

**9.1.8** The DEVELOPMENT AUTHORITY may exercise discretion to allow a fence higher than 2m/6.56ft. along a LOT-LINE – REAR or LOT LINE – SIDE within the R-1 LAND USE DISTRICT, if the LOT is located behind a DEVELOPMENT that measures 11m/36ft. in height or three (3) or more stories.

**9.1.9** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

**9.1.10** SIGNS associated with a permitted HOME OCCUPATION, FAMILY DAY HOME, BED AND BREAKFAST BUSINESS, or HOME OFFICE shall:

- a) not exceed 1.5m<sup>2</sup>/16.2sq.ft. in SIGN AREA;
- b) be no higher than 2m/6.5ft. above FINISHED GRADE;
- c) not be illuminated; and
- d) subject to the requirements of Section 7.

**9.1.11** Any SIGN not requiring a permit under Article 7.2.4 shall be permitted.

**9.1.12** SIGNS – FASCIA not exceeding 0.25m<sup>2</sup>/2.6sq.ft. in area shall be permitted for the purposes of identifying the RESIDENTS therein, warn against trespassing, and cannot be a SIGN – ILLUMINATED.

## **9.2 R-2 (MEDIUM DENSITY RESIDENTIAL) LAND USE DISTRICT**

### **INTENT**

- 9.2.1** The R-2 LAND USE DISTRICT is intended to support a diversity of housing forms that contribute to quality design and livability. The R-2 LAND USE DISTRICT allows for modest intensification while maintaining neighbourhood character and may accommodate MIXED-USE BUILDINGS that provide commercial amenities to enhance community vibrancy and walkability.

### **USES**

**TABLE 9.3 PERMITTED AND DISCRETIONARY USES IN THE R-2 LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES  |
|--|---|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>DWELLING – BACKYARD UNIT</u>;</li><li>c) <u>DWELLING – DUPLEX</u>;</li><li>d) <u>DWELLING – MULTIPLE UNIT</u>; and</li><li>e) <u>DWELLING – SECONDARY SUITE</u>;</li><li>f) <u>DWELLING – SINGLE DETACHED</u>;</li><li>g) <u>DWELLING – TOWNHOUSE</u>;</li><li>h) <u>MANUFACTURED HOME – MODULAR</u>.</li></ul> | <ul style="list-style-type: none"><li>a) <u>ASSISTED LIVING FACILITY</u> of up to 6 units;</li><li>b) <u>BUILDING – MOVED IN</u>;</li><li>c) <u>DWELLING – MULTIPLE UNIT</u> of up to 16 units;</li><li>d) <u>ACCESSORY USES</u> associated with a <u>DWELLING – SINGLE DETACHED</u>:<ul style="list-style-type: none"><li>i) <u>BED AND BREAKFAST BUSINESS</u>;</li><li>ii) <u>BOARDING HOUSE</u>;</li><li>iii) <u>FAMILY DAY HOME</u>;</li></ul></li><li>e) <u>ACCESSORY USES</u> associated with a <u>DWELLING UNIT</u> of any type:<ul style="list-style-type: none"><li>i) <u>HOME OCCUPATION</u>.</li></ul></li><li>f) <u>MANUFACTURED HOME – MOBILE</u>; and</li><li>g) <u>MIXED-USE BUILDING</u>.</li></ul> |

### **SITE PROVISIONS**

- 9.2.2** The maximum number of permitted DWELLING UNITS on an R-2 LAND USE DISTRICT LOT is based upon the principal DWELLING UNIT type but cannot exceed eight (8) DWELLING UNITS in any combination. However, up to sixteen (16) DWELLING UNITS may be discretionarily approved by the DEVELOPMENT AUTHORITY for a DWELLING – MULTIPLE UNIT. Within the permitted maximums, up to one (1) DWELLING – SECONDARY SUITE and one (1) DWELLING – BACKYARD UNIT are permitted per principal DWELLING UNIT.
- 9.2.3** Despite any provision within Section 5 of this BYLAW, any property or SITE located within the R-2 LAND USE DISTRICT must follow the requirements as shown in Table 9.4.

**TABLE 9.4 R-2 LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                 | REQUIREMENT  |
|---------------------------|--|
| <u>LOT AREA (minimum)</u> | Standard: 247m <sup>2</sup> /2,658.7sq.ft<br><u>DUPLEX/TOWNHOUSE</u> with a <u>PARTY WALL</u> on 1 side:<br>174m <sup>2</sup> /1,873sq.ft. |

|   |   |
|---|---|
|   | <u>TOWNHOUSE</u> with a <u>PARTY WALL</u> on 2 sides: 82m <sup>2</sup> /883sq.ft.   |
| <u>LOT WIDTH</u> (minimum)  | Standard: 8m/49.2 ft.<br><u>DUPLEX/TOWNHOUSE</u> with a <u>PARTY WALL</u> on 1 side: 6m/23.0 ft.<br><u>TOWNHOUSE</u> with a <u>PARTY WALL</u> on 2 sides: 5m/16.4 ft. |
| <u>LOT DEPTH</u> (minimum)  | 30m/98.4ft.   |
| <u>YARD – FRONT</u> (minimum)   | 4m/13.1 ft.   |
| <u>YARD – FLANKAGE</u> (minimum)  | 2m/6.6 ft.  |
| <u>YARD – SIDE PRINCIPAL BUILDING OR BACKYARD UNIT</u> (minimum)                              | 1.2m/3.9ft.<br>0m on the side with a <u>PARTY WALL</u> for <u>PRINCIPAL BUILDING</u>  |
| <u>YARD – SIDE ACCESSORY BUILDING OR STRUCTURE</u> (minimum)                                  | 1m/3.3 ft.  |
| <u>YARD – REAR</u> (minimum)  | <u>BACKYARD UNIT</u> above a <u>GARAGE</u> or abutting a <u>LANE</u> : 1m/3.3ft.<br>All other <u>DWELLING UNITS</u> : 5m/16.4ft.                                      |
| <u>FLOOR AREA – GROSS</u> for <u>PRINCIPAL BUILDING</u> , all units within combined (minimum) | 71m <sup>2</sup> /764.2 sq.ft.  |
| <u>BUILDING HEIGHT</u> (maximum)  | 10.5m/34.4ft.   |
| <u>LOT COVERAGE</u> (maximum)   | 50%   |

## ADDITIONAL REQUIREMENTS

- 9.2.4** Where applicable, DEVELOPMENTS within the R-2 LAND USE DISTRICT are encouraged to consider the principles of the Town of High Level Design Guidelines.
- 9.2.5** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24, which does not apply for DWELLING – MULTIPLE UNITS or DWELLING – TOWNHOUSES.
- 9.2.6** Driveways and GARAGES for DWELLING – DUPLEX and DWELLING – TOWNHOUSE must be separated by a landscaped strip of at least 0.5m/1.6ft.
- 9.2.7** All DEVELOPMENTS must follow the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND REQUIREMENTS

- 9.2.8** When assessing a DISCRETIONARY USE within the R-2 LAND USE DISTRICT, the applicant must demonstrate the following to the DEVELOPMENT AUTHORITY:
- the scale of the BUILDINGS and/or STRUCTURES is compatible with other DWELLING UNITS within the LAND USE DISTRICT in terms of ground FLOOR AREA, FLOOR AREA – GROSS and BUILDING HEIGHT;
  - the BUILDINGS and/or STRUCTURES avoid creating a blank appearance when orientated towards a street through the use of design elements such as shutters, bay windows, dormers, porches, verandahs, pillars, material changes or other features; and
- 9.2.9** In considering approved ACCESSORY USES, the applicant will need to demonstrate the following to the DEVELOPMENT AUTHORITY:

- a) that any HOME OCCUPATION meets the requirements of Subsection 5.19;
- b) that any BED AND BREAKFAST BUSINESS meet the requirements of Subsection 5.20;
- c) in the case of FAMILY DAY HOMES, and BOARDING HOUSE that:
  - i) the scale of the BUILDINGS and/or STRUCTURES is comparable to other DWELLING UNITS within the LAND USE DISTRICT in terms of ground FLOOR AREA, FLOOR AREA – GROSS and BUILDING HEIGHT;
  - ii) the BUILDING'S appearance is compatible with a DWELLING – SINGLE DETACHED. The [Town of High Level Design Guidelines](#) are encouraged to be referenced.
- d) potential impacts such as noise, traffic and PARKING have been mitigated; and
- e) there shall be no use of SIGNAGE, unless permitted under Articles 5.19.3, 5.20.3 or 9.2.13.

**9.2.10** When considering a proposed MANUFACTURED HOME – MOBILE in the R-2 Land Use District, the DEVELOPMENT AUTHORITY will only consider this USE if a:

- a) MANUFACTURED HOME – MOBILE is to be placed upon a PARCEL within:
  - i) 102 Street, 103 Street, 104 Street, 105 Street or 106 Street, North of 100 Avenue;
  - ii) Plan 4507NY, Block 25, Lots 1 – 9 on 99 Avenue;
  - iii) Plan 4507NY, Block 26, Lots 2 – 8 on 99 Avenue;
  - iv) Plan 4507NY, Block 26, Lots 20 – 29 on 98 Avenue;
  - v) Plan 4507NY, Block 27, Lots 14 – 20 on 98 Avenue;
  - vi) Plan 5035TR, Block 27, Lots 50 – 56 on 98 Avenue;
- b) the proposed MANUFACTURED HOME – MOBILE meets the definition in this BYLAW; and
- c) the MANUFACTURED HOME – MOBILE is no more than 20 years old at the time of placement onto a PARCEL identified in Clause 9.2.10.a., unless an Appraiser has assigned a MANUFACTURED HOME – MOBILE with a new EFFECTIVE AGE up to 20 years old at the time of placement; and
- d) a MANUFACTURED HOME – MOBILE with a new EFFECTIVE AGE includes the submission of a comprehensive Appraisal Report containing the new EFFECTIVE AGE and inspection details with a DEVELOPMENT PERMIT application, to the satisfaction of the DEVELOPMENT AUTHORITY.

**9.2.11** When assessing a MIXED-USE BUILDING as a DISCRETIONARY USE within the R-2 LAND USE DISTRICT, the applicant must show to the satisfaction of the DEVELOPMENT AUTHORITY that the proposed DEVELOPMENT:

- a) meets the requirements of Subsection 5.29;
- b) has a proposed commercial or community USE that is appropriate for the SITE and compatible with the surrounding neighbourhood context;
- c) has a proposed commercial or community USE that is unlikely to cause significant disruption or nuisance to adjacent residents, including but not limited to operational noise or odors; and
- d) the shape, size, location, construction, and orientation of any signs must be in a scale and design that complements the surrounding neighborhood character, to the satisfaction of the DEVELOPMENT AUTHORITY.

**9.2.12** The DEVELOPMENT AUTHORITY may exercise discretion to allow a fence higher than 2m/6.56ft. along a LOT-LINE – REAR or LOT LINE – SIDE within the R-2 LAND USE DISTRICT, if the LOT is located behind a DEVELOPMENT that measures 11m/36ft. in height or three (3) or more stories.

**9.2.13** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

**9.2.14** SIGNS associated with a permitted HOME OCCUPATION, FAMILY DAY HOME, BED AND BREAKFAST BUSINESS, HOME OFFICE or BOARDING HOUSE shall:

- a) not exceed 1.5m<sup>2</sup>/16.2sq.ft. in SIGN AREA;
- b) be no higher than 2m/6.5ft. above FINISHED GRADE;
- c) not be illuminated; and
- d) Subject to the requirements of Section 7.

**9.2.15** Any SIGN not requiring a permit under Article 7.2.4 shall be permitted.

**9.2.16** SIGNS – FASCIA not exceeding 0.25m<sup>2</sup>/2.6sq.ft. in area shall be permitted for the purposes of identifying the RESIDENTS therein, warn against trespassing, and cannot be a SIGN – ILLUMINATED.

## **9.3 R-3 (HIGH DENSITY RESIDENTIAL) LAND USE DISTRICT**

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### **INTENT**

The R-3 LAND USE DISTRICT is intended to accommodate the development of DWELLING – MULTIPLE UNIT while allowing for lower-density residential forms to respond to changing market demands. The R-3 LAND USE DISTRICT also provides flexibility for the inclusion of commercial USES to serve the needs of the community.

### **USES**

**TABLE 9.5 PERMITTED AND DISCRETIONARY USES IN THE R-3 LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES  |
|--|---|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>ASSISTED LIVING FACILITY</u> of up to 24 units;</li><li>c) <u>DWELLING – MULTIPLE UNIT</u>; and</li><li>d) <u>DWELLING – TOWNHOUSE</u>.</li></ul> | <ul style="list-style-type: none"><li>a) <u>ASSISTED LIVING FACILITY</u> of more than 24 units;</li><li>b) <u>BUILDING – MOVED IN</u>;</li><li>c) <u>BUSINESS SUPPORT SERVICE</u>;</li><li>d) <u>DAY CARE FACILITY</u>;</li><li>e) <u>DRINKING ESTABLISHMENT</u>;</li><li>f) <u>DWELLING – DUPLEX</u>;</li><li>g) <u>FINANCIAL INSTITUTION</u>;</li><li>h) <u>GENERAL SERVICE</u>;</li><li>i) <u>MIXED-USE BUILDING</u>;</li><li>j) <u>NON-PROFIT COMMUNITY SUPPORT SERVICE</u>;</li><li>k) <u>PROFESSIONAL SERVICE</u>;</li><li>l) <u>RECREATIONAL SERVICE – INDOOR</u>;</li><li>m) <u>RESTAURANT</u>;</li><li>n) <u>RETAIL – CONVENIENCE</u>;</li><li>o) <u>RETAIL – GENERAL</u>;</li><li>p) <u>RETAIL – SPECIALITY STORE</u>; and</li><li>q) <u>ACCESSORY USES</u> associated with a <u>DWELLING UNIT</u>:<ul style="list-style-type: none"><li>i) <u>FAMILY DAY HOME</u>;</li><li>ii) <u>HOME OCCUPATION</u>;</li><li>iii) <u>HOME OFFICE</u>;</li><li>iv) <u>DWELLING – SECONDARY SUITE</u>; and</li><li>v) <u>DWELLING – BACKYARD UNIT</u>.</li></ul></li></ul> |

### **SITE PROVISIONS**

**9.3.1** Despite any provision within Section 5 of this BYLAW, any property or SITE located within the R-3 LAND USE DISTRICT must follow the requirements outlined in Table 9.6.

**TABLE 9.6 R-3 LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | REQUIREMENT   |
|----------------------------------|---|
| <u>LOT AREA</u> (minimum)        | 900m <sup>2</sup> /9,687.5 sq.ft  |
| <u>LOT WIDTH</u> (minimum)       | 15m/49.2 ft.  |
| <u>LOT DEPTH</u> (minimum)       | 35m/114.8 ft.   |
| <u>YARD – FRONT</u> (minimum)    | 5m/16.41 ft.  |
| <u>YARD – FLANKAGE</u> (minimum) | 5m/16.41 ft.  |
| <u>YARD – SIDE</u> (minimum)     | 2m/6.6 ft. plus 1m/3.3 ft. for each meter beyond 9m/29.5ft. in <u>BUILDING HEIGHT</u> |
| <u>YARD – REAR</u> (minimum)     | 5m/16.4 ft.   |
| Density (maximum)                | 125 units per hectare of <u>LOT AREA</u> .  |
| <u>BUILDING HEIGHT</u> (maximum) | 6 stories or 21m/68.9 ft.   |

- 9.3.2** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT must follow the requirements of Subsection 5.24, which does not apply for DWELLING – MULTIPLE UNIT, DWELLING – TOWNHOUSE, or MIXED-USE BUILDING.
- 9.3.3** Where a DWELLING – MULTIPLE UNIT, or an ASSISTED LIVING FACILITY greater than three stories, is adjacent to a DWELLING – SINGLE DETACHED, DWELLING – DUPLEX, DWELLING – TOWNHOUSE or MANUFACTURED HOME – MODULAR:
- a) a 3m/9.85ft. wide landscaped BUFFER featuring a combination of shrubs and trees designed to screen the adjacent land USES must be provided along any abutting YARD – REAR and/or YARD – SIDE; and
  - b) subject to Subsection 5.15, a 2m/6.5ft. high opaque fence shall be provided along any abutting YARD – SIDE or YARD – REAR.
- 9.3.4** All off-street PARKING shall be surrounded by a LANDSCAPED AREA of not less than 1.5m/4.9ft. in width, unless it adjoins a LANE.
- 9.3.5** A sidewalk or walkway allowing safe pedestrian ACCESS to and from the BUILDING to a public sidewalk fronting the BUILDING must be installed.
- 9.3.6** Each DWELLING UNIT within a DWELLING – MULTIPLE UNIT, DWELLING – SECONDARY SUITE, DWELLING – BACKYARD UNIT, or DWELLING – TOWNHOUSE must have a PRIVATE AMENITY AREA that may be in one of the following forms:
- a) a BALCONY;
  - b) a PATIO;
  - c) a DECK; or
  - d) an outdoor area a minimum of 6m/19.6ft. in depth for DWELLING UNITS located at the GROUND FLOOR.
- 9.3.7** All DEVELOPMENTS must follow the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND REQUIREMENTS

- 9.3.8** When assessing a DISCRETIONARY USE within the R-3 LAND USE DISTRICT, the applicant must demonstrate the following to the DEVELOPMENT AUTHORITY:
- a)** the BUILDINGS and/or STRUCTURES avoid creating a blank appearance when orientated towards a street through the use of design elements such as shutters, bay windows, dormers, porches, verandahs, pillars, material changes or other features while helping to avoid a design that is significantly in contrast with the surrounding neighbourhood;
  - b)** estimated traffic generation must not negatively impact the function of existing local streets to an extent deemed unacceptable by the DEVELOPMENT AUTHORITY; and
  - c)** proximity to adjacent lower density residential DWELLING UNITS and the use of building design, LANDSCAPING, fencing and BUFFERS to help mitigate potential issues related to noise, lighting and views from upper stories of BUILDINGS into the yards of adjacent DWELLING UNITS.
- 9.3.9** When assessing a MIXED-USE BUILDING as a DISCRETIONARY USE within the R-3 LAND USE DISTRICT, the applicant must show to the satisfaction of the DEVELOPMENT AUTHORITY that the proposed DEVELOPMENT:
- a)** meets the requirements of Subsection 5.29;
  - b)** provides a sufficiently high number DWELLING UNITS considering the number of non-residential units, the SITE, and context;
  - c)** will contribute positively to the amenities and services of the neighbourhood and the Town, without being likely to significantly detract from the downtown centre;
  - d)** has a proposed commercial or community USE that is an appropriate USE for the SITE and for being in a high density residential context;
  - e)** has a proposed commercial or community USE that is unlikely to cause significant disruption or nuisance to adjacent residents, including but not limited to operational noise or odors; and
  - f)** the shape, size, location, construction, and orientation of any signs must be in a scale and design that complements the surrounding neighborhood character, to the satisfaction of the DEVELOPMENT AUTHORITY.
- 9.3.10** When assessing a DWELLING – DUPLEX, DWELLING – SECONDARY SUITE, or DWELLING – BACKYARD UNIT in the R-3 LAND USE DISTRICT, the DEVELOPMENT AUTHORITY should consider if the proposed DEVELOPMENT is adjacent to properties of a similar density and scale and if the proposed LOT COVERAGE is at least 40%.
- 9.3.11** When considering a proposed commercial USE in the R-3 LAND USE DISTRICT, the DEVELOPMENT AUTHORITY will only consider proposals where the USE, scale, and intensity complement the surrounding USES.
- 9.3.12** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

- 9.3.13** SIGNS associated with a permitted HOME OCCUPATION, FAMILY DAY HOME or HOME OFFICE shall:
- a)** not exceed 1.5m<sup>2</sup>/16.2sq.ft. in SIGN AREA;

- b)** be no higher than 2m/6.5ft. above FINISHED GRADE;
- c)** not be illuminated; and
- d)** Subject to the requirements of Section 7.

**9.3.14** Any SIGN not requiring a permit under Article 7.2.4 shall be permitted.

**9.3.15** SIGNS – FASCIA not exceeding 0.25m<sup>2</sup>/2.6sq.ft. in area shall be permitted for the purposes of identifying the RESIDENTS therein, warn against trespassing, and cannot be a SIGN – ILLUMINATED.

**9.3.16** SIGNS associated with a commercial or community USE shall be considered DISCRETIONARY and must have a shape, size, location, construction, and orientation that complements the surrounding neighborhood character, to the satisfaction of the DEVELOPMENT AUTHORITY and subject to the requirements of Section 7.

## 9.4 R-4 (MANUFACTURED HOME – MOBILE AND TRANSITION NEIGHBOURHOOD) LAND USE DISTRICT

### INTENT

The intent of the R-4 LAND USE DISTRICT is to provide a location for MANUFACTURED HOME – MOBILE DEVELOPMENTS, among other low-rise residential unit types.

### USES

**TABLE 9.7 PERMITTED AND DISCRETIONARY USES IN THE R-4 LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES  |
|--|---|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>DWELLING – DUPLEX</u>;</li><li>c) <u>DWELLING – SINGLE DETACHED</u>;</li><li>d) <u>DWELLING – TOWNHOUSE</u>;</li><li>e) <u>MANUFACTURED HOME – MOBILE</u>; and</li><li>f) <u>MANUFACTURED HOME – MODULAR</u>.</li></ul> | <ul style="list-style-type: none"><li>a) <u>BUILDING – MOVED IN</u>; <u>ACCESSORY USES</u> associated with a <u>DWELLING UNIT</u>:<ul style="list-style-type: none"><li>i) <u>BED AND BREAKFAST BUSINESS</u>;</li><li>ii) <u>BOARDING HOUSE</u>;</li><li>iii) <u>FAMILY DAY HOME</u>;</li><li>iv) <u>HOME OCCUPATION</u>;</li><li>v) <u>HOME OFFICE</u>;</li></ul></li><li>g) <u>DWELLING – SECONDARY SUITE</u>; and</li><li>c) <u>DWELLING – BACKYARD UNIT</u></li><li>d) <u>MANUFACTURED HOME – COMMUNITY</u>; and</li><li>e) <u>MANUFACTURED HOME – TINY HOME</u>.</li></ul> |

### SITE PROVISIONS

**9.4.1** Despite any provision within Section 5 of this BYLAW, any property or SITE located within the R-4 LAND USE DISTRICT must follow the requirements outlined in Table 9.8.

**TABLE 9.8 R-4 LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | REQUIREMENT   |
|----------------------------------|---|
| <u>LOT AREA</u> (minimum)        | Standard: 264m <sup>2</sup> /2,841.7 sq.ft<br><u>DUPLEX/TOWNHOUSE</u> with a <u>PARTY WALL</u> on 1 side: 132m <sup>2</sup> /1,421sq.ft.<br><u>TOWNHOUSE</u> with a <u>PARTY WALL</u> on 2 sides: 88m <sup>2</sup> /947sq.ft. |
| <u>LOT WIDTH</u> (minimum)       | Standard: 8m/49.2 ft.<br><u>DUPLEX/TOWNHOUSE</u> with a <u>PARTY WALL</u> on 1 side: 6m/23.0 ft.<br><u>TOWNHOUSE</u> with a <u>PARTY WALL</u> on 2 sides: 5m/16.4 ft.   |
| <u>LOT DEPTH</u> (minimum)       | 32m/104.9 ft.   |
| <u>YARD – FRONT</u> (minimum)    | 3m/9.8 ft.  |
| <u>YARD – FLANKAGE</u> (minimum) | 2m/6.6 ft.  |
| <u>YARD – SIDE</u> (minimum)     | 1m/3.3 ft. or 3m/9.8ft. when adjacent to a <u>MANUFACTURED HOME – MOBILE</u> or <u>MANUFACTURED HOME – TINY HOME</u> or   |

|   |  |
|---|--|
|   | 0m on the side with a <u>PARTY WALL</u> for <u>PRINCIPAL BUILDING</u>                      |
| <u>YARD – REAR</u> (minimum)  | 3m/9.8 ft.   |
| <u>FLOOR AREA – GROSS</u> for <u>PRINCIPAL BUILDING</u> , all units within combined (minimum) | 56m <sup>2</sup> /602.8 sq.ft. except for <u>MANUFACTURED HOME – TINY HOME</u>             |
| <u>BUILDING HEIGHT</u> (maximum)  | 10.5m/34.4ft. except for <u>MANUFACTURED HOME – MOBILE</u> which are limited to 7m/22.9ft. |
| <u>LOT COVERAGE</u> (maximum)   | 50%  |

## ADDITIONAL REQUIREMENTS

- 9.4.2** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT must follow the requirements of Subsection 5.24, which do not apply for DWELLING – MULTIPLE UNIT, DWELLING – TOWNHOUSE, or MIXED-USE BUILDING.
- 9.4.3** A MANUFACTURED HOME – MOBILE cannot be more than 20 years old at the time of placement onto a PARCEL within the R-4 LAND USE DISTRICT, unless:
- a)** an Appraiser has assigned a MANUFACTURED HOME – MOBILE with a new EFFECTIVE AGE up to 20 years old at the time of placement; and
  - b)** a MANUFACTURED HOME – MOBILE with a new EFFECTIVE AGE includes the submission of a comprehensive Appraisal Report containing the new EFFECTIVE AGE and inspection details with a DEVELOPMENT PERMIT application, to the satisfaction of the DEVELOPMENT AUTHORITY.
- 9.4.4** The foundation or undercarriage of a MANUFACTURED HOME – MOBILE or a MANUFACTURED HOME – TINY HOME shall be screened from view by skirting made of high quality materials that complement the design of the habitable portion of the DWELLING UNIT, such as stone, brick, hardy board, wood or other suitable materials at the discretion of the DEVELOPMENT AUTHORITY.
- 9.4.5** SCREENING of the foundation shall occur within sixty (60) days of the placement of the MANUFACTURED HOME – MOBILE or MANUFACTURED HOME – TINY HOME and shall be maintained in good condition thereafter.
- 9.4.6** All DEVELOPMENTS must follow the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE REQUIREMENTS

- 9.4.7** Each PARK LOT within a MANUFACTURED HOME – COMMUNITY shall be clearly marked off by permanent markers or other suitable means.
- 9.4.8** Communal garbage storage facilities associated with a MANUFACTURED HOME – MOBILE COMMUNITY shall meet the requirements of Article 5.11.1.
- 9.4.9** Areas within a MANUFACTURED HOME – COMMUNITY not devoted to streets, PARKING STALLS, walkways, service buildings, MANUFACTURED HOME – MOBILE, or MANUFACTURED HOME – TINY HOME shall be LANDSCAPED.

- 9.4.10** At least 5% of the gross SITE area of the MANUFACTURED HOME – COMMUNITY shall be devoted to recreational USES and shall be clearly visible with pedestrian access from at least two (2) locations.
- 9.4.11** A minimum SETBACK of 4.5m/14.7ft. must occur between the MANUFACTURED HOME – COMMUNITY LOT LINES and any MANUFACTURED HOME – MOBILE or MANUFACTURED HOME – TINY HOME LOT LINES, MANUFACTURED HOME – PAD lease line, or in the case of the LOT LINE abutting a PUBLIC ROADWAY, a distance of 7.5m/24.6ft. shall occur between the LOT LINES.
- 9.4.12** In a MANUFACTURED HOME – COMMUNITY of over fifty (50) units, two (2) separate means of ACCESS shall be provided. In DEVELOPMENTS fewer than one-hundred (100) units, alternatives that provide safe ACCESS by more than one (1) means, such as emergency ACCESS roads or BOULEVARDS featuring LANES separated by a median may be considered, but shall be subject to the approval of the DEVELOPMENT AUTHORITY.
- 9.4.13** A minimum right-of-way of 12m/39.3ft. is required for all roads within a MANUFACTURED HOME – COMMUNITY.
- 9.4.14** All roads within a MANUFACTURED HOME – COMMUNITY shall be constructed of an all-weather HARD-SURFACED material, be graded and suitable for use in all seasons in compliance with the Municipal Engineering and Construction Standards and Subsection 5.6.
- 9.4.15** Street lighting in a MANUFACTURED HOME – COMMUNITY shall be to the same standards as that in a conventional residential neighbourhood.
- 9.4.16** In considering approved ACCESSORY USES, the applicant shall demonstrate the following to the DEVELOPMENT AUTHORITY:
- a)** that any HOME OCCUPATION meets the requirements of Subsection 5.19;
  - b)** that any BED AND BREAKFAST BUSINESS meet the requirements of Subsection 5.20;
  - c)** in the case of FAMILY DAY HOMES, DWELLING – SECONDARY SUITES, and DWELLING – BACKYARD UNITS that:
    - i)** the scale of the BUILDINGS and/or STRUCTURES is comparable to other DWELLING UNITS within the LAND USE DISTRICT in terms of ground FLOOR AREA, FLOOR AREA – GROSS and BUILDING HEIGHT; and
    - ii)** the BUILDING'S appearance is similar to a DWELLING – SINGLE DETACHED.
  - d)** potential impacts such as noise and traffic have been mitigated; and
  - e)** there shall be no use of SIGNAGE, unless permitted under Articles 5.19.3, 5.20.3 or 9.4.18.
- 9.4.17** The DEVELOPMENT AUTHORITY may exercise discretion to allow a fence higher than 2m/6.56ft. along a LOT-LINE – REAR or LOT LINE – SIDE within the R-4 LAND USE DISTRICT, if the LOT is located behind a DEVELOPMENT that measures 11m/36ft. in height or three (3) or more stories.
- 9.4.18** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

- 9.4.19** SIGNS associated with a permitted HOME OCCUPATION, FAMILY DAY HOME, BED AND BREAKFAST BUSINESS, HOME OFFICE or BOARDING HOUSE shall:
- not exceed 1.5m<sup>2</sup>/16.2sq.ft. in SIGN AREA;
  - be no higher than 2m/6.5ft. above FINISHED GRADE;
  - not be illuminated; and
  - Subject to the requirements of Section 7.
- 9.4.20** Any SIGN not requiring a permit under Article 7.2.4 shall be permitted.
- 9.4.21** SIGNS – FASCIA not exceeding 0.25m<sup>2</sup>/2.6sq.ft. in area shall be permitted for the purposes of identifying the RESIDENTS therein, warn against trespassing, and cannot be a SIGN – ILLUMINATED.
- 9.4.22** An identification SIGN for a MANUFACTURED HOME – COMMUNITY may be erected at the entrance of the overall DEVELOPMENT, subject to Section 7 and the discretion of the DEVELOPMENT AUTHORITY.

# 10

## 10.0 COMMERCIAL LAND USE DISTRICTS

### 10.1 C-1 (DOWNTOWN COMMERCIAL) LAND USE DISTRICT

#### INTENT

The C-1 LAND USE DISTRICT is intended to clearly define the downtown as the commercial core of the town, establishing standards that promote its redevelopment and enhancement. This includes the integration of DWELLING UNITS within MIXED-USE BUILDINGS to increase pedestrian activity and support a vibrant community environment.

#### USES

**TABLE 10.1 PERMITTED AND DISCRETIONARY USES IN THE C-1 LAND USE DISTRICT**

| PERMITTED USES  | DISCRETIONARY USES   |
|---|--|
| <ul style="list-style-type: none"><li>a) <u>ART GALLERY</u>;</li><li>b) <u>BUSINESS SUPPORT SERVICE</u>;</li><li>c) <u>CATERING SERVICE</u>;</li><li>d) <u>DAY CARE FACILITY</u>;</li><li>e) <u>DRINKING ESTABLISHMENT</u>;</li><li>f) Farmers market;</li><li>g) <u>FINANCIAL INSTITUTION</u>;</li><li>h) <u>GENERAL SERVICE</u>;</li><li>i) <u>GOVERNMENT SERVICE</u>;</li><li>j) <u>HEALTH SERVICE</u>;</li><li>k) <u>HOUSEHOLD REPAIR SERVICE</u>;</li><li>l) <u>MIXED-USE BUILDING</u>;</li><li>m) Movie and/or video game rental and sales;</li><li>n) <u>NON-PROFIT COMMUNITY SUPPORT SERVICE</u>;</li></ul> | <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>ACCESSORY USES</u> associated with a <u>DWELLING UNIT</u>:<ul style="list-style-type: none"><li>vi) <u>BED AND BREAKFAST BUSINESS</u>;</li><li>vii) <u>BOARDING HOUSE</u>;</li><li>viii) <u>FAMILY DAY HOME</u>;</li><li>ix) <u>HOME OCCUPATION</u>; and</li><li>x) <u>HOME OFFICE</u>.</li></ul></li><li>c) <u>AMUSEMENT ARCADE</u>;</li><li>d) <u>ASSISTED LIVING FACILITY</u>;</li><li>e) <u>AUTOMOTIVE SERVICE</u>;</li><li>f) <u>BUILDING – MOVED IN</u>;</li><li>g) <u>BREWERY, WINE, DISTILLERY</u>;</li><li>h) <u>CAR WASH</u>;</li><li>i) <u>COMMUNITY HALL</u>;</li></ul> |

|                                     |  |
|-------------------------------------|--|
| <b>o) Park;</b>                     | <b>j) DRIVE-THROUGH BUSINESS;</b>        |
| <b>p) PARKING LOT;</b>              | <b>k) DRIVE-THROUGH RESTAURANT;</b>      |
| <b>q) PAWNBROKER;</b>               | <b>l) DWELLING – MULTIPLE UNIT;</b>      |
| <b>r) PROFESSIONAL SERVICE;</b>     | <b>m) FUNERAL HOME;</b>                  |
| <b>s) RESTAURANT;</b>               | <b>n) HOTEL;</b>                         |
| <b>t) RETAIL – CONVENIENCE;</b>     | <b>o) PET SERVICE;</b>                   |
| <b>u) RETAIL – GENERAL;</b>         | <b>p) PLACE OF WORSHIP;</b>              |
| <b>v) RETAIL – SPECIALTY STORE;</b> | <b>q) PUBLIC USE;</b>                    |
| <b>w) SCHOOL – COMMERCIAL; and</b>  | <b>r) RECREATIONAL SERVICE – INDOOR;</b> |
| <b>x) THEATRE.</b>                  | <b>s) RETAIL – ADULT;</b>                |
|                                     | <b>t) RETAIL – CANNABIS;</b>             |
|                                     | <b>u) RETAIL – LIQUOR;</b>               |
|                                     | <b>v) SHOPPING CENTRE; and</b>           |
|                                     | <b>w) VETERINARY CLINIC.</b>             |

## SITE PROVISIONS

**10.1.1** Despite any provision within Section 5 of this BYLAW, any property or SITE located within the C-1 LAND USE DISTRICT must follow the requirements of Table 10.2:

**TABLE 10.2 C-1 LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES  |
|----------------------------------|---|
| <u>LOT AREA</u> (minimum)        | 200m <sup>2</sup> /2,152sq.ft.  |
| <u>LOT WIDTH</u> (minimum)       | 9m/29.5ft.  |
| <u>LOT DEPTH</u> (minimum)       | 25m/82ft.   |
| <u>YARD – FRONT</u> (minimum)    | 0m/0ft.   |
| <u>YARD – FLANKAGE</u> (minimum) | 0m/0ft., however, <u>LOT CORNER</u> must comply with Subsection 5.3 of this <u>BYLAW</u> regarding <u>SIGHT TRIANGLES</u> .       |
| <u>YARD – SIDE</u> (minimum)     | 0m/0ft.   |
| <u>YARD – REAR</u> (minimum)     | 6m/19.6ft. unless otherwise approved by the <u>DEVELOPMENT AUTHORITY</u> in consideration of alternate <u>PARKING</u> facilities. |
| <u>BUILDING HEIGHT</u> (maximum) | 23m/75.5 ft. or 6 <u>STOREYS</u>  |

## ADDITIONAL REQUIREMENTS

**10.1.2** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24, which do not apply for DWELLING - MULTIPLE UNIT or MIXED-USE BUILDINGS.

**10.1.3** Any DEVELOPMENT within the C-1 LAND USE DISTRICT are encouraged to consider the principles of the Town of High Level Design Guidelines.

**10.1.4** All DEVELOPMENTS must follow the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND CONSIDERATIONS

**10.1.5** When considering a DRIVE-THROUGH BUSINESS or DRIVE-THROUGH RESTAURANT in the C-1 LAND USE DISTRICT, the applicant shall demonstrate the following to the DEVELOPMENT AUTHORITY:

- a) the driveway entrance is limited and does not adversely affect the movement of pedestrians including vehicles queuing onto the sidewalks and creation of more than one ACCESS;
- b) the drive-through shall be located at the rear of the BUILDING;
- c) the façade facing 100 Avenue is not adversely affected by the incorporation of a DRIVE-THROUGH BUSINESS;
- d) that, when adjacent to a residential USE, the operation either:
  - i) does not use a speaker system;
  - ii) includes certified noise attenuation fencing 2m/6.5ft. in height; or
  - iii) utilizes an earth BERM designed to mitigate the impact of noise.
- f) any lighting required does not spill onto adjoining properties.

**10.1.6** When considering approved DISCRETIONARY USES, the applicant shall need to demonstrate the following to the DEVELOPMENT AUTHORITY:

- a) scale of the USE and BUILDINGS shall be comparable to the anticipated scale of BUILDINGS and USES within the C-1 LAND USE DISTRICT;
- b) PARKING required for the operation shall not negatively impact on aesthetics and pedestrian functionality within the C-1 LAND USE DISTRICT; and
- c) how potential impacts such as traffic generation, noise, dust, odours or other concerns related to the operation shall be addressed.

**10.1.7** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

**10.1.8** When considering RETAIL – CANNABIS in the C-1 LAND USE DISTRICT, the DEVELOPMENT AUTHORITY will ensure that the entire business footprint falls outside of a 100m/328ft. radius from any Community Use and Park LAND USE DISTRICTS.

## SIGNAGE REQUIREMENTS

**10.1.9** SIGNS – FREESTANDING or SIGNS – DIRECTORY are permitted provided that:

- a) no SIGN shall exceed a maximum height of 5m/16.4ft.;
- b) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA per SIGN FACE for a single business property and 9m<sup>2</sup>/96.8sq.ft. in SIGN AREA per SIGN FACE for a multiple-business property;
- c) no more than one SIGN – FREESTANDING or SIGN – DIRECTORY shall be permitted for every 30m/98.4ft. of LOT – FRONTRAGE; and
- d) no SIGN shall extend beyond the street right-of-way line at the outermost point of the SIGN.

**10.1.10** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property;

- and
- d) no SIGN shall project more than 30cm/11.8in above the roof of a BUILDING.

**10.1.11 SIGNS – FASCIA** are permitted provided that:

- a) the total SIGN AREA of the BUILDING does not exceed 5% of the total surface area of the BUILDING face where the SIGNAGE is to be erected; and
- b) no individual SIGN shall exceed 1m/3.2ft. in height;
- c) shall not exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and
- d) No SIGN – FASCIA shall project more than 25cm/9.84in from a wall that a SIGN is affixed to.

**10.1.12 SIGNS – PORTABLE OR MOBILE** are permitted for a limited time of up to one (1) year, at the discretion of the DEVELOPMENT AUTHORITY.

**10.1.13 SIGNS – SANDWICH** are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of 0.5m<sup>2</sup>/5.3sq.ft.;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way

## **10.2 C-3 (HIGHWAY COMMERCIAL) LAND USE DISTRICT**

### **INTENT**

The intent of the C-3 LAND USE DISTRICT is to provide an area for intensive commercial operations while not drawing away USES intended for the C-1 LAND USE DISTRICT. The DEVELOPMENT AUTHORITY recognizes that there may be circumstances where certain USES need to be located in the C-3 LAND USE DISTRICT whether it is due to scale, a lack of vacant BUILDINGS or LOTS within the C-1 LAND USE DISTRICT, required PARKING, traffic impacts or other reasons.

### **USES**

**TABLE 10.3 PERMITTED AND DISCRETIONARY USES IN THE C-3 LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES  |
|--|---|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>AUTOMOTIVE SALES AND RENTAL</u>;</li><li>c) <u>AUTOMOTIVE SERVICE</u>;</li><li>d) <u>CAR WASH</u>;</li><li>e) <u>CONSTRUCTION SERVICE</u>;</li><li>f) <u>DRINKING ESTABLISHMENT</u>;</li><li>g) <u>DRIVE-THROUGH BUSINESS</u>;</li><li>h) <u>DRIVE-THROUGH RESTAURANT</u>;</li><li>i) <u>EQUIPMENT RENTAL FACILITY</u>;</li><li>j) <u>FUNERAL HOME</u>;</li><li>k) <u>FUEL STATION</u>;</li><li>l) <u>HOTEL</u>;</li><li>m) <u>RECREATIONAL SERVICE – INDOOR</u>;</li><li>n) <u>RESTAURANT</u>;</li><li>o) <u>RETAIL – CONVENIENCE</u> as part of a <u>FUEL STATION</u>;</li><li>p) <u>RETAIL – GENERAL</u>; and</li><li>q) <u>THEATRE</u>.</li></ul> | <ul style="list-style-type: none"><li>a) <u>ADULT ENTERTAINMENT FACILITY</u>;</li><li>b) <u>AMUSEMENT ARCADE</u>;</li><li>c) <u>BUILDING – MOVED IN</u>;</li><li>d) <u>BUSINESS SUPPORT SERVICE</u>;</li><li>e) <u>DAY CARE FACILITY</u>;</li><li>f) <u>DWELLING – MULTIPLE UNIT</u>;</li><li>g) <u>DWELLING – TOWNHOUSE</u>;</li><li>h) <u>GENERAL SERVICE</u>;</li><li>i) <u>GOVERNMENT SERVICE</u>;</li><li>j) <u>HEALTH SERVICE</u>;</li><li>k) <u>LUMBER YARD</u>;</li><li>l) <u>MANUFACTURED HOME – MOBILE SALES</u>;</li><li>m) <u>NON-PROFIT COMMUNITY SUPPORT SERVICE</u>;</li><li>n) <u>PAWBROKER</u>;</li><li>o) <u>PET SERVICE</u>;</li><li>p) <u>PLACE OF WORSHIP – STOREFRONT CHURCH</u>;</li><li>q) <u>PROFESSIONAL SERVICE</u>;</li><li>r) <u>PUBLIC USE</u>;</li><li>s) <u>RECREATIONAL VEHICLE SALES AND SERVICE</u>;</li><li>t) <u>RETAIL – ADULT</u>;</li><li>u) <u>RETAIL – LIQUOR</u>;</li><li>v) <u>SCHOOL – COMMERCIAL</u>;</li><li>w) <u>SHOPPING CENTRE</u>;</li><li>x) <u>VETERINARY CLINIC</u>;</li><li>y) <u>WAREHOUSE STORE</u>;</li><li>z) <u>ASSISTED LIVING FACILITY</u>; and</li><li>aa) <u>MIXED-USE BUILDING</u>; and</li><li>bb) <u>ACCESSORY USES</u> associated with a <u>DWELLING UNIT</u>:<ul style="list-style-type: none"><li>a. <u>BED AND BREAKFAST BUSINESS</u>;</li><li>b. <u>BOARDING HOUSE</u>;</li><li>c. <u>FAMILY DAY HOME</u>;</li><li>d. <u>HOME OCCUPATION</u>; and</li><li>e. <u>HOME OFFICE</u>.</li></ul></li></ul> |

## SITE PROVISIONS

**10.2.1** Notwithstanding any provision within Section 5 of this BYLAW, any property or SITE located within the C-3 LAND USE DISTRICT is subject to the LOT, SITE and BUILDING requirements as follows:

**TABLE 10.4 C-3 LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES   |
|----------------------------------|--|
| <u>LOT AREA</u> (minimum)        | 360m <sup>2</sup> /3,875sq.ft.   |
| <u>LOT WIDTH</u> (minimum)       | 20m/65.6ft. with the exception of <u>HOTELS</u> or motels which must have 45m/147.6ft.   |
| <u>LOT DEPTH</u> (minimum)       | 20m/65.6ft.  |
| <u>YARD – FRONT</u> (minimum)    | 9m/29.5ft.   |
| <u>YARD – FLANKAGE</u> (minimum) | 0m/0ft. however, <u>LOT CORNER</u> must comply with Subsection 5.3 of this <u>BYLAW</u> regarding <u>SIGHT TRIANGLES</u> .   |
| <u>YARD – SIDE</u> (minimum)     | 0m/0ft. however, the <u>BUILDINGS</u> must comply with the distance requirements of the <i>National Building Code – Alberta Edition</i> .  |
| <u>YARD – REAR</u> (minimum)     | 6m/19.6ft.   |
| <u>BUILDING HEIGHT</u> (maximum) | 16m/52.4ft. or 4 stories, except where the <u>LAND USE DISTRICT</u> is adjacent to residential <u>LAND USE DISTRICT</u> in which the maximum <u>BUILDING HEIGHT</u> shall be 12m/39.3ft. or 3 stories. |

## ADDITIONAL REQUIREMENTS

**10.2.2** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24, which does not apply for MIXED-USE BUILDINGS.

**10.2.3** In areas where a property abuts Highway 35 or Highway 58, the portions of the BUILDING facing the Highway shall incorporate architectural elements to create variation along the BUILDING façade and avoid the appearance of blank walls from public streets.

**10.2.4** All rooftop mechanical equipment shall be enclosed on all sides with a finish compatible with the approved BUILDING finish.

**10.2.5** OUTDOOR STORAGE areas associated with a PERMITTED USE within this LAND USE DISTRICT shall be screened in accordance to Subsection 5.10.

**10.2.6** Provisions for adequate vehicular traffic circulation shall be provided on all SITES to the satisfaction of the DEVELOPMENT AUTHORITY.

**10.2.7** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND CONSIDERATIONS

**10.2.8** When considering an acceptable DISCRETIONARY USE that is allowed in the C-1 LAND USE DISTRICT, the applicant must demonstrate to the DEVELOPMENT AUTHORITY the reasons why

the USE could not be located in the C-1 LAND USE DISTRICT, such as the scale of the BUILDING, PARKING requirements or that all suitable LOTS and BUILDINGS within the C-1 LAND USE DISTRICT are occupied.

**10.2.9** When considering a proposed a DISCRETIONARY USE the applicant must demonstrate that potential effects of the USE would not negatively impact surrounding USES.

**10.2.10** When considering a proposed DWELLING – MULTIPLE UNIT or DWELLING – TOWNHOUSE in the C-3 LAND USE DISTRICT, the DEVELOPMENT AUTHORITY will only consider these USES located either:

- a) behind a Highway Commercial USE on 98 Street, where the proposed residential USE would be opposite an existing residential USE; or
- b) above a Highway Commercial USE that is facing a designated highway.

**10.2.11** Under no circumstances can a stand-alone residential USE be located facing onto a designated highway.

**10.2.12** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

**10.2.13** SIGNS – FREESTANDING or SIGNS – DIRECTORY are permitted provided that:

- a) no SIGN shall exceed a maximum height of 10m/32.8ft.;
- b) no SIGN – FREESTANDING or SIGN – DIRECTORY shall have SIGNAGE that exceeds:
  - i) 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA per SIGN FACE for a one or two business BUILDING;
  - ii) 8.75m<sup>2</sup>/94.1sq.ft. in SIGN AREA per SIGN FACE for a three (3) business BUILDING;
  - iii) 11.5m<sup>2</sup>/123.7sq.ft. per SIGN FACE in SIGN AREA for a four (4) business BUILDING; and
  - iv) 14.25m<sup>2</sup>/153.3sq.ft. in SIGN AREA per SIGN FACE for a five (5) or more business BUILDING;
- c) no more than one SIGN – FREESTANDING or SIGN – DIRECTORY shall be permitted for every 30m/98.4ft. of LOT FRONTAGE; and
- d) no SIGN shall extend beyond the street right-of-way line at the outermost point of the SIGN.

**10.2.14** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING above the roof of a BUILDING.

**10.2.15** SIGNS – FASCIA are permitted provided that:

- a) SIGNAGE does not exceed 12% of the total surface area of the BUILDING face where the SIGN is to be erected; and
- b) no individual SIGN shall exceed 3m/9.85.ft in height
- c) shall not exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and

- d) No SIGN – FASCIA shall project more than 25cm/9.84in from a wall that a SIGN is affixed to.

**10.2.16** SIGNS – PORTABLE OR MOBILE are permitted for a limited time of up to one (1) year, at the discretion of the DEVELOPMENT AUTHORITY.

**10.2.17** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of 0.5m<sup>2</sup>/5.3sq.ft.;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## 11.0 INDUSTRIAL LAND USE DISTRICTS

### 11.1 IND (INDUSTRIAL) LAND USE DISTRICT

#### INTENT

The intent of the IND LAND USE DISTRICT is to provide an area for industrial DEVELOPMENT.

#### USES

**TABLE 11.1 PERMITTED AND DISCRETIONARY USES IN THE IND LAND USE DISTRICT**

| PERMITTED USES  | DISCRETIONARY USES   |
|---|--|
| <u>ACCESSORY BUILDING OR STRUCTURE</u> ;<br><u>AUCTION FACILITY</u> ;<br><u>AUTOMOTIVE SALES AND RENTALS</u> ;<br><u>AUTOMOTIVE SERVICE</u> ;<br><u>BUSINESS SUPPORT SERVICE</u> ;<br><u>CAR WASH</u> ;<br><u>COMMERCIAL SCHOOL or COLLEGE</u> ;<br><u>CONSTRUCTION SERVICE</u> ;<br><u>EQUIPMENT RENTAL FACILITY</u> ;<br><u>FARM IMPLEMENT SALES AND SERVICES</u> ;<br><u>FLEET SERVICE</u> ;<br>Grain storage facility;<br><u>HOUSEHOLD REPAIR SERVICE</u> ;<br><u>INDUSTRIAL OPERATION</u> ;<br><u>LUMBER YARD</u> ;<br>Manufacturing;<br><u>MINI-STORAGE</u> ;<br><u>OIL FIELD SERVICE</u> ; | <u>ABATTOIR</u> ;<br><u>AGRICULTURE</u> ;<br><u>BUILDING – MOVED IN</u> ;<br><u>BULK OIL, FUEL AND CHEMICAL STORAGE</u> ;<br><u>COMMUNITY HALL</u> ;<br><u>CANNABIS PRODUCTION AND DISTRIBUTION</u> ;<br><u>GOVERNMENT SERVICE</u> ;<br><u>HELICOPTER LANDING PAD</u> ;<br><u>LOGGING SERVICE</u> ;<br><u>MANUFACTURED HOME – MOBILE SALES</u> ;<br><u>PAWNBROKER</u> ;<br><u>PET SERVICE</u> ;<br><u>RECREATIONAL SERVICE – INDOOR</u> ;<br><u>RECYCLING DEPOT</u> ;<br><u>RELOCATABLE INDUSTRIAL ACCOMMODATION</u> ; |

|   |   |
|---|---|
| <u>OUTDOOR STORAGE;</u><br><u>PROPANE FACILITY;</u><br><u>PUBLIC USE;</u><br><u>RECREATIONAL VEHICLES SALES AND SERVICE;</u><br><u>RECYCLING DEPOT;</u><br><u>TAXI SERVICE;</u><br><u>TRANSMITTING STATION;</u><br><u>VETERINARY CLINIC;</u> and<br><u>WAREHOUSE.</u> | <u>SALVAGE YARD;</u> and<br><u>TEMPORARY BUNKHOUSE.</u> |
|---|---|

## SITE PROVISIONS

**11.1.1** Notwithstanding any provision within Section 5 of this BYLAW, any property or SITE located within the IND LAND USE DISTRICT is subject to the LOT, SITE and BUILDING requirements as follows:

**TABLE 11.2 IND LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES   |
|----------------------------------|--|
| <u>LOT AREA</u> (minimum)        | 950m <sup>2</sup> /10,225sq.ft.  |
| <u>LOT WIDTH</u> (minimum)       | 25m/82ft.  |
| <u>LOT DEPTH</u> (minimum)       | 40m/131.2ft.   |
| <u>YARD – FRONT</u> (minimum)    | 6m/19.6ft.   |
| <u>YARD – FLANKAGE</u> (minimum) | 0m/0ft. however, <u>LOT CORNER</u> must comply with Subsection 5.3 of this <u>BYLAW</u> regarding <u>SIGHT TRIANGLES</u> .           |
| <u>YARD – SIDE</u> (minimum)     | 0m/0ft. however, the <u>BUILDING</u> must conform to the distances required in the <i>National Building Code – Alberta Edition</i> . |
| <u>YARD – REAR</u> (minimum)     | 4m/13.1ft. unless the rear boundary abuts a railway right-of-way, in which case, no <u>YARD – REAR</u> is required.                  |
| <u>BUILDING HEIGHT</u> (maximum) | 16m/52.4ft. or 4 stories   |
| <u>LOT COVERAGE</u> (maximum)    | 60%  |

## ADDITIONAL REQUIREMENTS

**11.1.2** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24.

**11.1.3** All industrial establishments located on a SITE bordering a highway shall be screened from the highway in a manner incorporating LANDSCAPING or BERM or both to the satisfaction of the DEVELOPMENT AUTHORITY.

**11.1.4** Any nuisance factor generated by a DEVELOPMENT, including but not limited to:

- a)** dust, fly ash or other particulate matter;
- b)** odorous gas or odorous matter; and
- c)** toxic gas or any other toxic substance;

must be contained within an enclosed ON-SITE BUILDING.

- 11.1.5** Article 11.1.4 does not relieve against any compliance with any other standards established by any Federal, Provincial or Municipal enactments.
- 11.1.6** All driveways, ACCESSES or approaches from a street to the LOT shall be in a location acceptable to the DEVELOPMENT AUTHORITY. The driveway, ACCESS and approach shall have a steel culvert to enable satisfactory ditch drainage and be HARD-SURFACED.
- 11.1.7** PARCELS within the IND LAND USE DISTRICT that have existing residential USES, are permitted to renovate or improve these DWELLING UNITS, so long as no structural changes are undertaken.
- 11.1.8** Under no circumstances will the DEVELOPMENT AUTHORITY allow existing residential USES within the IND LAND USE DISTRICT to be replaced with a new DWELLING UNIT.
- 11.1.9** Under no circumstances will the DEVELOPMENT AUTHORITY allow PARCELS within the IND LAND USE DISTRICT that do not currently have a residential USE, to add a new residential USE.
- 11.1.10** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND CONSIDERATIONS

- 11.1.11** When assessing a DISCRETIONARY USE within this LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall require the applicant to demonstrate that any potential impacts of the activity shall not adversely affect surrounding USES. Matters that shall be addressed in the application may include, but is not limited to, the potential impacts of noise, hours of operation, traffic generation and visual appearance of the SITE and STRUCTURES.
- 11.1.12** When considering a bingo hall, GOVERNMENT SERVICE, PAWNBROKER, PET SERVICE or COMMUNITY HALL as a DISCRETIONARY USE, the applicant must demonstrate the following to the DEVELOPMENT AUTHORITY
- a) provide the reasons why the USE could not be located within the C-1 LAND USE DISTRICT, such as the scale of the BUILDINGS, PARKING required or that the majority of the land and BUILDINGS within the C-1 LAND USE DISTRICT are occupied; and
  - b) demonstrate the USE does not undermine the ability for acceptable PERMITTED USES to operate in the IND LAND USE DISTRICT.
- 11.1.13** When considering a proposed HELICOPTER LANDING PAD in the IND LAND USE DISTRICT, the DEVELOPMENT AUTHORITY will only consider these uses if:
- a) PARCELS located on both sides of 92 Street from 98 Avenue to 114 Avenue, inclusive of Plan 8320882, Block 4, Lot B; or
  - b) PARCELS located north of 105 Avenue, south of 98 Avenue, and east of the Canadian National Railway line; and
  - c) that all the mandatory provisions in Subsection 5.27 are complied with to the satisfaction of the DEVELOPMENT AUTHORITY.
- 11.1.14** When considering an AGRICULTURE USE in the IND LAND USE DISTRICT, the DEVELOPMENT AUTHORITY will only consider the DEVELOPMENT of an industrial or commercial greenhouse.

**11.1.15** Under no circumstances will the DEVELOPMENT AUTHORITY consider an AGRICULTURE USE that includes the cultivation of soil for the growing of crop or the raising of livestock within the IND LAND USE DISTRICT.

**11.1.16** When approved, all TEMPORARY BUNKHOUSES are:

- a) subject to a renewable 5-year term agreement with the TOWN;
- b) permitted to be operational and utilized from April 1<sup>st</sup> to October 31<sup>st</sup> inclusive annually;
- c) subject to the approval of a Lot Grading and servicing plans;
- d) limited to one DWELLING UNIT per LOT, and must contain adequate water and sewer service satisfactory to the DEVELOPMENT AUTHORITY and the Public Health Inspector; and
- e) be subject to the approval by the Public Health Inspector.

**11.1.17** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate any impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

**11.1.18** SIGNS – FREESTANDING or SIGNS – DIRECTORY are permitted provided that:

- a) no SIGN shall exceed a maximum height of 10m/32.8ft.;
- b) no SIGN – FREESTANDING or SIGN – DIRECTORY shall have SIGNAGE that exceeds:
  - i) 6m<sup>2</sup>/64.5sq.ft in SIGN AREA per SIGN FACE for a one or two business BUILDINGS;
  - ii) 8.75m<sup>2</sup>/94.1sq.ft. in SIGN AREA per SIGN FACE for a three (3) business BUILDINGS;
  - iii) 11.5m<sup>2</sup>/123.7sq.ft. per SIGN FACE in SIGN AREA for a four (4) business BUILDINGS; and
  - iv) 14.25m<sup>2</sup>/153.3sq.ft. in SIGN AREA per SIGN FACE for a five (5) or more business BUILDINGS.
- c) no more than one SIGN – FREESTANDING or SIGN – DIRECTORY shall be permitted for every 30m/98.4ft. of LOT – FRONTAGE; and
- d) no SIGN shall extend beyond the street right-of-way line at the outermost point of the SIGN.

**11.1.19** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than 30cm/11.8in above the roof of a BUILDING.

**11.1.20** SIGNS – FASCIA are permitted provided that:

- a) SIGNAGE does not exceed 12% of the total surface area of the BUILDING face where the SIGN is to be erected; and
- b) no individual SIGN shall exceed 3m/9.85ft. in height.
- c) shall not exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and
- d) No SIGN – FASCIA shall project more than 25cm/9.84in from a wall that a SIGN is affixed to.

**11.1.21** SIGNS – PORTABLE OR MOBILE are permitted for a limited time of up to one (1) year, at the discretion of the DEVELOPMENT AUTHORITY.

**11.1.22** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a)** not exceed a single SIGN FACE area of 0.5m<sup>2</sup>/5.3sq.ft.;
- b)** no more than one SIGN – SANDWICH is provided per LOT;
- c)** it is not located within the required SIGHT TRIANGLE; and
- d)** it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

# 12

## 12.0 OTHER LAND USE DISTRICTS

### 12.1 CU (COMMUNITY USE) LAND USE DISTRICT

---

#### INTENT

The intent of the CU LAND USE DISTRICT is to provide areas for PUBLIC EDUCATION SERVICES and community services.

#### USES

**TABLE 12.1 PERMITTED AND DISCRETIONARY USES IN THE CU LAND USE DISTRICT**

| PERMITTED USES  | DISCRETIONARY USES   |
|---|--|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u>;</li><li>b) <u>ASSISTED LIVING FACILITY</u>;</li><li>c) <u>COLLEGE</u>;</li><li>d) <u>COMMUNITY HALL</u>;</li><li>e) <u>DAY CARE FACILITY</u>;</li><li>f) <u>EMERGENCY SERVICES FACILITY</u>;</li><li>g) <u>EXHIBITION GROUNDS</u>;</li><li>h) <u>GOVERNMENT SERVICE</u>;</li><li>i) <u>HEALTH SERVICE</u>;</li><li>j) <u>HOSPITAL</u>;</li><li>k) <u>NON-PROFIT COMMUNITY SUPPORT SERVICE</u>;</li><li>l) <u>PLACE OF WORSHIP</u>;</li><li>m) <u>PUBLIC EDUCATION SERVICE</u>;</li><li>n) <u>PUBLIC USE</u>; and</li><li>o) <u>TEMPORARY</u> shelter services.</li></ul> | <ul style="list-style-type: none"><li>a) <u>BUILDING – MOVED IN</u>;</li><li>b) <u>CEMETERY</u>;</li><li>c) <u>HELICOPTER LANDING PAD</u>;</li><li>d) Park;</li><li>e) <u>RECREATIONAL SERVICE – INDOOR</u>; and</li><li>f) <u>MIXED-USE BUILDING</u>.</li></ul> |

## SITE PROVISIONS

**12.1.1** Notwithstanding any provision within Section 5 of this BYLAW, any property or SITE located within the CU LAND USE DISTRICT is subject to the LOT, SITE and BUILDING requirements as follows:

**TABLE 12.2 CU LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES    |
|----------------------------------|-------------|
| <u>YARD – FRONT</u> (minimum)    | 7m/22.9ft.  |
| <u>YARD – FLANKAGE</u> (minimum) | 4m/13.1ft.  |
| <u>YARD – SIDE</u> (minimum)     | 4m/13.1ft.  |
| <u>YARD – REAR</u> (minimum)     | 7m/22.9ft.  |
| <u>BUILDING HEIGHT</u> (maximum) | 16m/52.4ft. |
| <u>LOT COVERAGE</u> (maximum)    | 60%         |

## ADDITIONAL REQUIREMENTS

**12.1.2** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24.

**12.1.3** All ACCESSORY DEVELOPMENTS must be of an architectural design that is equivalent in quality and appearance to the PRINCIPAL BUILDING.

**12.1.4** Provisions for adequate vehicular traffic circulation shall be provided on all SITES to the satisfaction of the DEVELOPMENT AUTHORITY.

**12.1.5** PLACES OF WORSHIP shall not exceed the maximum height permitted in the LAND USE DISTRICT where it is proposed or located, unless approved by the DEVELOPMENT AUTHORITY, having due regard to the amenities of the area.

**12.1.6** The SITE upon which a PLACE OF WORSHIP is situated shall have LOT FRONTRAGE of not less than 30m/98.4ft. and an area of not less than 900m<sup>2</sup>/9,687sq.ft..

**12.1.7** In the case where a manse, rectory, parsonage or other BUILDING for use as a clergyman's or clergywoman's residence is to be developed on the same SITE as the PLACE OF WORSHIP, the combined area of the SITE shall not be less than 1,200m<sup>2</sup>/12,916sq.ft.

**12.1.8** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND CONSIDERATIONS

**12.1.9** When assessing a DISCRETIONARY USE within this LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall require the applicant to demonstrate that any potential effects of the activity do not adversely affect surrounding USES. Matters that shall be addressed in the application may

include, and not limited to, the potential impacts of noise, hours of operation, traffic generation and visual appearance of the SITE and STRUCTURES.

**12.1.10** When assessing a MIXED-USE BUILDING in the CU LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall ensure that only the permitted uses listed in Table 12.1 are considered for the non-residential portions of the BUILDING.

**12.1.11** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

**12.1.12** SIGNS – FREESTANDING or SIGNS – DIRECTORY are permitted provided that:

- a) no SIGN – FREESTANDING or SIGN – DIRECTORY shall have SIGNAGE that exceeds  $6m^2/64.5\text{sq.ft.}$  in SIGN AREA per SIGN FACE;
- b) no more than one SIGN – FREESTANDING or SIGN – DIRECTORY shall be permitted for every  $30m/98.4\text{ft.}$  of LOT FRONTAGE; and
- c) no SIGN shall extend beyond the street right-of-way line at the outermost point of the SIGN.

**12.1.13** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of  $6m^2/64.5\text{sq.ft.}$  in SIGN AREA;
- b) no SIGN shall project more than  $1m/3.2\text{ft.}$  from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than  $30cm/11.8\text{in}$  above the roof of a BUILDING.

**12.1.14** SIGNS – FASCIA are permitted provided that:

- a) the total SIGN AREA of the BUILDING does not exceed 5% of the total surface area of the BUILDING face where the SIGNAGE is to be erected; and
- b) no individual SIGN shall exceed  $1m/3.2\text{ft.}$  in height;
- c) shall not exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and
- d) no SIGN – FASCIA shall project more than  $25cm/9.94\text{in}$  from a wall that a SIGN is affixed to.

**12.1.15** SIGNS – PORTABLE OR MOBILE are permitted for a limited time of up to one (1) year, at the discretion of the DEVELOPMENT AUTHORITY.

**12.1.16** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of  $0.5m^2/5.3\text{sq.ft.}$ ;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## **12.2 P (PARKS) LAND USE DISTRICT**

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### **INTENT**

The intent of the P LAND USE DISTRICT is to provide parks and facilities throughout the TOWN for the purpose of public recreation.

### **USES**

**TABLE 12.3 PERMITTED AND DISCRETIONARY USES IN THE P LAND USE DISTRICT**

| PERMITTED USES                               | DISCRETIONARY USES   |
|--|--|
| <b>a)</b> Park; and<br><b>b)</b> Playground. | <b>a)</b> <u>ACCESSORY BUILDING OR STRUCTURE</u> ;<br><b>b)</b> <u>BUILDING – MOVED IN</u><br><b>c)</b> <u>CAMPGROUND</u> ;<br><b>d)</b> <u>CEMETERY</u> ;<br><b>e)</b> <u>EXHIBITION GROUNDS</u> ;<br><b>f)</b> <u>PUBLIC USE</u> ;<br><b>g)</b> <u>RECREATIONAL SERVICE – INDOOR</u> ; and,<br><b>h)</b> <u>RECREATIONAL SERVICE – OUTDOOR</u> . |

### **SITE PROVISIONS**

**12.2.1** Notwithstanding any provision within Section 5 of this BYLAW, any property or SITE located within the P LAND USE DISTRICT is subject to the LOT, SITE and BUILDING requirements as follows:

**TABLE 12.4 P LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES    |
|----------------------------------|-------------|
| <u>YARD – FRONT</u> (minimum)    | 7m/22.9ft.  |
| <u>YARD – FLANKAGE</u> (minimum) | 4m/13.1ft.  |
| <u>YARD – SIDE</u> (minimum)     | 4m/13.1ft.  |
| <u>YARD – REAR</u> (minimum)     | 7m/22.9ft.  |
| <u>BUILDING HEIGHT</u> (maximum) | 10m/32.8ft. |

### **ADDITIONAL REQUIREMENTS**

**12.2.2** The DEVELOPMENT AUTHORITY may issue a DEVELOPMENT PERMIT subject to such conditions as necessary to meet the purpose of this LAND USE DISTRICT.

**12.2.3** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.

### **DISCRETIONARY USE CRITERIA AND CONSIDERATIONS**

**12.2.4** When assessing a DISCRETIONARY USE within this LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall require the applicant to demonstrate that any potential effects of the activity do

not adversely affect surrounding USES. Matters that shall be addressed in the application may include, and not limited to, the potential impacts of noise, hours of operation, traffic generation and visual appearance of the SITE and STRUCTURES.

**12.2.5** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## **SIGNAGE REQUIREMENTS**

**12.2.6** SIGNS – FREESTANDING or SIGN – DIRECTORY are permitted provided that:

- a) SIGN – FREESTANDING or SIGN – DIRECTORY shall have SIGNAGE that exceeds 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA per SIGN FACE;
- b) no more than one SIGN – FREESTANDING or SIGN – DIRECTORY shall be permitted for every 30m/98.4t. of LOT FRONTAGE; and
- c) no SIGN shall extend beyond the street right-of-way line at the outermost point of the SIGN.

**12.2.7** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than 30cm/9.84in above the roof of a BUILDING.

**12.2.8** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of 0.5m<sup>2</sup>/5.3sq.ft.;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## **12.3 A (AGRICULTURAL) LAND USE DISTRICT**

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### **INTENT**

The intent of the A LAND USE DISTRICT is to utilize agricultural lands within TOWN and to control land areas which are undeveloped or developed to low intensity, while allowing for an orderly and planned transformation to increasingly intensive future DEVELOPMENTS in these areas.

### **USES**

**TABLE 12.5 PERMITTED AND DISCRETIONARY USES IN THE A LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES  |
|--|---|
| <p><b>a) ACCESSORY BUILDING OR STRUCTURE;</b><br/>and<br/><b>b) AGRICULTURE.</b></p> | <p><b>a) BUILDING – MOVED IN;</b><br/><b>b) DWELLING – SINGLE DETACHED;</b><br/><b>c) HOME OCCUPATION;</b><br/><b>d) MANUFACTURED HOME – MODULAR;</b> and<br/><b>e) PUBLIC USE.</b></p> |

### **SITE PROVISIONS**

- 12.3.1** All minimum yards required shall be at the discretion of the DEVELOPMENT AUTHORITY using the requirements of a LAND USE DISTRICT where the DEVELOPMENT is of a PERMITTED USE or DISCRETIONARY USE.
- 12.3.2** No BUILDING and/or STRUCTURE shall be placed within 15m/49.2ft. of the top of the bank of or any WATERBODY, unless the requirements of Subsection 5.5 have been complied with to the satisfaction of the DEVELOPMENT AUTHORITY.
- 12.3.3** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.

### **DISCRETIONARY USE CRITERIA AND CONSIDERATIONS**

- 12.3.4** When considering a residential USE within the A LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall have specific regard for:
- any residential USE shall be secondary to the primary AGRICULTURAL USE of the property; and
  - land shall not be further subdivided for the purposes of a large residential DEVELOPMENT.
- 12.3.5** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

### **SIGNAGE REQUIREMENTS**

- 12.3.6** SIGNS – PROJECTING are permitted provided that:
- no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
  - no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;

- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than 30cm/11.8in above the roof of a BUILDING.

**12.3.7 SIGNS – FASCIA are permitted provided that:**

- a) the total SIGN AREA of the BUILDING does not exceed 5% of the total surface area of the BUILDING face where the SIGNAGE is to be erected; and
- b) no individual SIGN shall exceed 1m/3.2ft. in height;
- c) no individual SIGN shall exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and
- d) no SIGN – FASCIA shall project more than 25cm/9.84in from a wall that a SIGN is affixed to.

**12.3.8 SIGNS – SANDWICH are permitted provided that the SIGN shall:**

- a) not exceed a single SIGN FACE area of 0.5m<sup>2</sup>/5.3sq.ft.;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## **12.4 R (RESERVE) LAND USE DISTRICT**

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### **INTENT**

The intent of the R LAND USE DISTRICT is to restrict DEVELOPMENTS within lands that may contain ENVIRONMENTALLY SENSITIVE AREAS. These lands may be developed after consideration of their natural value in consultation with the Government of Alberta.

### **USES**

There are no PERMITTED USES in this LAND USE DISTRICT. DISCRETIONARY USES in this LAND USE DISTRICT are Park and PUBLIC USE.

### **SITE PROVISIONS**

**12.4.1** All DEVELOPMENT shall comply with the requirements of Subsection 5.5 to the satisfaction of the DEVELOPMENT AUTHORITY.

### **DISCRETIONARY USE CRITERIA AND CONSIDERATIONS**

**12.4.2** When considering a DISCRETIONARY USE within this LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall have specific regard for potential impacts on ENVIRONMENTALLY SENSITIVE AREAS and could require an applicant to undertake an ENVIRONMENTAL IMPACT ASSESSMENT with the approvals process based upon the direction of the Government of Alberta.

**12.4.3** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate potential impacts, including monitoring conditions to confirm compliance.

## **12.5 DC (DIRECT CONTROL) LAND USE DISTRICT**

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### **INTENT**

The intent of the DC LAND USE DISTRICT is to enable COUNCIL to exercise particular control over the USE and DEVELOPMENT of LOTS or BUILDINGS within these LAND USE DISTRICTS.

### **USES**

**12.5.1** COUNCIL shall determine the USES that may be permitted within a DC LAND USE DISTRICT.

**12.5.2** Notwithstanding Article 12.5.1, COUNCIL may allow a residential USE within a predominantly industrial area, which is within a DC LAND USE DISTRICT. COUNCIL shall consider the requirements of the *National Building Code – Alberta Edition* and compatibility of adjacent USES, and may impose such standards and conditions they consider appropriate.

### **DEVELOPMENT PROVISIONS**

**12.5.3** COUNCIL may impose standards and conditions they consider appropriate to regulate a USE.

**12.5.4** COUNCIL may decide on a DEVELOPMENT PERMIT application or may delegate the decision to the DEVELOPMENT AUTHORITY with direction that they consider appropriate.

**12.5.5** COUNCIL or the DEVELOPMENT AUTHORITY may refer to a corresponding conventional LAND USE DISTRICT, or any part of this BYLAW, to determine the regulations, which may be applied to a proposed DC LAND USE DISTRICT permit application.

### **SIGNAGE REQUIREMENTS**

**12.5.6** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than 30cm/11.8in above the roof of a BUILDING

**12.5.7** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of 0.5m<sup>2</sup>/5.3sq.ft.;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## **12.6 AIRPORT (AP) LAND USE DISTRICT**

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### **INTENT**

The intent of the AP LAND USE DISTRICT is to allow DEVELOPMENT at and within the immediate vicinity of the High Level Airport (YOG).

### **USES**

**TABLE 12.6 PERMITTED AND DISCRETIONARY USES IN THE AP LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES   |
|--|--|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDINGS</u></li><li>b) <u>HANGERS AND TERMINAL FACILITIES</u></li><li>c) <u>HELICOPTER LANDING PAD</u></li></ul> | <ul style="list-style-type: none"><li>a) <u>AGRICULTURE</u></li><li>b) <u>ALTERNATIVE ENERGY TECHNOLOGY</u><br/><u>AUTOMOTIVE SALES &amp; RENTALS</u></li><li>c) <u>BULK OIL, FUEL AND CHEMICAL STORAGE</u></li><li>d) <u>GOVERNMENT SERVICES</u></li><li>e) <u>PUBLIC USE</u></li><li>f) <u>RECREATIONAL VEHICLE SALES AND SERVICES</u></li><li>g) <u>SHIPPING CONTAINER</u></li><li>h) <u>RESTAURANT</u></li><li>i) <u>RETAIL – CONVENIENCE</u></li><li>j) <u>RETAIL – GENERAL</u></li><li>k) <u>TOURIST INFORMATION FACILITY</u></li><li>l) <u>TRANSMISSION STATION</u></li></ul> |

### **SITE PROVISIONS:**

Notwithstanding any provision within Section 5 of this BYLAW, any property or SITE located within the AP LAND USE DISTRICT is subject to the LOT, SITE, and BUILDING requirements as follows:

**TABLE 12.7 AP LAND USE DISTRICT LOT, SITE AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES   |
|----------------------------------|--|
| <u>YARD – FRONT</u> (minimum)    | 6m/19.6ft  |
| <u>YARD – FLANKAGE</u> (minimum) | 0m/0ft. however, <u>LOT CORNER</u> must comply with Subsection 5.3 of this <u>BYLAW</u> .  |
| <u>YARD – SIDE</u> (minimum)     | 0m/0ft. however, the <u>BUILDING</u> must conform to the distances required in the <i>National Building Code – Alberta Edition</i> . |
| <u>YARD – REAR</u> (minimum)     | 4m/13.1ft.   |
| <u>BUILDING HEIGHT</u> (maximum) | 16m/52.4ft. or 4 stories   |
| <u>LOT COVERAGE</u> (maximum)    | 60%  |

## ADDITIONAL REQUIREMENTS

- 12.6.1** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24.
- 12.6.2** All establishments located on a SITE bordering a highway shall be screened from the highway in a manner incorporating LANDSCAPING or BERM or both to the satisfaction of the DEVELOPMENT AUTHORITY.
- 12.6.3** Any nuisance factor generated by a DEVELOPMENT, including but not limited to:
- a) dust, fly ash or other particulate matter;
  - b) odorous gas or odorous matter; and
  - c) toxic gas or any other toxic substance;
- must be contained within an enclosed ON-SITE BUILDING.
- 12.6.4** Article 12.6.3 does not relieve against any compliance with any other standards established by any Federal, Provincial or Municipal enactments.
- 12.6.5** All driveways, ACCESSES or approaches from a street to the LOT shall be in a location acceptable to the DEVELOPMENT AUTHORITY. The driveway, ACCESS and approach shall have a steel culvert to enable satisfactory ditch drainage and be HARD-SURFACED unless otherwise approved by the DEVELOPMENT AUTHORITY.
- 12.6.6** PARCELS within the AP LAND USE DISTRICT that have existing residential USES, are permitted to renovate or improve these DWELLING UNITS, so long as no structural changes are undertaken.
- 12.6.7** Under no circumstances will the DEVELOPMENT AUTHORITY allow existing residential USES within the AP LAND USE DISTRICT to be replaced with a new DWELLING UNIT.
- 12.6.8** Under no circumstances will the DEVELOPMENT AUTHORITY allow PARCELS within the AP LAND USE DISTRICT that do not currently have a residential USE, to add a new residential USE.
- 12.6.9** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.

## DISCRETIONARY USE CRITERIA AND CONSIDERATIONS

- 12.6.10** When assessing a DISCRETIONARY USE within this LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall require the applicant to demonstrate that any potential impacts of the activity shall not adversely affect surrounding USES. Matters that shall be addressed in the application may include, but is not limited to, the potential impacts of noise, hours of operation, traffic generation and visual appearance of the SITE and STRUCTURES.
- 12.6.11** When considering an AGRICULTURE USE in the AP LAND USE DISTRICT, the DEVELOPMENT AUTHORITY will only consider the growing of a crop on parcels larger than 20 acres/8 hectares.
- 12.6.12** Under no circumstances will the DEVELOPMENT AUTHORITY consider an AGRICULTURE USE that includes the raising of livestock within the AP LAND USE

DISTRICT.

**12.6.13** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate any impacts, including monitoring conditions to confirm compliance.

**SIGNAGE REQUIREMENTS**

**12.6.14** SIGNS – FREESTANDING or SIGNS – DIRECTORY are permitted provided that:

- a) no SIGN shall exceed a maximum height of 10m/32.8ft.;
- b) no SIGN – FREESTANDING or SIGN – DIRECTORY shall have SIGNAGE that exceeds:
  - a. 6m<sup>2</sup>/64.5sq.ft in SIGN AREA per SIGN FACE for a one or two business BUILDINGS;
  - b. 8.75m<sup>2</sup>/94.1sq.ft. in SIGN AREA per SIGN FACE for a three (3) business BUILDINGS;
  - c. 11.5m<sup>2</sup>/123.7sq.ft. per SIGN FACE in SIGN AREA for a four (4) business BUILDINGS; and
  - d. 14.25m<sup>2</sup>/153.3sq.ft. in SIGN AREA per SIGN FACE for a five (5) or more business

**12.6.11** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than 30cm/11.8in above the roof of a BUILDING.

**12.6.12** SIGNS – FASCIA are permitted provided that:

- a) SIGNAGE does not exceed 12% of the total surface area of the BUILDING face where the SIGN is to be erected; and
- b) no individual SIGN shall exceed 3m/9.85ft. in height.
- c) shall not exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and
- d) No SIGN – FASCIA shall project more than 25cm/9.84in from a wall that a SIGN is affixed to.

**12.6.13** SIGNS – PORTABLE OR MOBILE are permitted for a limited time of up to one (1) year, at the discretion of the DEVELOPMENT AUTHORITY.

**12.6.14** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of 1m<sup>2</sup>/10.8sq.ft.
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

## 12.7 FORESTRY SERVICES (FS) LAND USE DISTRICT

### INTENT

The intent of the FS LAND USE DISTRICT is to accommodate municipal, provincial, and federal forestry related DEVELOPMENT.

### USES

**TABLE 12.8 PERMITTED AND DISCRETIONARY USES IN THE FS LAND USE DISTRICT**

| PERMITTED USES   | DISCRETIONARY USES   |
|--|--|
| <ul style="list-style-type: none"><li>a) <u>ACCESSORY BUILDING OR STRUCTURE</u></li><li>b) <u>EMERGENCY SERVICES FACILITY</u></li><li>c) <u>GOVERNMENT SERVICES</u></li><li>d) <u>OUTDOOR STORAGE</u></li><li>e) <u>TRANSMISSION STATION</u></li><li>f) <u>WAREHOUSE</u></li></ul> | <ul style="list-style-type: none"><li>a) <u>AGRICULTURE</u></li><li>b) <u>ALTERNATIVE ENERGY TECHNOLOGY</u></li><li>c) <u>BULK OIL, FUEL, AND CHEMICAL STORAGE</u></li><li>d) <u>CAMPGROUND</u></li><li>e) <u>INDUSTRIAL OPERATION</u></li><li>f) <u>PUBLIC USE</u></li><li>g) <u>LOGGING SERVICE</u></li><li>h) <u>LUMBER YARDS</u></li><li>i) <u>NON-PROFIT COMMUNITY SUPPORT SERVICES</u></li><li>j) <u>RECREATIONAL SERVICE - OUTDOOR</u></li><li>k) <u>RELOCATABLE INDUSTRIAL ACCOMODATION</u></li><li>l) <u>SHIPPING CONTAINER</u></li><li>m) <u>TEMPORARY BUNKHOUSE</u></li></ul> |

### SITE PROVISIONS:

Notwithstanding any provision within Section 5 of this BYLAW, any property or SITE located within the FS LAND USE DISTRICT is subject to the LOT, SITE, and BUILDING requirements as follows:

**TABLE 12.9 FS LAND USE DISTRICT LOT, SITE, AND BUILDING REQUIREMENTS**

| COMPONENT                        | ALL USES                 |
|----------------------------------|--------------------------|
| <u>YARD – FRONT</u> (minimum)    | 6m/19.6ft                |
| <u>YARD – FLANKAGE</u> (minimum) | 10m/32.8ft               |
| <u>YARD – SIDE</u> (minimum)     | 10m/32.8ft               |
| <u>YARD – REAR</u> (minimum)     | 10m/32.8ft               |
| <u>BUILDING HEIGHT</u> (maximum) | 16m/52.4ft. or 4 stories |
| <u>LOT COVERAGE</u> (maximum)    | 60%                      |

## ADDITIONAL REQUIREMENTS

- 12.7.1** DEVELOPMENTS involving more than one PRINCIPAL BUILDING on a LOT are subject to the requirements of Subsection 5.24.
- 12.7.2** All DEVELOPMENTS are subject to the requirements of Sections 5 and 6 of this BYLAW.
- 12.7.3** All DEVELOPMENT PERMIT applications must align with municipal, provincial, or federal priorities and be accompanied by a letter of endorsement from the relevant government authority, except where that government authority is the applicant.
- 12.7.4** The DEVELOPMENT AUTHORITY may issue a DEVELOPMENT PERMIT subject to such conditions as necessary to meet the purpose of this LAND USE DISTRICT.
- 12.7.5** All establishments located on a SITE bordering a highway shall be screened from the highway in a manner incorporating LANDSCAPING or BERM or both to the satisfaction of the DEVELOPMENT AUTHORITY.
- 12.7.6** Any nuisance factor generated by a DEVELOPMENT, including but not limited to:
- a) dust, fly ash or other particulate matter;
  - b) odorous gas or odorous matter; and
  - c) toxic gas or any other toxic substance;
- must be contained within an enclosed ON-SITE BUILDING.
- 12.7.7** Article 12.7.6 does not relieve against any compliance with any other standards established by any Federal, Provincial or Municipal enactments.
- 12.7.8** All driveways, ACCESSES or approaches from a street to the LOT shall be in a location acceptable to the DEVELOPMENT AUTHORITY. The driveway, ACCESS and approach shall have a steel culvert to enable satisfactory ditch drainage and be HARD-SURFACED unless otherwise approved by the DEVELOPMENT AUTHORITY.

## DISCRETIONARY USE CRITERIA AND CONSIDERATIONS

- 12.7.9** When assessing a DISCRETIONARY USE within this LAND USE DISTRICT, the DEVELOPMENT AUTHORITY shall require the applicant to demonstrate that any potential impacts of the activity shall not adversely affect surrounding USES. Matters that shall be addressed in the application may include, but is not limited to, the potential impacts of noise, hours of operation, traffic generation and visual appearance of the SITE and STRUCTURES.
- 12.7.10** The DEVELOPMENT AUTHORITY may impose conditions on DISCRETIONARY USES that avoid, remedy or mitigate any impacts, including monitoring conditions to confirm compliance.

## SIGNAGE REQUIREMENTS

- 12.7.11** SIGNS – FREESTANDING or SIGNS – DIRECTORY are permitted provided that:
- a) no SIGN shall exceed a maximum height of 10m/32.8ft.;

- b) no SIGN – FREESTANDING or SIGN – DIRECTORY shall have SIGNAGE that exceeds:
- e. 6m<sup>2</sup>/64.5sq.ft in SIGN AREA per SIGN FACE for a one or two business BUILDINGS;
  - f. 8.75m<sup>2</sup>/94.1sq.ft. in SIGN AREA per SIGN FACE for a three (3) business BUILDINGS;
  - g. 11.5m<sup>2</sup>/123.7sq.ft. per SIGN FACE in SIGN AREA for a four (4) business BUILDINGS; and
  - h. 14.25m<sup>2</sup>/153.3sq.ft. in SIGN AREA per SIGN FACE for a five (5) or more business

**12.7.12** SIGNS – PROJECTING are permitted provided that:

- a) no SIGN shall exceed a maximum size of 6m<sup>2</sup>/64.5sq.ft. in SIGN AREA;
- b) no SIGN shall project more than 1m/3.2ft. from the BUILDING wall;
- c) there shall be a maximum of one SIGN – PROJECTING per business on a property; and
- d) no SIGN shall project more than 30cm/11.8in above the roof of a BUILDING.

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- a) SIGNAGE does not exceed 12% of the total surface area of the BUILDING face where the SIGN is to be erected; and
- b) no individual SIGN shall exceed 3m/9.85ft. in height.
- c) shall not exceed the length of the wall of the BUILDING upon which the SIGN is to be displayed; and
- d) No SIGN – FASCIA shall project more than 25cm/9.84in from a wall that a SIGN is affixed to.

**12.7.14** SIGNS – PORTABLE OR MOBILE are permitted for a limited time of up to one (1) year, at the discretion of the DEVELOPMENT AUTHORITY.

**12.7.15** SIGNS – SANDWICH are permitted provided that the SIGN shall:

- a) not exceed a single SIGN FACE area of 1m<sup>2</sup>/10.7sq.ft;
- b) no more than one SIGN – SANDWICH is provided per LOT;
- c) it is not located within the required SIGHT TRIANGLE; and
- d) it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.



# APPENDIX 1

# MAPS

Map 1



## Land Use Districts Map

Amendments current to

May 26 2025

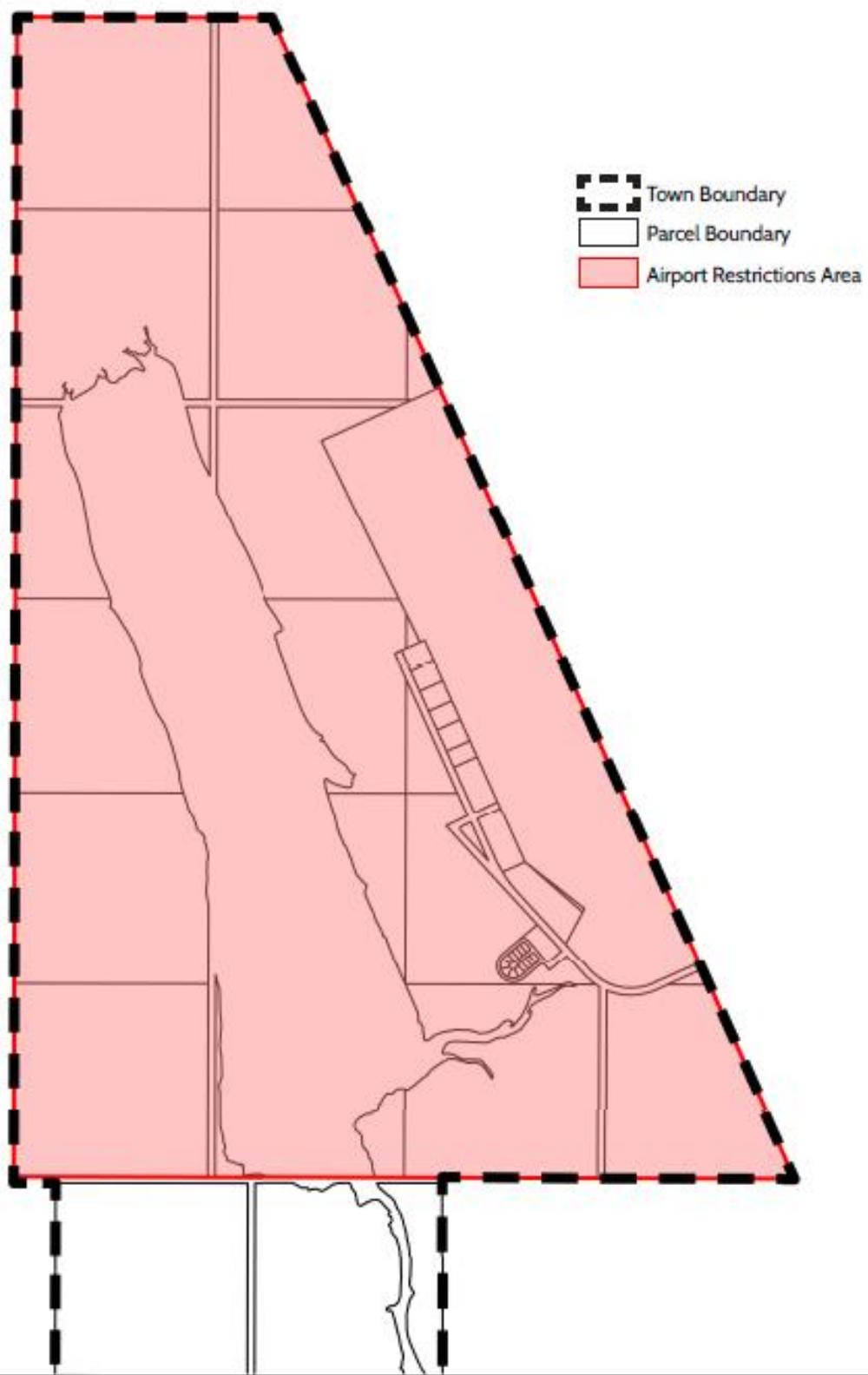
This map has been provided for convenience only. For accurate zoning of individual properties contact the Planning & Development department.



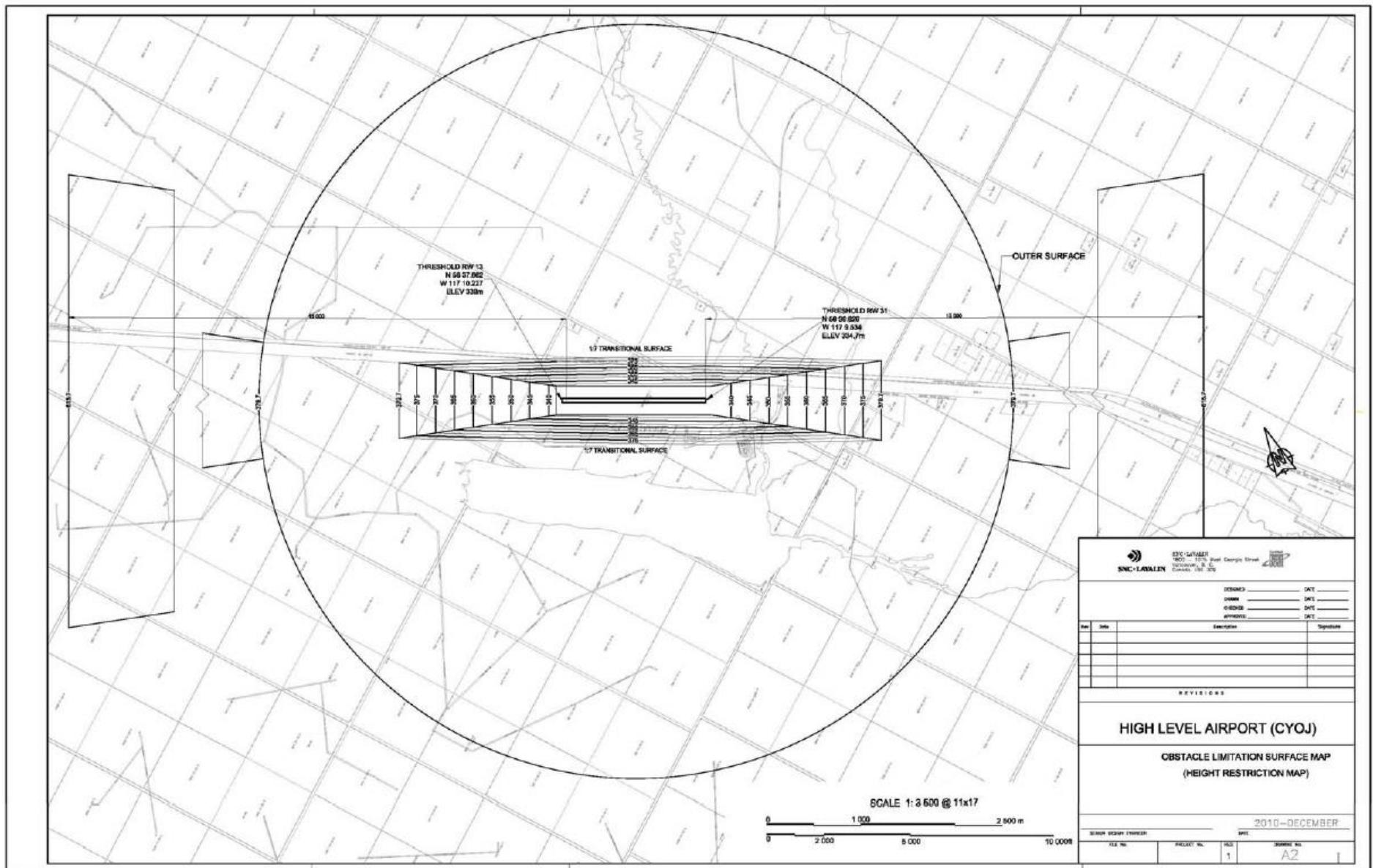
|               |                                |
|---------------|--------------------------------|
| [Dashed Line] | Town Boundary                  |
| [Yellow]      | R-1 Low Density Residential    |
| [Orange]      | R-2 Medium Density Residential |
| [Dark Orange] | R-3 High Density Residential   |
| [Red]         | R-4 Manufactured Home          |
| [Dark Red]    | C-1 Downtown Commercial        |
| [Orange]      | C-3 Highway Commercial         |
| [Grey]        | IND Industrial                 |
| [Blue]        | AP Airport                     |
| [Light Green] | A Agriculture                  |
| [Dark Green]  | P Parks                        |
| [Dark Green]  | FS Forestry Services           |
| [Dark Green]  | R Reserve                      |
| [Purple]      | CU Community Use               |
| [Pink]        | DC Direct Control              |

Map 2

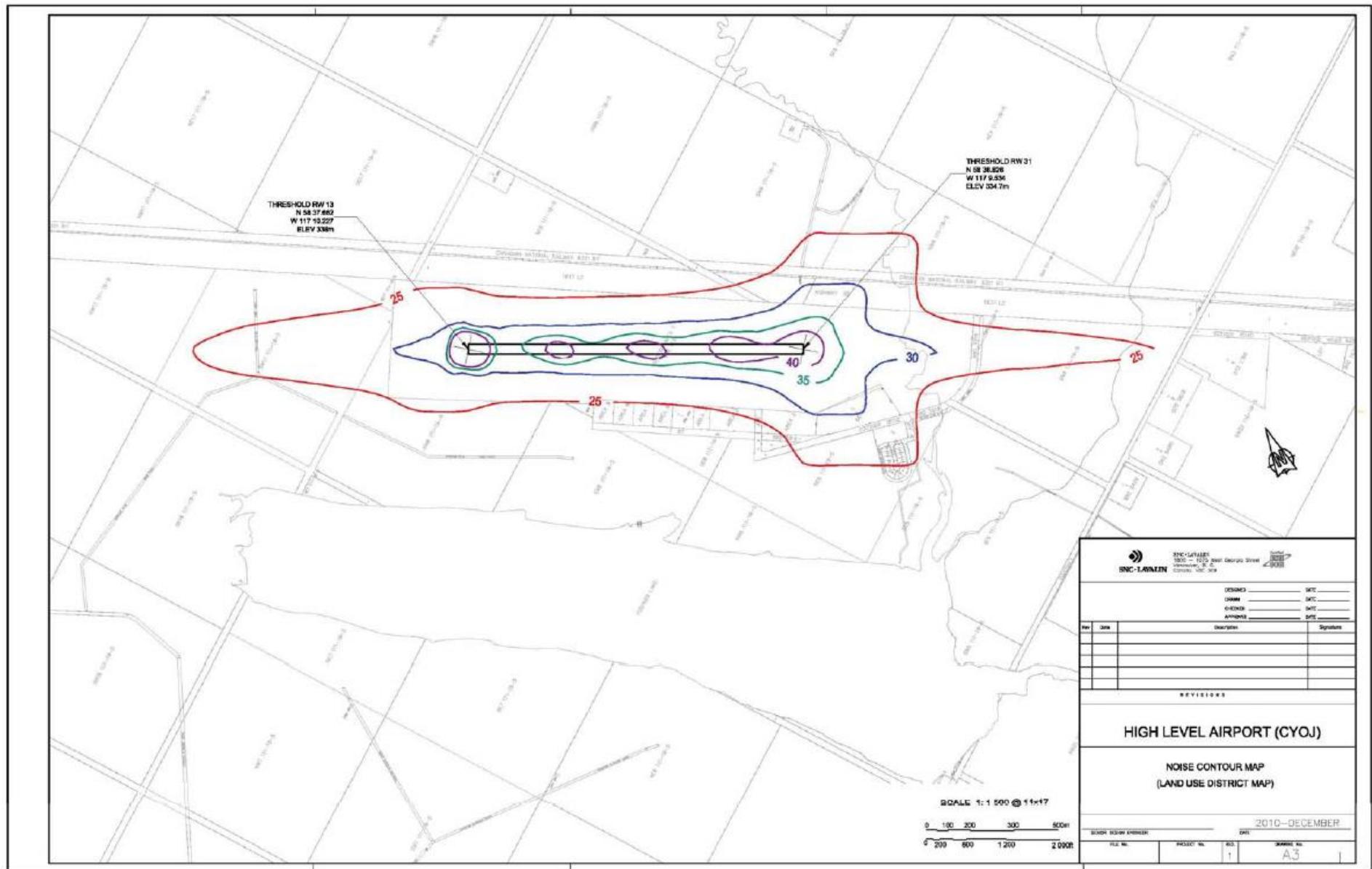
## Airport Restrictions Area



Map 3



Map 4





## APPENDIX 2

# FIGURES

FIGURE 1

# BERMS

A BERM is an elongated mound of earth a minimum of 1m / 3.2ft. in height above the FINISHED GRADE designed to provide SCREENING or noise attenuation within a DEVELOPMENT or between adjacent DEVELOPMENTS.



FIGURE 2

# BOULEVARDS

A BOULEVARD is the portion of land located within a PUBLIC ROADWAY between the vehicular portion of the road and the abutting LOT LINE, but does not include the area used for a sidewalk or trail.

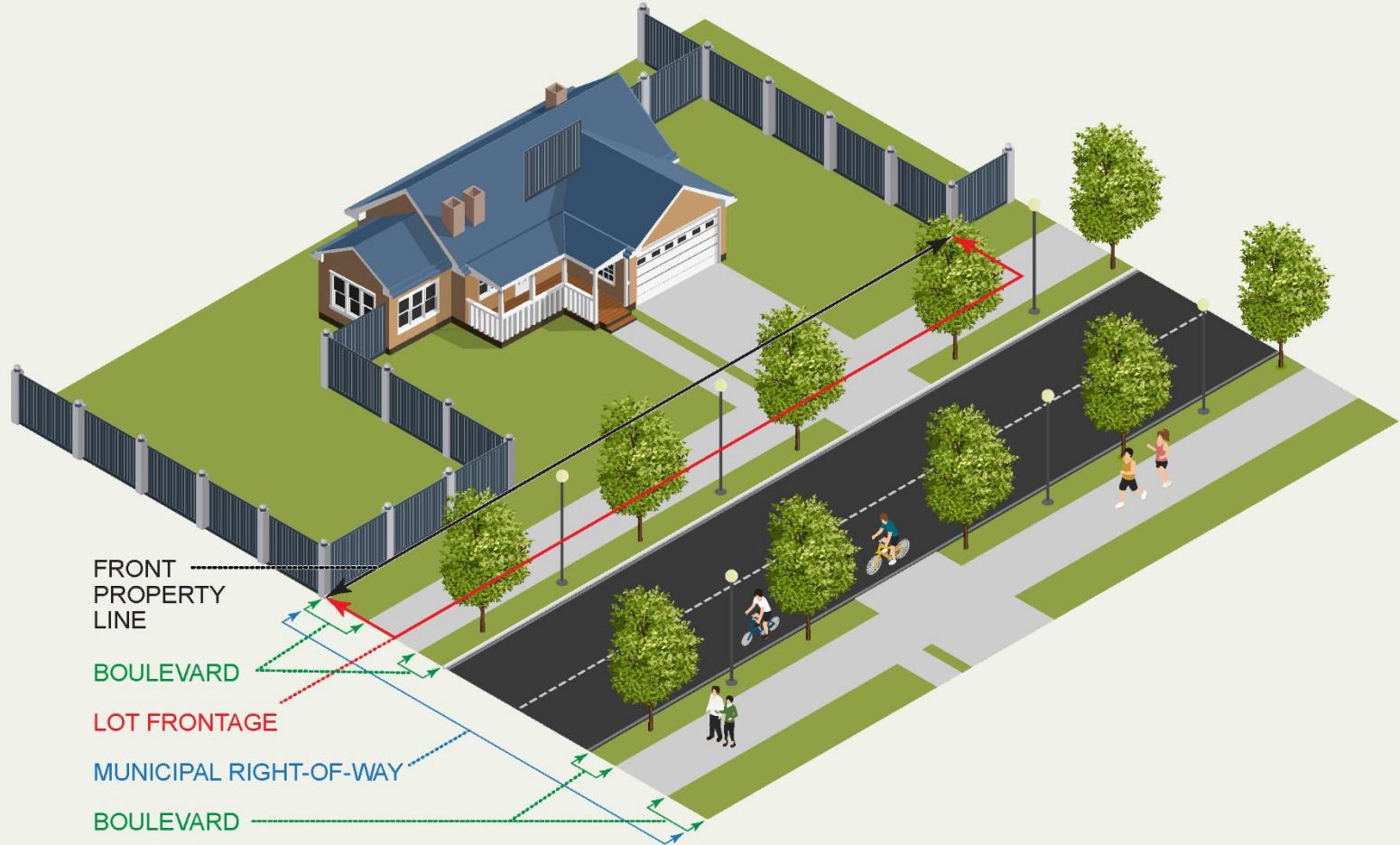


FIGURE 3

# BUFFERS

A BUFFER is a row of trees, shrubs, BERM, architectural devices, walls, fences, other landscape features, or a combination thereof used to provide visual SCREENING and separation between SITES or LAND USE DISTRICTS.

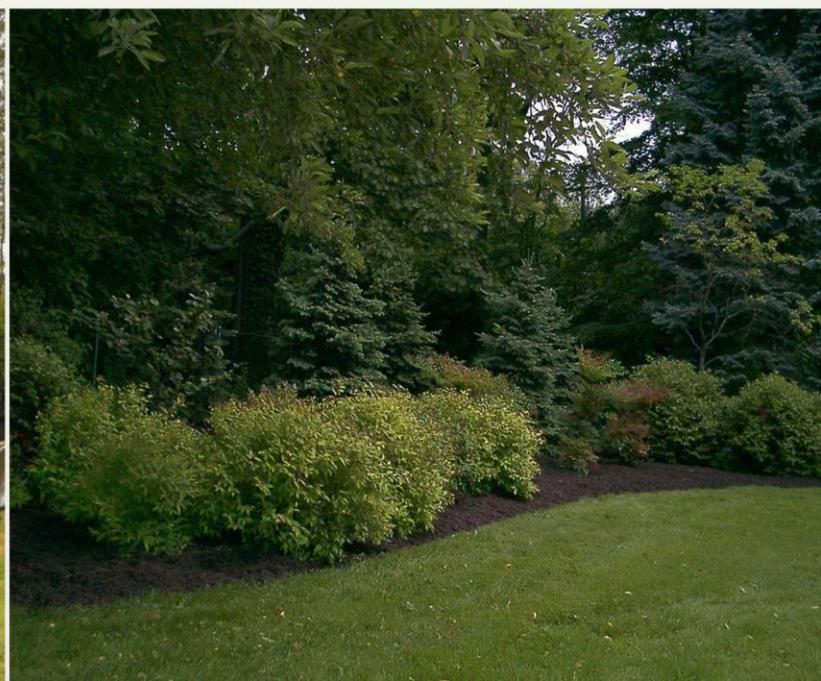
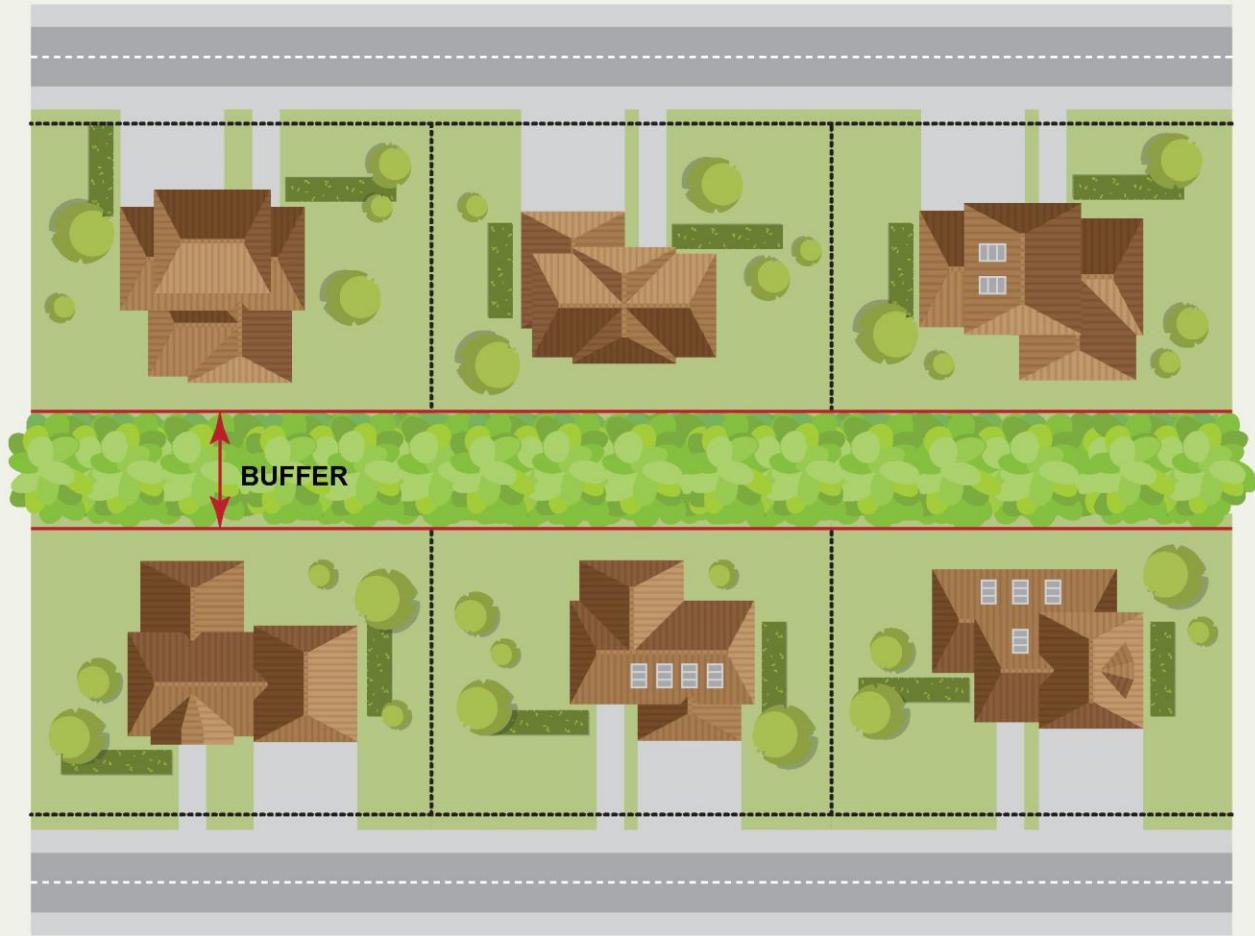


FIGURE 4

# BUILDING HEIGHT AND FINISHED GRADE

**BUILDING HEIGHT** is the vertical distance measured from the highest **FINISHED GRADE**, along any wall of a **BUILDING** and/or **STRUCTURE** facing a street, to the highest point of the **BUILDING** and/or **STRUCTURE**.

**FINISHED GRADE** is the elevation of the ground at the exterior of a **BUILDING** when the construction of the **BUILDING** and **LANDSCAPING** are complete, which may be shown in an approved plan. On a property with **LOT FRONTRAGE** on two (2) or more streets, the highest **FINISHED GRADE** shall be taken from the wall featuring the principle entrance to the **BUILDING**.

**BUILDING HEIGHT** shall include any accessory roof construction such as mechanical housing, elevator housing, roof stairway entrance, ventilating fan, skylight, flagpole, parapet wall, chimney, steeple or similar feature not structurally essential to the **BUILDING**, and does not include **SIGNS** or communications structures.

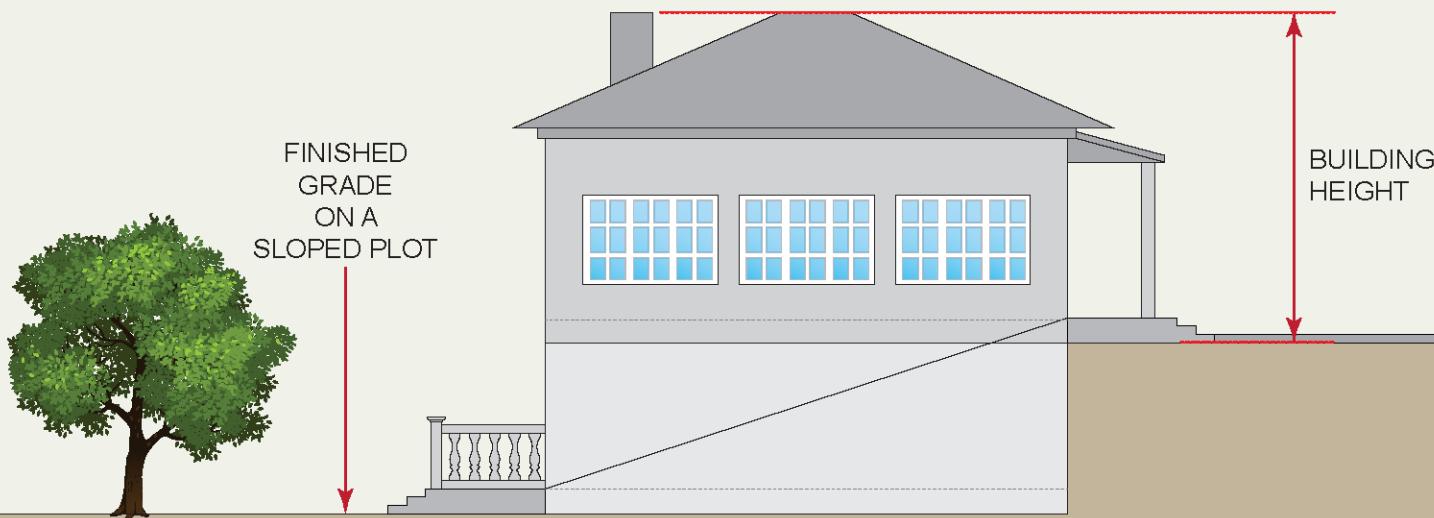
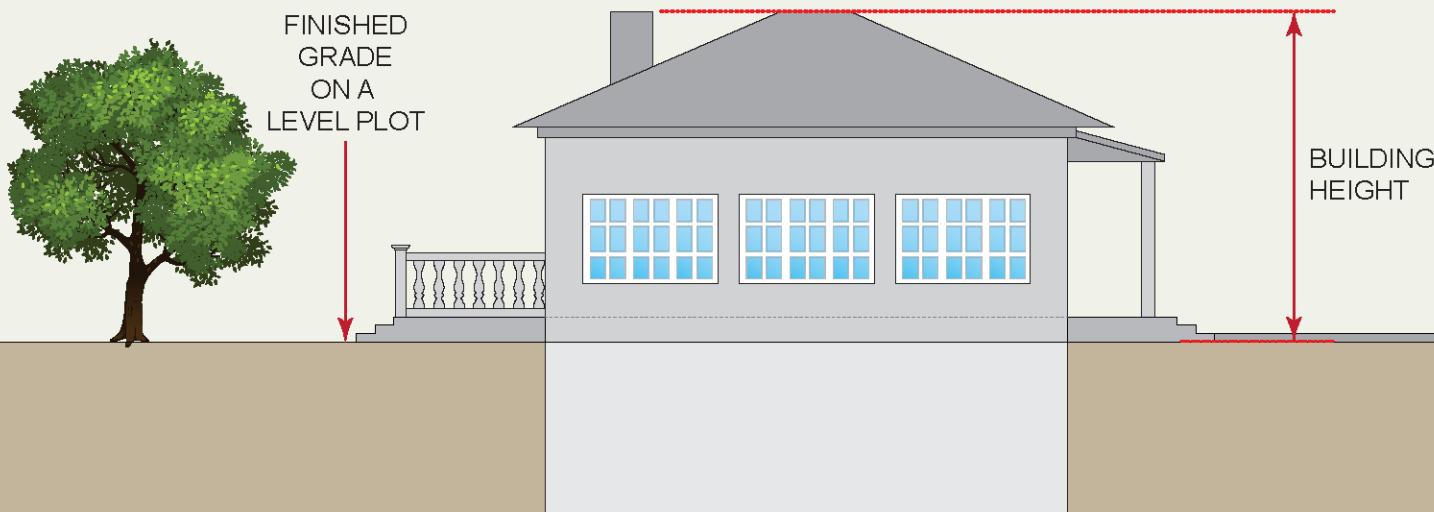


FIGURE 5

# CARPORTS AND GARAGES

A CARPORT (below, left) is a roofed STRUCTURE attached to a DWELLING UNIT that is designed for the PARKING and storage of MOTOR VEHICLES, which is open on at least two (2) sides providing unobstructed ACCESS to the YARD – REAR.



A GARAGE is an ACCESSORY BUILDING or part of a PRINCIPAL BUILDING, designed and used primarily for the storage of MOTOR VEHICLES. A GARAGE shall not be used for commercial activities or human habitation.

A GARAGE – ATTACHED (above, right) is a GARAGE attached to a PRINCIPAL BUILDING. A GARAGE – DETACHED (below, left) is a GARAGE that is not part of a PRINCIPAL BUILDING. A GARAGE – PORTABLE OR TEMPORARY (below, right) is a GARAGE that is designed to be collapsible in nature.



FIGURE 6

# FLOOR AREA

FLOOR AREA is the area of an individual STOREY or BASEMENT of a BUILDING and/or STRUCTURE measured from the outside surface of the exterior walls.



FLOOR AREA does not include the area used for a mechanical room, stairwells, air handling equipment, garbage storage, electrical room, GARAGE – ATTACHED and car PARKING areas.

FLOOR AREA – GROSS is the combined FLOOR AREA of all STOREYS of a BUILDING, excluding BASEMENT FLOOR AREA.

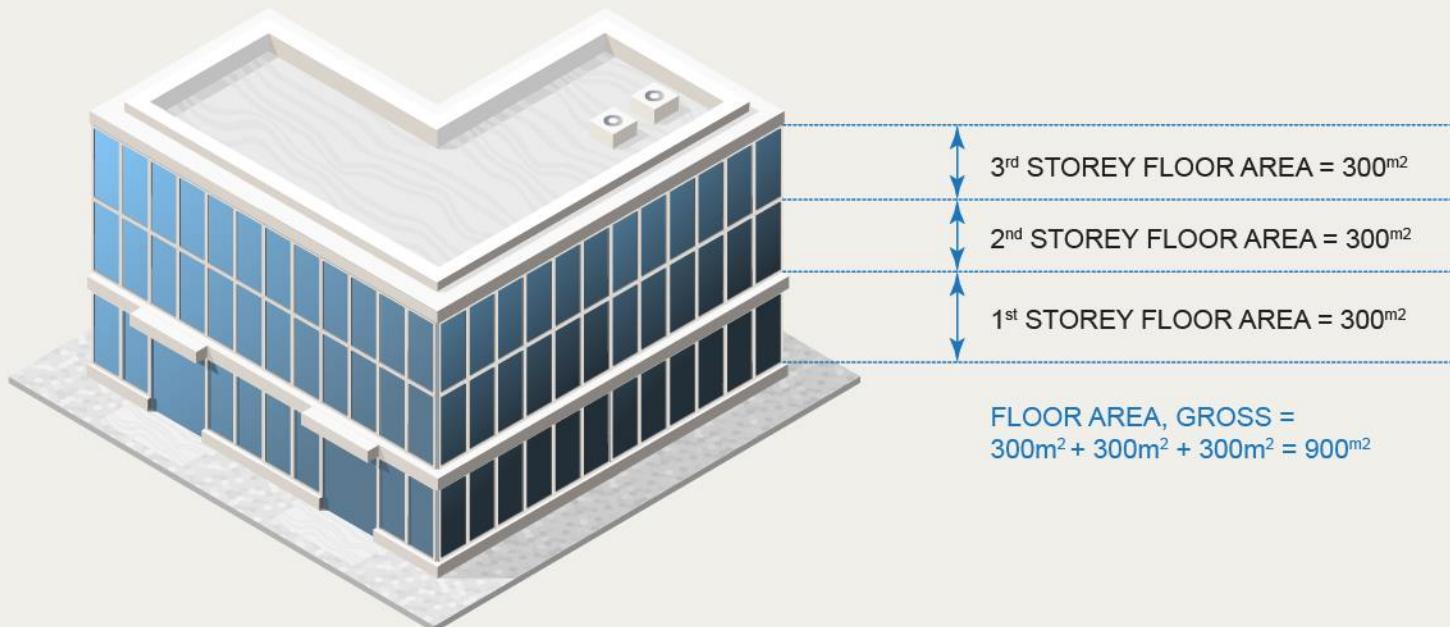


FIGURE 7

# GROUND FLOOR AND STOREYS

A GROUND FLOOR is the lowest STOREY of a BUILDING, and is located at or near FINISHED GRADE. A walk-out BASEMENT does not constitute a GROUND FLOOR.

A STOREY is a complete horizontal section of a BUILDING, having one (1) continuous or practically continuous floor, with all the rooms on the same level. A BASEMENT does not constitute a STOREY.

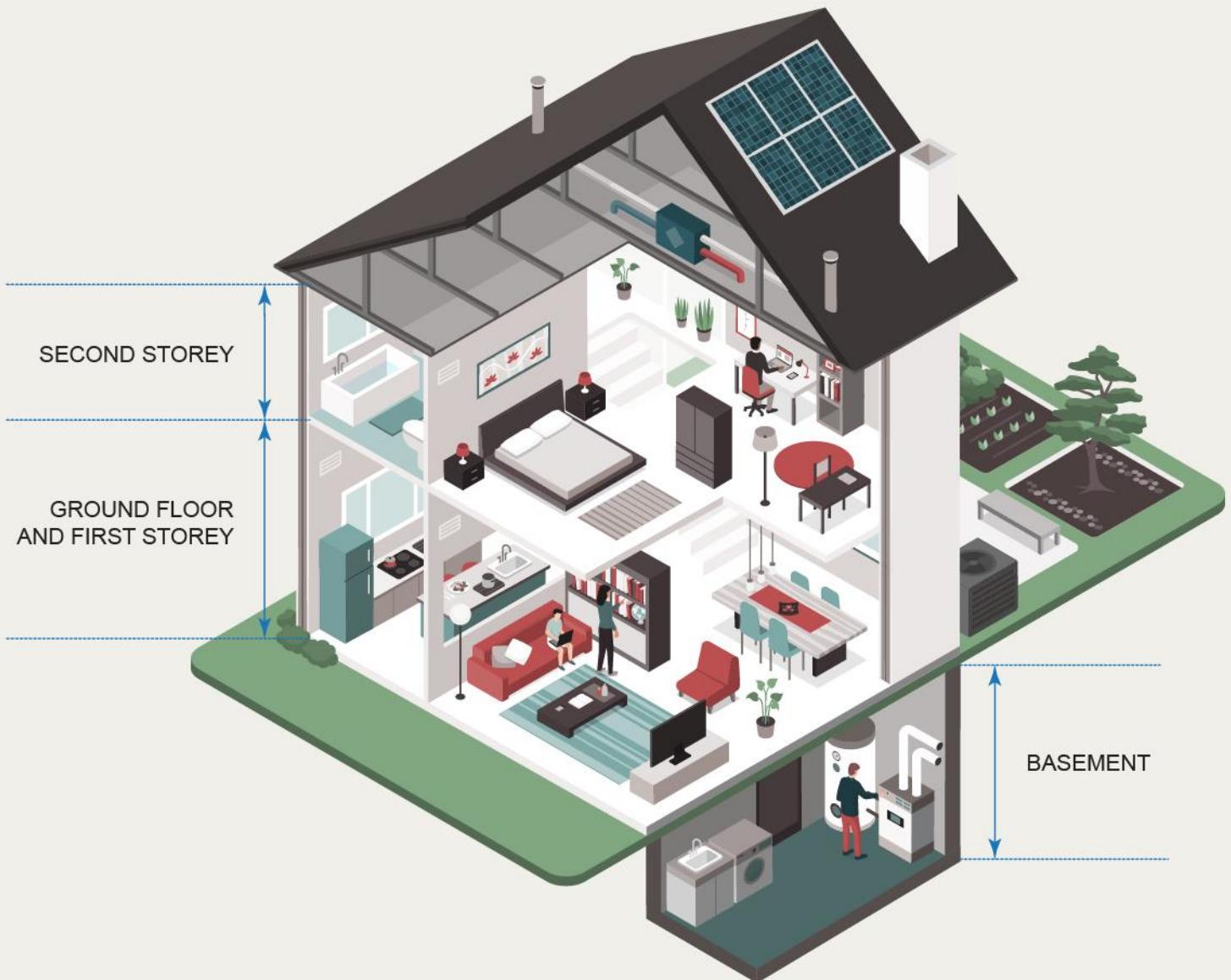


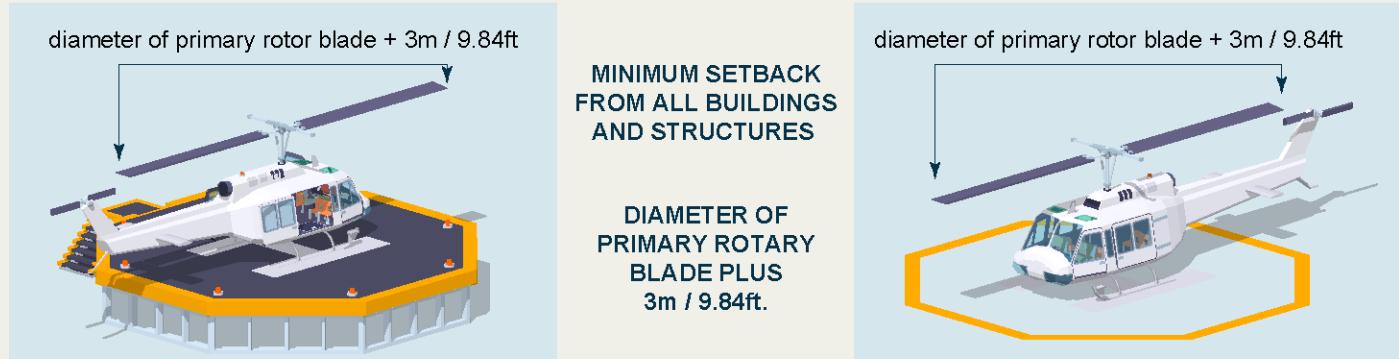
FIGURE 8

# HELICOPTER LANDING PADS

A designated landing area or platform for helicopters, which may be located on a roof, at or elevated above FINISHED GRADE.

## REGARDING ALL COMMUNITY USE AND [SELECT] INDUSTRIAL LAND USE DISTRICTS

| PREVIOUSLY CONSIDERED   | NOW CONSIDERED  |
|---|---|
| Community Use Land Use District, Discretionary Uses:<br>Helicopter Landing Pad. | Community Use Land Use District, Discretionary Uses:<br>Helicopter Landing Pad. |
| None  | Industrial Land Use District, Discretionary Uses:<br>Helicopter Landing Pad.    |



| PREVIOUS GUIDELINES | NEW GUIDELINES  |
|---------------------|---|
| None                | HELICOPTER LANDING PADS require a DEVELOPMENT PERMIT.   |
| None                | HELICOPTER LANDING PADS will be considered a Discretionary Use on all parcels within a Community Use LAND USE DISTRICT.   |
| None                | HELICOPTER LANDING PADS will be considered a Discretionary Use in the Industrial LAND USE DISTRICT, only within select PARCELS - see Article 5.27.3 of the BYLAW for the more information.                    |
| None                | The specifications and design elements of all HELICOPTER LANDING PADS must meet and maintain the minimum requirements as established by the <i>Canadian Aviation Regulations</i> .                            |
| None                | The minimum setback from all buildings and structures for HELICOPTER LANDING PADS shall be the diameter of the helicopter's primary rotor blade, plus 3m / 9.84 ft.   |
| None                | The minimum setback from all LOT LINE – FRONT for HELICOPTER LANDING PADS shall be 20m / 65.61ft., with a minimum SETBACK of 10m / 32ft. from all LOT LINE – SIDES.   |
| None                | All proposed operations must conform to mandatory <i>Canadian Aviation Regulations</i> and function in a manner that mitigates potential noise, dust and nusinace issues that may affect adjacent landowners. |

FIGURE 9

# LANES

A LANE is a PUBLIC ROADWAY, not exceeding 9.1m / 29.8ft. in width, which provides a secondary means of ACCESS to a LOT.

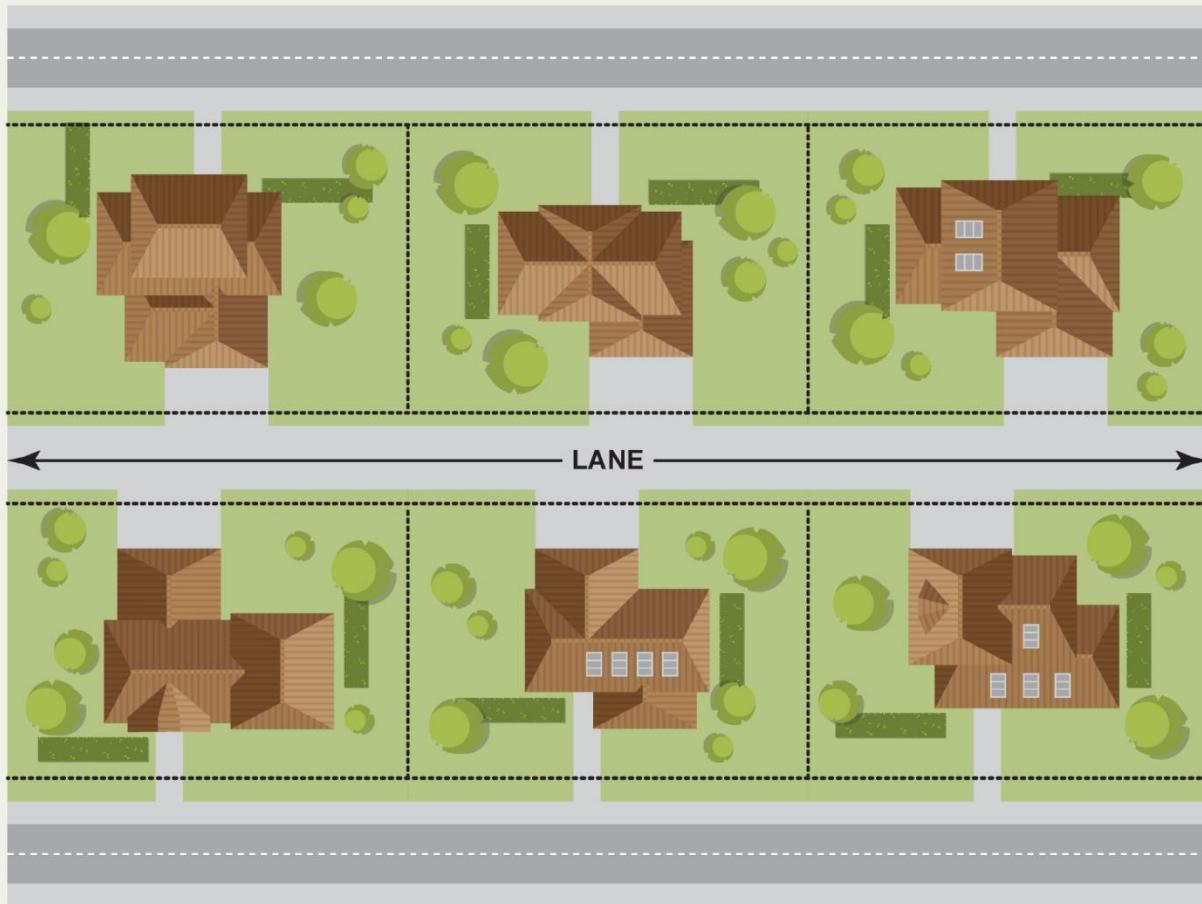


FIGURE 10

# LOT CORNER AND LOT THROUGHS

A LOT CORNER is a LOT located at the intersection of two (2) or more PUBLIC ROADWAYS.



A LOT – THROUGH is any LOT other than a LOT CORNER having an ACCESS on two (2) streets.

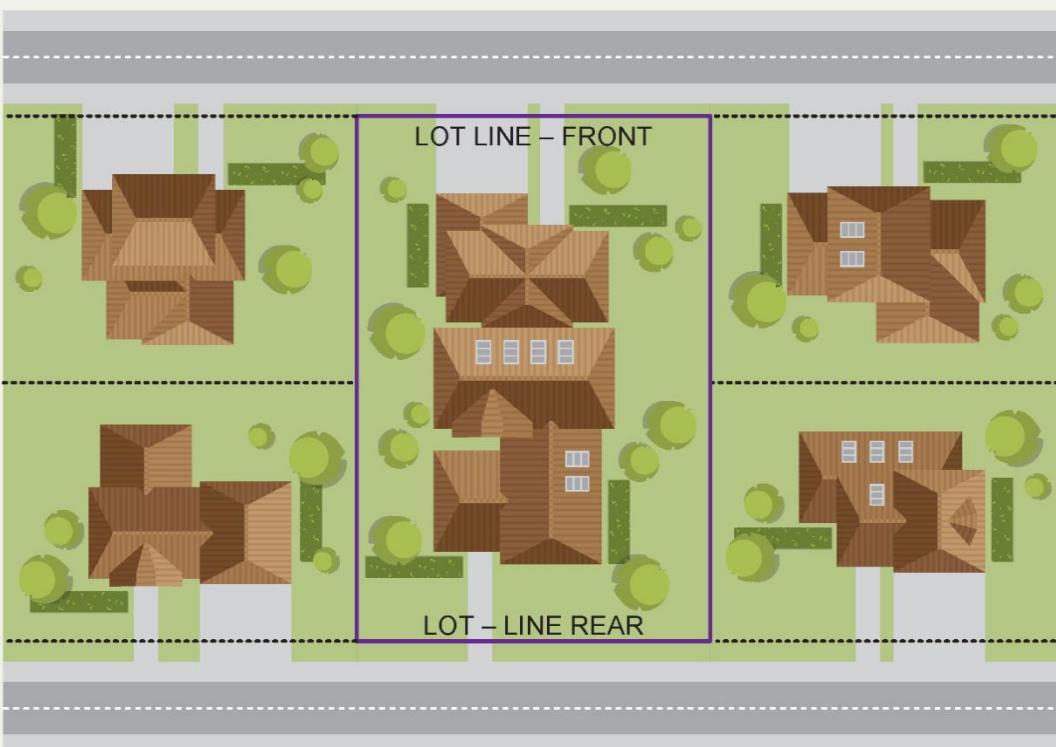


FIGURE 11

# LOT DEPTH, LOT WIDTH AND LOT FRONTAGE

LOT DEPTH is the distance between the mid point of the LOT LINE – FRONT and the mid point of the LOT LINE – REAR.

LOT FRONTAGE is the length of the LOT LINE – FRONT abutting a PUBLIC ROADWAY. In the case of LOT CORNER, both the LOT LINE – FRONT and LOT LINE – FLANKAGE are considered to have LOT FRONTAGE.

LOT WIDTH is the average horizontal distance between the LOT LINE – SIDES as determined by the DEVELOPMENT AUTHORITY. In the case of LOT CORNER, LOT WIDTH means the average horizontal distance between the LOT LINE – SIDE and the LOT LINE – FLANKAGE.

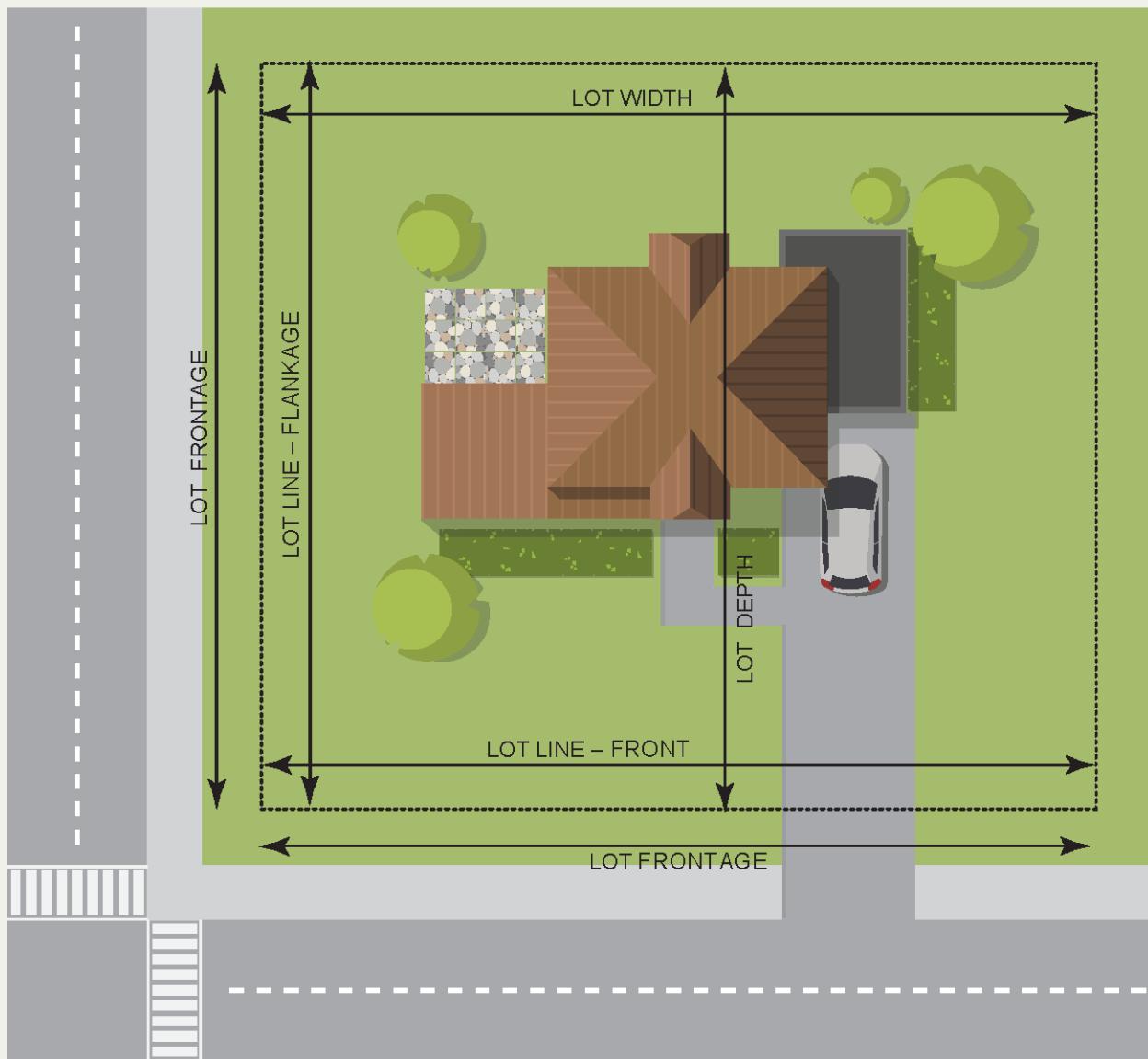


FIGURE 12

# LOT LINE – FLANKAGE, LOT LINE – FRONT, LOT LINE – REAR AND LOT LINE – SIDE

LOT LINES are the legally defined boundary of a LOT. A LOT LINE – FLANKAGE, in the case of a LOT CORNER, is the longest LOT LINE that abuts a PUBLIC ROADWAY, other than a LANE.

A LOT LINE – FRONT is the boundary dividing the LOT from an abutting PUBLIC ROADWAY, other than a LANE. In the case of a LOT CORNER, the shortest LOT LINE that abuts a PUBLIC ROADWAY, other than a LANE shall be the LOT LINE – FRONT.

A LOT LINE – REAR is the LOT LINE that is opposite to the LOT LINE – FRONT.

A LOT LINE – SIDE is the LOT LINE other than the LOT LINE – FRONT or LOT LINE – REAR.

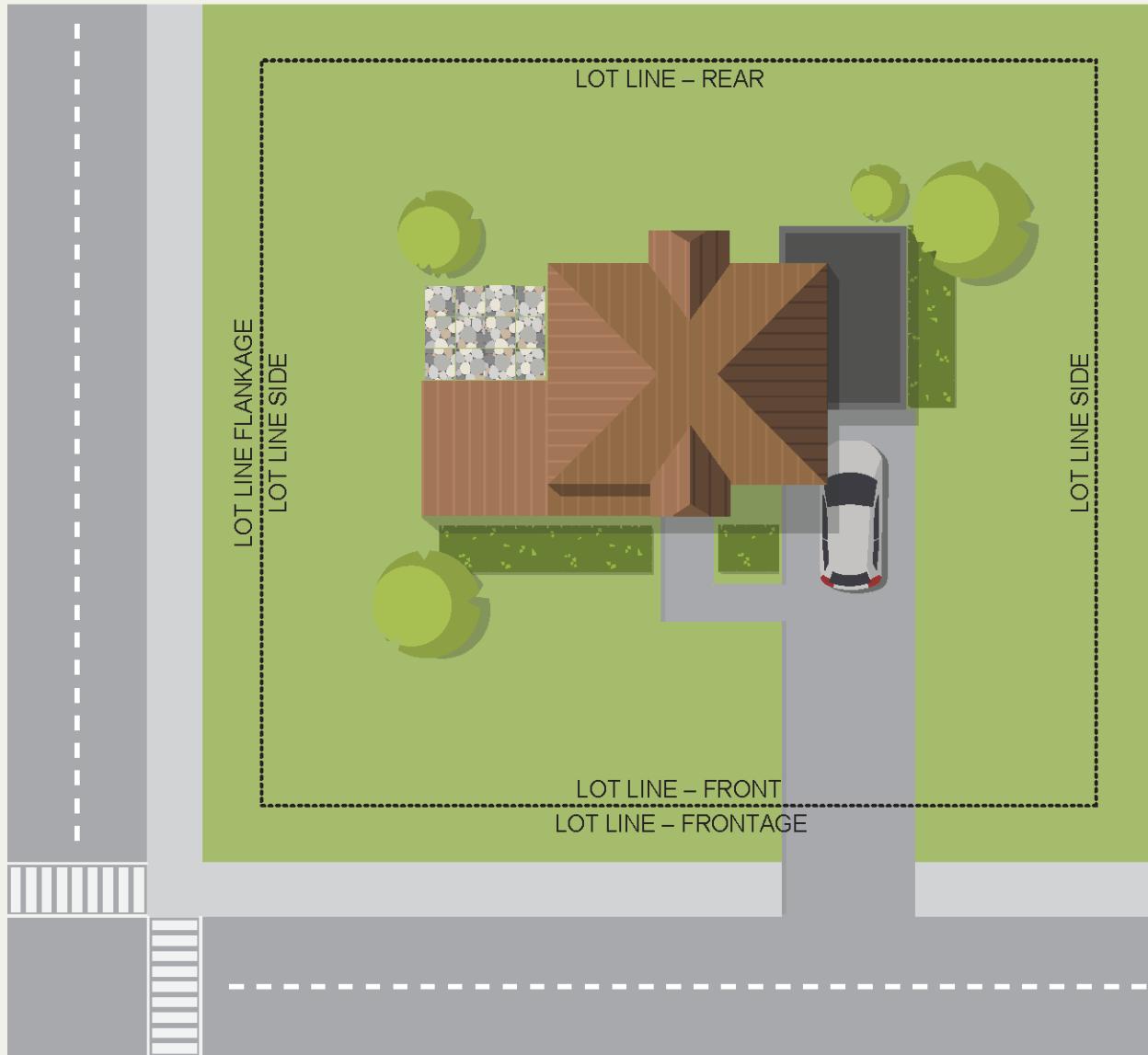


FIGURE 13

# MANUFACTURED HOMES MOBILE AND MANUFACTURED HOMES MODULAR

A MANUFACTURED HOME – MOBILE is a DWELLING UNIT, whether originally equipped with a heavy transport chassis, a hitch and wheel assembly or not, that is manufactured in a controlled environment that conforms to CSA-Z240 of the *National Building Code – Alberta Edition*, is transported from one place to another as a single unit, or in two (2) sections if a double-wide unit. A MANUFACTURED HOME – MOBILE does not require a PERMANENT FOUNDATION, can be anchored on a concrete or wood block foundation, and does not include a MANUFACTURED HOME – MODULAR or MANUFACTURED HOME – READY TO MOVE.



A MANUFACTURED HOME – MODULAR is a single detached DWELLING UNIT that is manufactured in a controlled environment, which conforms to CSA-A277 of the *National Building Code – Alberta Edition* at the time of manufacture, is transported and assembled on a PARCEL in one or more sections. MANUFACTURED HOME – MODULAR does not have a chassis, a hitch or wheel assembly, and the sections may be stacked vertically or placed side-by-side.

MANUFACTURED HOME – MODULAR must be placed upon a PERMANENT FOUNDATION, includes MANUFACTURED HOME – READY TO MOVE, but does not include DWELLING SINGLE DETACHED, DWELLING – DUPLEX or MANUFACTURED HOME – MOBILE.



FIGURE 14

# PARTY WALLS

A PARTY WALL (dotted lines, below) is a wall separating a DWELLING – DUPLEX or DWELLING – TOWNHOUSE above and/or below grade, that is jointly owned and used by two (2) separate parties under an EASEMENT or PARTY WALL agreement, or by a right in law, and erected at or upon a line separating two (2) PARCELS of land each of which is, or capable of being, a separate real-estate entity.



FIGURE 15

# RETAINING WALLS

A RETAINING WALL is a STRUCTURE designed to support and retain any material (usually earth) on a SITE.



FIGURE 16

# SHIPPING CONTAINERS

A SHIPPING CONTAINER is a steel SHIPPING CONTAINER for ACCESSORY USE to the PRINCIPAL BUILDING.



FIGURE 17

# SIGHT TRIANGLE

A SIGHT TRIANGLE is a triangular area formed at the intersection of two PUBLIC ROADWAYS, including LANES, designed to maintain clear and unobstructed sightlines for drivers and pedestrians. No fence, vegetation, SIGN, BUILDING, or other obstruction exceeding a specified height may be located within this area.

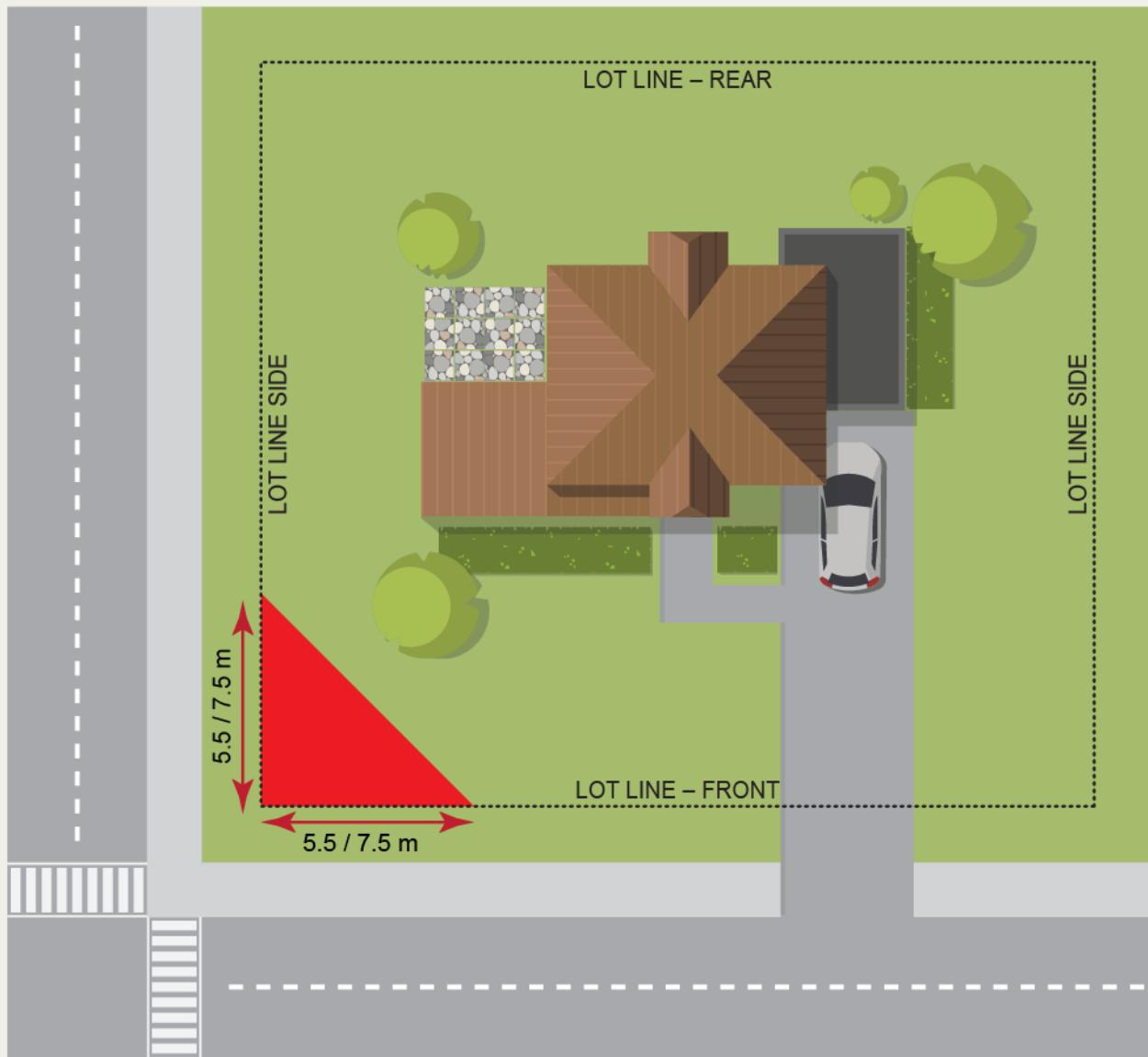


FIGURE 18

# SIGNS

A SIGN OR SIGNAGE is an object, STRUCTURE or device used for the purpose of identification or advertising, or to call attention to any person, matter or event, or to provide direction.



SIGN – BILLBOARD



SIGN – CANOPY



SIGN – DIRECTORY



SIGNS – FASCIA



SIGN – FREESTANDING



SIGN – ILLUMINATED



SIGNS – PORTABLE OR MOBILE



SIGN – PROJECTING



SIGN – ROOF



SIGN – SANDWICH

FIGURE 19

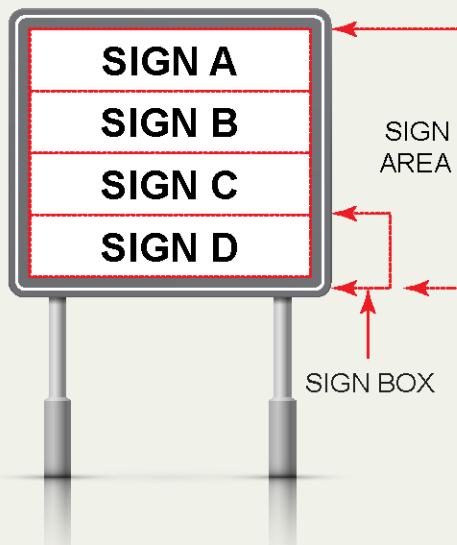
# SIGN AREA

SIGN AREA is the total visible surface area of the SIGN. In the case of SIGN – FASCIA with individual lettering, the sum of the combined areas of each individual letter is the total SIGN AREA.



**SHOWROOM**

SIGN AREA = AREA OF INDIVIDUAL LETTERS: S+H+O+O+W+R+O+O+M



SIGN AREA =  
AREA OF SIGN A +  
AREA OF SIGN B +  
AREA OF SIGN C +  
AREA OF SIGN D

FIGURE 20

# YARD – FLANKAGE, YARD – FRONT, YARD – REAR AND YARD – SIDE



YARD – FLANKAGE is a YARD – SIDE abutting the road of a LOT CORNER. YARD – FLANKAGE is determined by the horizontal dimension measured from a LOT LINE – FLANKAGE at a right angle to the nearest point of a wall of any BUILDING and/or STRUCTURE on the LOT.

YARD – REAR is a yard extending across the full width of a SITE from the LOT LINE – REAR to the nearest point on the exterior of any BUILDING and/or STRUCTURE situated on the SITE, measured at right angles to the LOT LINE – REAR.



YARD – FRONT is a yard extending across the full width of a SITE from the LOT LINE – FRONT to the nearest point on the exterior of any BUILDING and/or STRUCTURE situated on the LOT measured at right angles to the LOT LINE – FRONT.

YARD – SIDE is the horizontal dimension measured from a LOT LINE – SIDE at a right angle to the nearest point of a wall of any BUILDING and/or STRUCTURE on the LOT.



FIGURE 21

# BOULEVARD LANDSCAPING

An applicant whose DEVELOPMENT involves the creation of a new ACCESS within the PUBLIC RIGHT-OF-WAY, shall be responsible for the construction or replacement of a BOULEVARD.



All applications for LANDSCAPING of a BOULEVARD are subject to the specified conditions of an approved DEVELOPMENT PERMIT, or a DEVELOPMENT AGREEMENT that will specify all mandatory design elements.



FIGURE 22

# PARKING LOT LANDSCAPING

Any PARKING LOT abutting a public street, park or residential land-use shall be separated by a 2m / 6.5ft. landscaped BUFFER. The DEVELOPMENT AUTHORITY may also consider an opaque wooden fence as an alternative to a landscaped BUFFER.

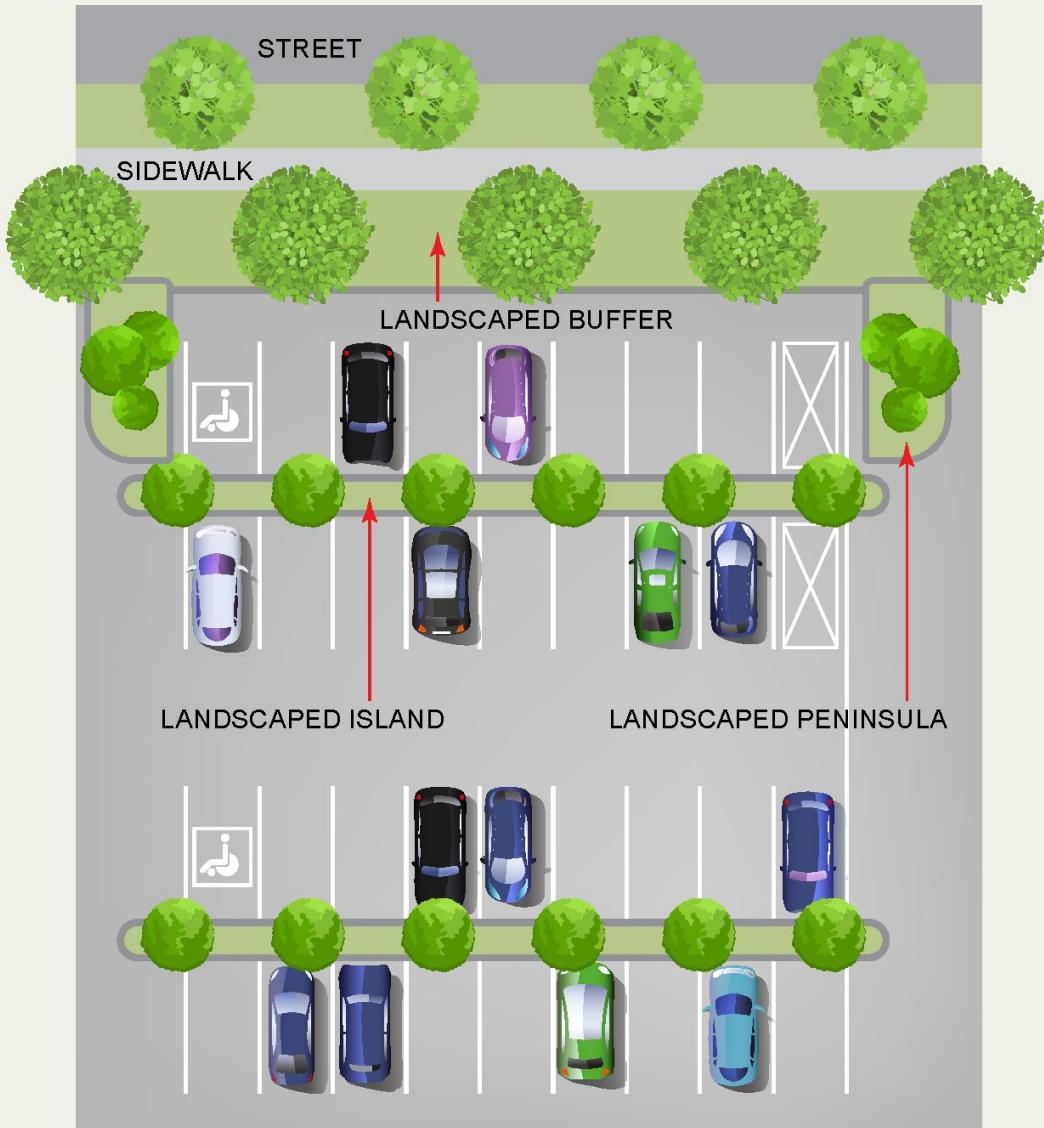


FIGURE 23

# USING BERMS AS LANDSCAPED BUFFERS



An example of a vegetative BERM as a landscaped BUFFER:



FIGURE 24

# GARBAGE STORAGE

Garbage storage within Commercial and Industrial LAND USE DISTRICTS, or as part of a MANUFACTURED HOME – MOBILE COMMUNITY shall be fully screened, not be located within any residential minimum yard, and not have garbage piled higher than the fence designed to screen it.

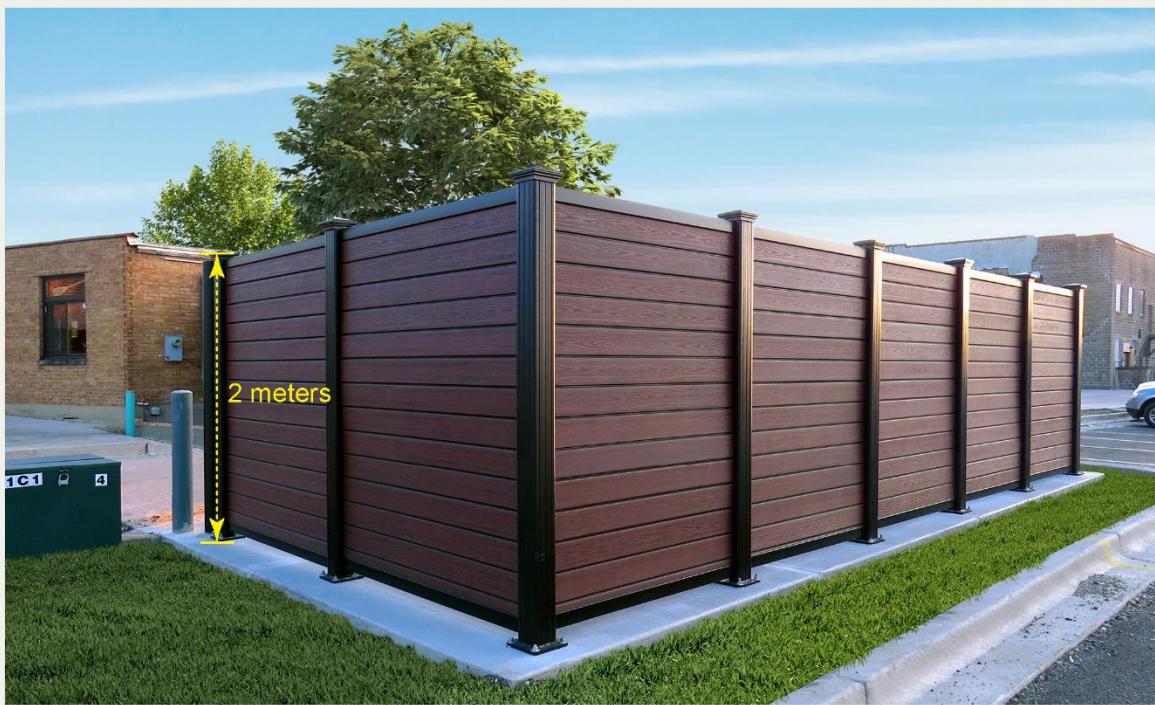


FIGURE 25

# PARKING STALL AND AISLE EXPLANATION

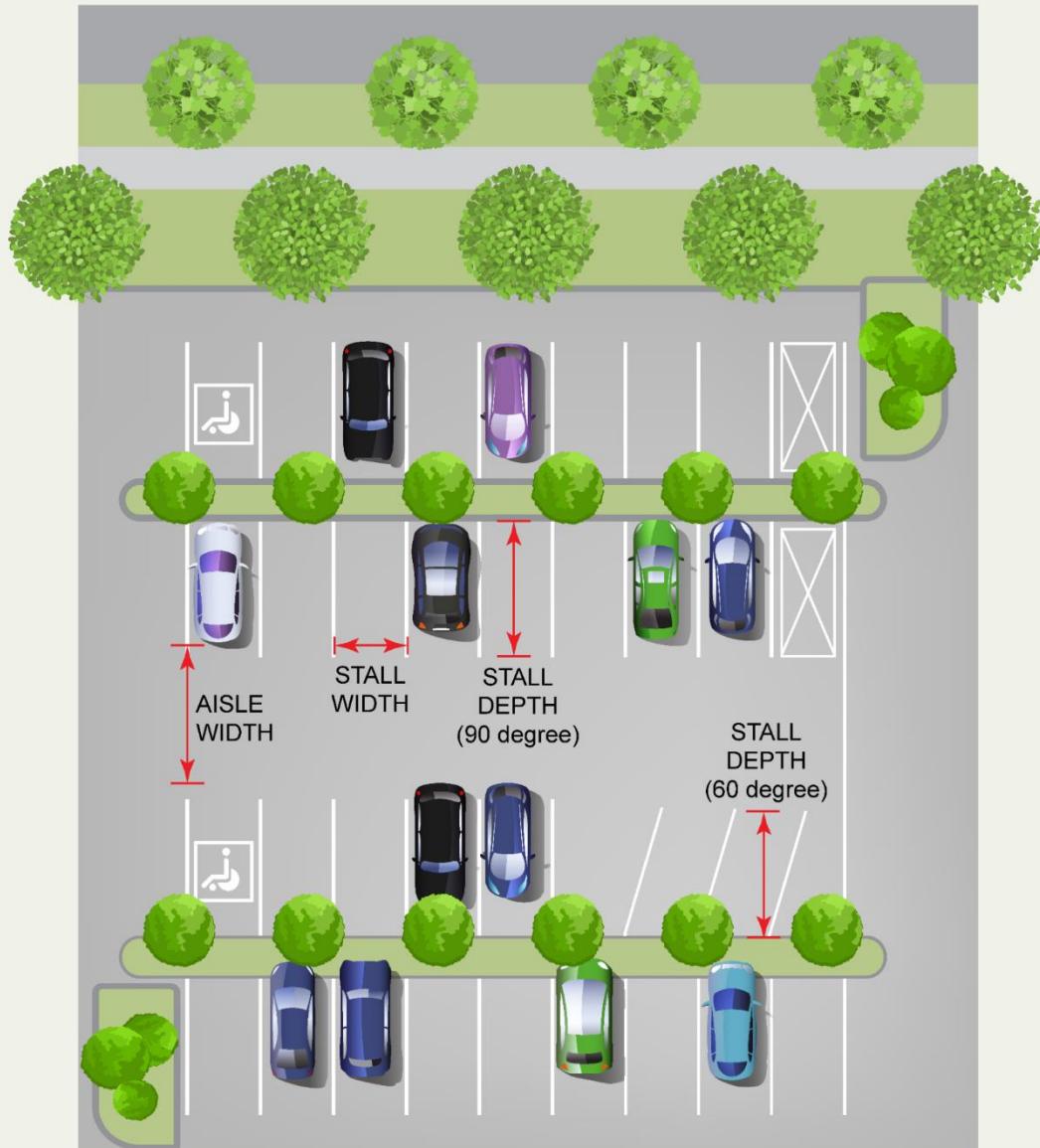
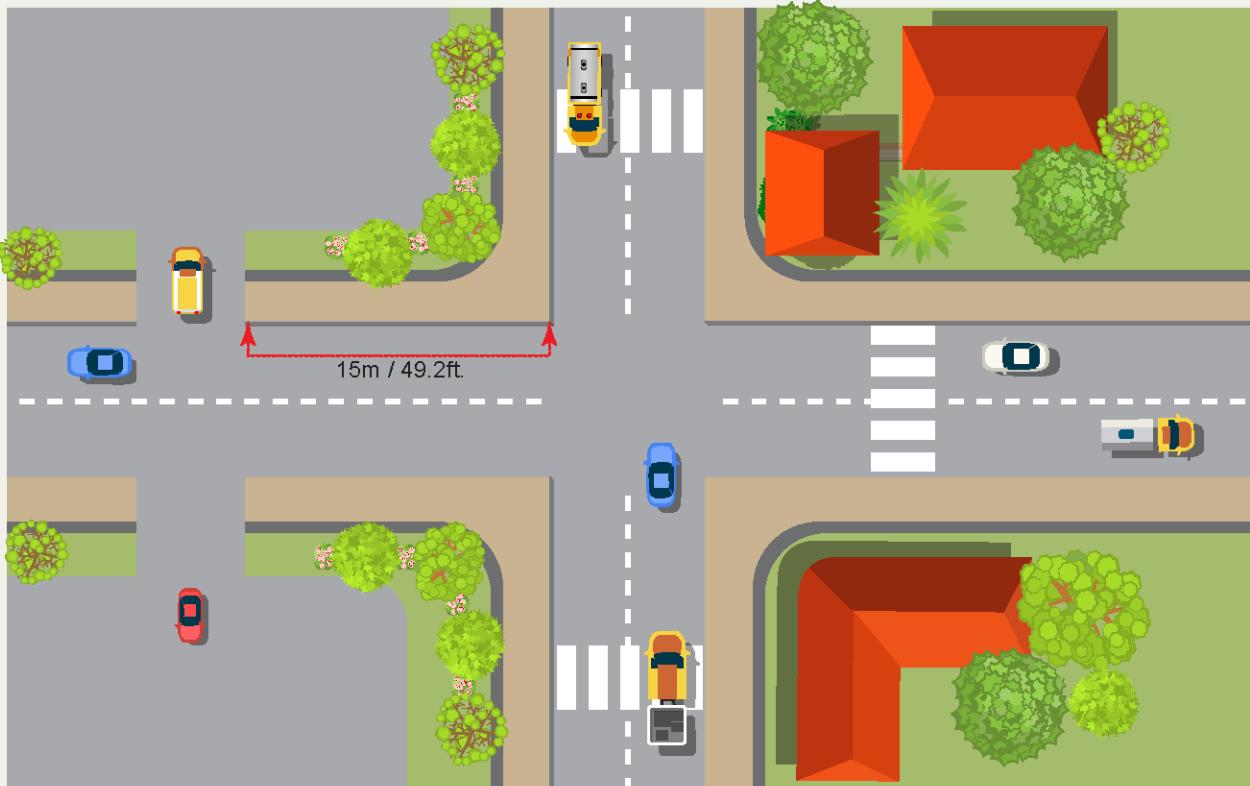


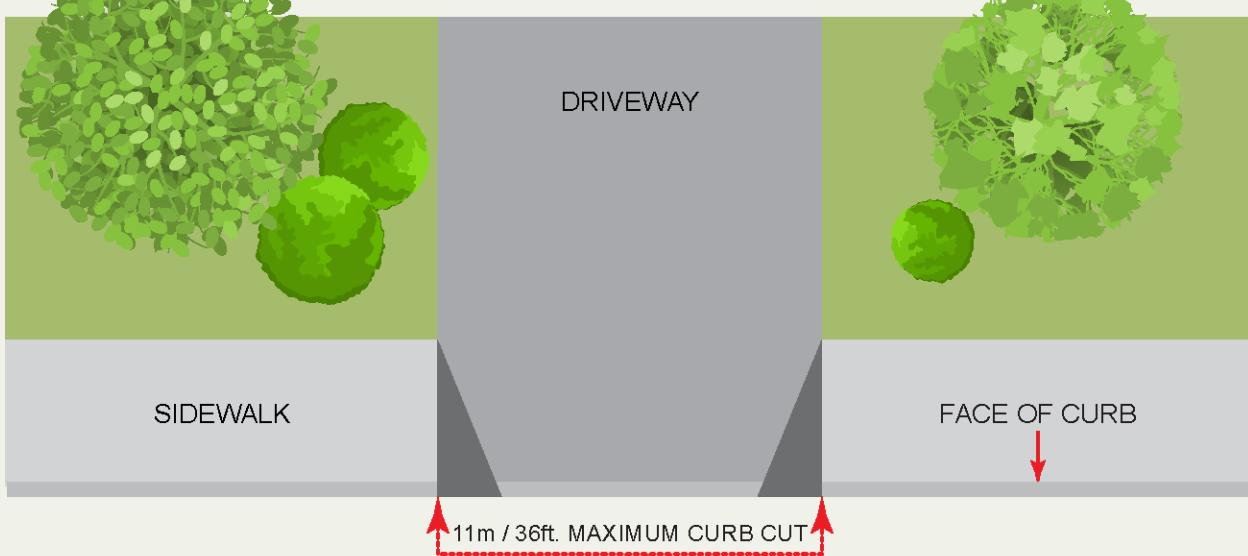
FIGURE 26

# ACCESS SEPARATION AND CURB CUTS

An example of ACCESS separation from an intersection of street right-of-ways:



An example of a curb cut width:



– END OF DOCUMENT –