

TOWN OF LEGAL

LAND USE BYLAW

BYLAW NO. 05-2013

- Amended by Bylaw #04-2018 - Cannabis



15 October, 2013

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1 | Introduction

1.1 Title

The title of this Bylaw shall be the Land Use Bylaw of the Town of Legal.

1.2 Scope

No development shall be permitted within the boundaries of the Town of Legal unless it conforms to the provisions of this Bylaw.

1.3 Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (1) to divide the Town into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given;
- (5) to establish the procedures for making amendments to the Bylaw; and
- (6) to establish the number of dwelling units allowed on a parcel of land.

1.4 Metric & Imperial Measurements

Whenever measurements are presented in this Bylaw, metric values are used and shall take precedence. Imperial equivalents, provided in parenthesis, are approximate and intended for information only.

1.5 Compliance with Other Legislation

In addition to the requirements of this Bylaw, an applicant must comply with any Federal, Provincial or Municipal legislation including requirements of a Development Permit or Agreement.

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The applicant/landowner must also comply with the conditions of any easement or covenant which affects the development or subdivision.

1.6 Repeal

Land Use Bylaw #07-98 and any and all amendments thereto are hereby repealed upon final passing of the Bylaw.

1.7 Date of Commencement

This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

1.8 Definitions

For the purposes of this Bylaw:

"abut" or "abutting" means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;

"accessory building" means a building separate and subordinate to the main building and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, portable tented structure, hobby greenhouse, sundeck, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings;

"accessory use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

"Act" means the Municipal Government Act, R.S.A. 2000, as amended;

"adjacent land" means land that is contiguous to a particular parcel of land and includes:

- (a) land that would be contiguous if not for a highway, road, river or stream and;
- (b) Any other land identified in the Bylaw as adjacent (see figure 1).

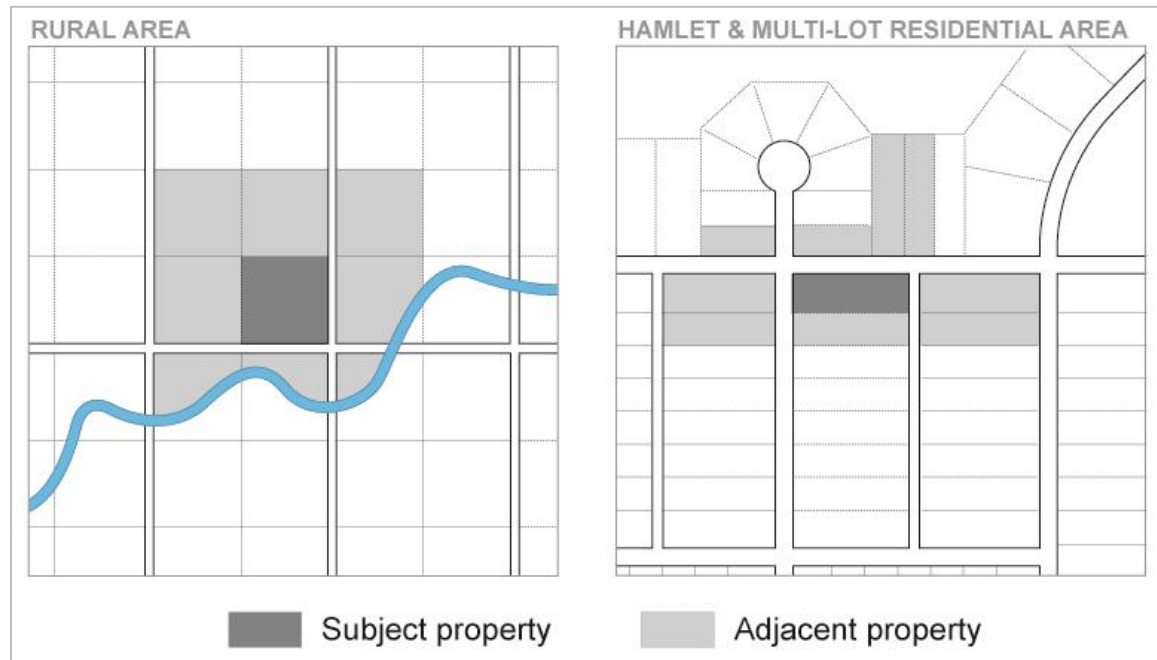


Figure 1: Adjacent Land Examples

“adult use” means any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 18.5 sq. m (200 sq. ft.), whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement;

"agricultural industry" means an industrial activity involving the processing, cleaning, packing or storage of the results from agricultural production. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods resulting from agricultural production or abattoirs;

"agricultural operation" means an agricultural operation as defined in the Agricultural Operation Practices Act;

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"agricultural production" means the production of an agricultural operation. It shall also mean the agricultural product storage, service facilities and farmsteads which relate to the individual farm unit;

"amateur and small radio antennas" means a development that is intended for transmitting or receiving radio communications signals from devices such as ham radios, fleet dispatch systems, or private communications systems. Typical amateur or small radio communications towers are short, usually no more than 3 m (9.8 ft.) taller than the adjacent buildings;

"amusement establishment, indoor" means a development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;

"amusement establishment, outdoor" means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;

"animal hospital" means a building used by veterinarians primarily for the purposes of the consultation, diagnosis and office treatment of domestic pets, but shall not include long-term board facilities for animals nor kennels;

"apartment" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;

"area of copy" means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on a sign, and shall, for the purpose of area calculation, be square or rectangular in shape;

"auctioneering establishment" means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;

"automotive and equipment repair shop" means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;

"automotive and recreational vehicle sales/rentals establishment" means a development where new or used automobiles, trucks, motorcycles, snowmobiles, tent

trailers, boats, travel trailers, or similar recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and recreational vehicle sales/rental establishments include automobile, recreational vehicle, and motorcycle dealerships and rental agencies;

"basement" means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m (6.0 ft.) of its clear height lying below the finished level of the floor directly above;

"basic campground" means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short term accommodation. A campground includes any building, structure, tent, vehicle or enclosure accessory to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc.;

"Bareland Condominium" means a condominium development containing Bareland Condominium Units, created specifically through subdivision and registered as a condominium plan in accordance with the Condominium Property Act, RSA 2000, c. 22.

"Bareland Condominium Unit" means a bare land unit as defined in the Condominium Property Act, RSA 2000, c. 22.

"bed and breakfast establishment" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of three (3) bedrooms, with or without meals, are provided for remuneration to members of the public. A bed and breakfast establishment shall **not** include a boarding house;

"berm" means a landscaped earthen mound that is utilized to attenuate the noise and visual effects of adjacent land uses and/or direct ground water flows as part of an engineered storm water management system.

"boarding house" means a building or portion thereof where meals are served for a remuneration involving more than three (3) bedrooms, exclusive of the occupant and immediate family. For the purposes of this Bylaw, boarding houses shall not include an eating or drinking establishment, a drive-in restaurant, a refreshment stand, or other similar use;

"buffer" means berms, fencing and planting for the purpose of screening noise, views, dust, sprays and uses between properties where off-site impacts may occur.

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

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"building area" means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centerline of fire walls.

"building height" means the vertical distance measured from the average grade level at the subject building to the higher of the highest point of a flat roof, or the average level between the eaves of the subject building and the top ridge of a pitched roof on the subject building. This dimension shall be exclusive of any accessory roof construction such as a chimney, steeple or antenna (see figure 2);

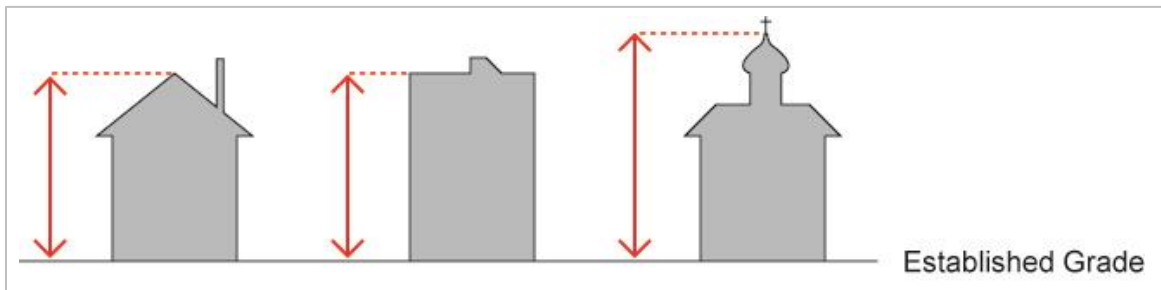


Figure 2: Building Height

"bulk fuel storage and sales" means lands, buildings and structures for the storage and distribution of fuels and oils including retail sales and key lock operations;

"business support services establishment" means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;

"caretaker/security residence" see "surveillance suite";

"canopy" means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

"cannabis" means cannabis as defined in the Cannabis Act, S.C. 2018, c. 16, the Controlled Drugs and Substances Act, S.C. 1996, c. 21, or other relevant federal legislation.

(a) Cannabis includes:

- i. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- ii. Any substance or mixture of substances that contains or has on it any part of such a plant;
- iii. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

(b) Cannabis does not include:

- i. A non-viable seed of a cannabis plant;
- ii. A mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
- iii. The root or any part of the root of a cannabis plant;

"cannabis lounge" means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution;

"cannabis, medical" means cannabis that is obtained for medical purposes in accordance with applicable federal law;

"cannabis production and distribution" means a development used principally for one or more of the following activities relating to cannabis:

- a) The licenced production, cultivation, and growth of cannabis;
- b) The licenced processing of raw materials;
- c) The licenced making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
- d) The licenced storage or shipping of materials, goods, or products, or;
- e) The licenced distribution and wholesale of materials, goods, and products to cannabis retail sales stores;

"cannabis retail sales" means a licenced development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the Cannabis Act. This use does not include cannabis production and distribution;

"car wash" means a facility for the washing of private non-commercial vehicles.

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"carport" means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;

"carrier" means a company or applicant that provides wireless commercial or essential institutional communications services;

"cemetery" means development of land for the interment or entombment of the deceased, and may include, at the discretion of the Development Authority, crematoriums, mausoleums and memorial parks or a religious assembly, and one attached or separate manse;

"co-location" means locating a tower or facility on a site with other Wireless Communications Operators;

"commercial use" means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, drive-in businesses, drive-in restaurants, eating and drinking establishments, entertainment establishments, general retail establishments, greenhouses, health services, highway commercial uses, hotels, office uses, personal service shops, recreation camps, recreational vehicle parks, and resorts, but does not include cannabis retail sales;

"confined feeding operation" means a confined feeding operation as defined in the Agricultural Operation Practices Act;

"contractor service, limited" means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be stored and sold, where all materials are kept within an enclosed building, and where there are no accessory manufacturing activities or parking or storage of more than four (4) vehicles;

"contractor service, general" means a development where building, concrete, landscaping, electrical, excavation, drilling, heating, plumbing, paving, road, oil field, pipeline, or similar services of a construction or services nature are provided, which have on-site storage of materials, construction equipment, or vehicles normally associated with the contractor service, and which is not a limited contractor service. Any sales, display, office or technical support service areas shall be accessory to the main use only;

"corner lot" see "Lot, Corner"

"Council" mean the Council of the Town of Legal;

"coverage" means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot;

"date of issue" means the date on which the notice of a decision of the Development Authority is published, or five (5) days after such a notice is mailed;

"day care" means a provincially licensed child care facility operated from a building or a portion thereof used for the provision of care, maintenance and supervision of seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. For the purposes of this definition, a day care shall include all day-care centres, nurseries, and after school or baby-sitting programs which satisfy this definition. However, this definition shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;

"day home" means a development operated from a dwelling supplying supervision to a maximum of six (6) children under the age of eleven (11) years or senior citizens, including any resident children and seniors, for periods of more than three (3) but no more than fourteen (14) consecutive hours. A day home may supply an outside recreation space that is both fenced and gated, and shall meet all fire regulations and health regulations;

"deck" means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Alberta Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;

"density" means a measure of the average number of persons or dwelling units per unit of area;

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

"development" means:

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

- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

and without restricting the generality of the foregoing, includes:

- (i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
- (ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
- (iii) the display of advertisements or signs on the exterior of a building or on any land,
- (iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
- (v) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site,
- (vi) the placing of refuse or waste material on any land,
- (vii) the use of land for the storage or repair of motor vehicles or other machinery or equipment,
- (viii) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,
- (ix) the demolition or removal of a building,
- (x) the placement of an already constructed or a partially constructed building on a parcel of land,
- (xi) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way,
- (xii) the removal of topsoil from land,
- (xiii) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months, or
- (xiv) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery;

"development authority" means the development authority of the Town as established by the Town's Development Authority Bylaw;

"development permit" means a document authorizing a development issued pursuant to this Land Use Bylaw;

"discontinued" means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;

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

"domestic pets" means animals which are not livestock as defined in the Agricultural Operation Practices Act and which are often kept within a dwelling unit. Such animals include dogs, cats, and similar animals;

"drinking establishment" means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on-site are open to the public and where alcohol, rather than food, is the predominant item consumed. A drinking establishment does not include an entertainment establishment or a cannabis lounge.

"drive-in business" means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes, but does not include bulk fuel storage and sales establishments or cannabis retail sales, or liquor stores;

"drive-in restaurant" means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive-through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;

"duplex" means a dwelling containing two (2) dwelling units which share a common wall, and/or which are located in part or in whole one above the other;

"dwelling" means any building used exclusively for human habitation. This definition shall include single family dwellings, duplexes, semi-detached dwellings, row housing, apartments, garage suite, garden suite, secondary suites, and in-law suites;

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"dwelling unit" means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;

"dwelling, single family" means a building consisting of one (1) dwelling unit. A single family dwelling is a dwelling which is normally constructed on-site. However, a single family dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site, and thus may be a modular dwelling;

"eating and drinking establishment" means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site. An eating and drinking establishment does not include either a drinking establishment or an entertainment establishment unless otherwise provided for in an approved development permit;

"entertainment establishment" means a development where persons are entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;

"entertainment establishment, adult" means an establishment which provides live entertainment for its patrons, which includes the display of nudity;

"equipment rental establishment" means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;

"established grade"

means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment (see figure 3).

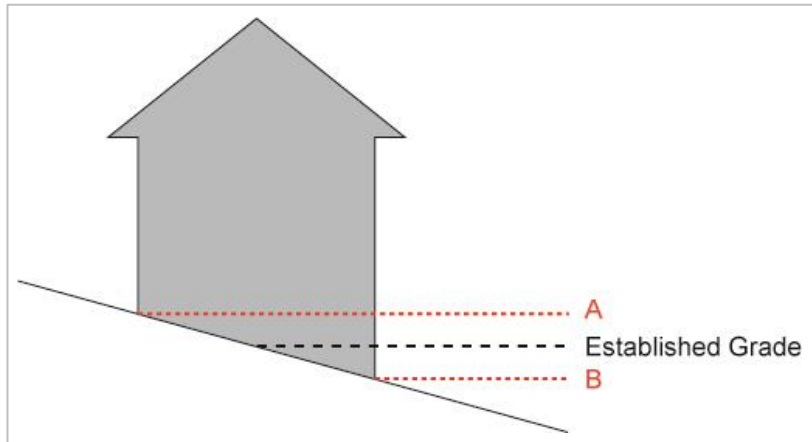


Figure 3: Established grade

"excavation" means any breaking of ground, except common household gardening and ground care;

"extensive agriculture" means the use of land or buildings, including one dwelling, for an agricultural operation, but not including intensive agriculture, cannabis production and distribution, or a confined feeding operation which requires either a registration or an approval under Part 2 of the *Agricultural Operations Practices Act*, R.S.A. 2000, c. A-7, as amended;

"extensive recreation" means a development where the prime reason for location is to take advantage of natural features including the availability of large areas of land to provide for non-facility oriented recreational activities. In the context of a large area of land, that is, anything over 32 ha (79.1 ac.), extensive recreation may include such activities as hunting, trail riding, snowmobiling, hiking and other similar uses. In the context of a smaller area of land, that is, anything under 32 ha (79.1 ha), extensive recreation may include the provision of opportunities for viewing nature, fishing, relaxation, and rest, and may or may not include a site where only one or two recreational vehicles or campsites may be located, and/or one cottage, or a single family dwelling;

"exterior wall" means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);

"family care facility" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are physically handicapped, aged, or disabled, and in need of adult supervision for those reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, but not group homes;

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"fence" means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;

"floor area" means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in an apartment shall be included in the calculation of floor area;

"floor/area ratio" means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the lot on which the buildings are located;

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

"foundation wall" means the outermost part of the wall of a building under which a foundation is located;

"front line" means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line.

"front yard" means a yard extending across the full width of a parcel of land from the front line to the foundation wall of the main building situated on the parcel of land. In the case of a curved front line, the front yard will also form a curve;

"fur farm" means any land, building, or premises used for the keeping, breeding, or rearing of furbearing livestock;

"garage" means a building to be used for the storage of vehicles such as a passenger car, a truck with a gross vehicle weight of two (2) tonnes or less, a recreational vehicle, a boat, or similar chattels;

"garage suite" means a self-contained dwelling located above a rear detached garage which is accessory to a single detached house. Garage suites have a separate entrance from the vehicle entrance to the rear detached garage, either from a common indoor landing or directly from the exterior of the



structure. Garage suites do not include secondary suites or garden suites;

Figure 4: Garage Suite

“garden suite” means a single-storey accessory building which contains a dwelling unit and is located in a building on a site that is separate from a main building in which the main use is a single detached dwelling. A garden suite has cooking, food preparation, sleeping, and sanitary facilities which are separate from those of the single family dwelling located on the site. This use does not include secondary suites or garage suites;

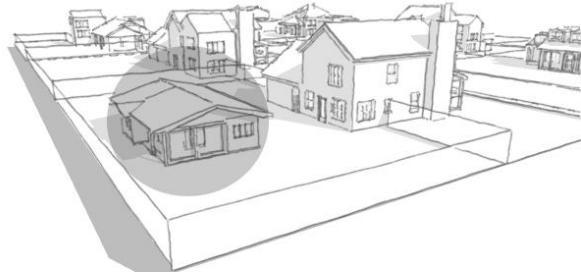


Figure 5: Garden Suite

"general retail establishment" means a development where, among other goods, groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and/or sold, except for any and all types of alcoholic beverages or cannabis. Minor public services, such as postal services and film processing depots may also be provided.

"government services" means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;

"greenhouse" means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden, plant nursery or hydroponics or aquaponics operation. This does not include cannabis retail sales or cannabis production and distribution.

"gross floor area" means the total area of all floors of all buildings including accessory buildings located on any parcel of land, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of gross floor area;

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"group care facility" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes;

"group home" means a building or portion of a building used for the care or rehabilitation of adults or children which is not predominantly related to age or a physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability;

"guest house" means an accessory building to a single family dwelling, which contains a dwelling unit or part of a dwelling unit which is used solely by members of the family or by temporary guests of the family occupying the single family dwelling;

"head shop" means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales or cannabis production and distribution;

"health service" means a development where physical or mental health services are provided on an out-patient or on an in-patient basis. If the services are provided on an inpatient basis, health service may include room and board for the sick, injured, or infirm, and may also include accessory staff residences. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, medical cannabis clinics, health clinics and counseling services, hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, supportive living facilities, and detoxification centres.

"heavy industrial use" see "industrial use, heavy"

"heavy truck and equipment storage" means the on-lot storage, inside a single accessory building, of heavy trucks and equipment owned and operated by a resident or residents of the single family dwelling situated on the same lot;

"highway" means a highway as defined in the Public Highways Development Act, R.S.A. 2000;

"highway commercial " means a commercial use intended to serve the motoring public and includes, but is not limited to, service or gas stations, drive-in restaurants, and motels. This use does not include cannabis retail sales;

"home occupation" means any occupation, trade profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw. A minor home occupation does not include any business which would normally attract more than five (5) clients per week, or the employment at the dwelling or accessory buildings of any paid assistant, other than the occupants of the dwelling. A major home occupation may include a business which would normally attract more than five (5) clients per week, but does not include the employment at the dwelling or accessory buildings of more than two (2) paid assistants, other than the occupant and the occupant's family. A home occupation does not include cannabis retail sales or cannabis production and distribution.

"hotel" means a building containing rentable units, occupied or equipped to be occupied as a temporary abode for tourists or transients, which also may contain a general retail establishment, a drinking establishment, or an eating and drinking establishment; however, a hotel shall not include an entertainment establishment unless specifically provided for in an approved development permit. A hotel shall not include a workcamp;

"household" means:

- (a) a person, or
- (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
- (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, and foster children residing in a licensed foster home;

"household repair service" means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;

"in-law suite" means an additional dwelling unit intended for the sole occupancy of one (1) or two (2) adult persons, which has access to the adjoining rest of the dwelling unit.

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The floor area of the in-law suite shall not exceed 30 percent of the existing living area of the primary dwelling unit or 80.0 sq. m (861.1 sq. ft.) in floor area on a residential lot, whichever is the lesser;

“indoor amusement establishment” see **“amusement establishment, indoor”**.

"indoor recreation facility " means a development for sports and active recreation within an enclosed building. Indoor recreation facilities include such facilities as ice arenas, gymnasiums, curling rinks, swimming pools, and similar, though smaller, facilities. As well, indoor recreation facilities may also include meeting rooms and eating and drinking establishments as accessory uses;

"industrial hemp" means “the plants and plant parts of the genera cannabis, the leaves and flowering heads of which do not contain more than 0.3% THC w/w and includes the derivatives of such plants and plant parts,” as defined in *Industrial Hemp Regulations*, SOR/2018-145, as amended;

"industrial hemp production facility" means the use of land, buildings or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, export and/or import industrial hemp, including indoor production and related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended or any subsequent legislation that may be enacted in substitution. This does not include cannabis retail sales establishments, cannabis production and distribution or the outdoor cultivation of industrial hemp;

"industrial use, heavy" means an industrial development which may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy Industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, petro-chemical industrial establishments, alfalfa processing plants or large-scale outdoor storage that is unsightly or visually offensive. This use includes cannabis production and distribution, and industrial hemp production facilities (operating pursuant to applicable provincial and federal legislation).

"industrial use, light" means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Light industries require only a small amount of raw materials, area and power. For further clarification it means where:

- (a) raw materials are processed, and/or

- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- (d) goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- (e) materials, goods and equipment are stored and/or transhipped, and/or
- (f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or
- (g) personnel are trained in general industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include: motor vehicle body and paint shops, cannabis production and distribution, and industrial hemp production facilities (operating pursuant to applicable federal legislation), but does not include the preparation of cannabis, food and/or beverages for direct sale to the public;

“industrial use, medium” means a development which may include indoor or outdoor storage and in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for on-site adverse environmental impacts; the potential for significant toxic or noxious by-products which may be offensive or hazardous to human health, safety or well-being; the storage of toxic, flammable or explosive products in small quantities; or large-scale outdoor storage that is unsightly or visually offensive. Medium industrial uses may include manufacturing, transportation, warehousing; distribution, cannabis production and distribution, and industrial hemp production facilities (operating pursuant to applicable federal legislation), and utilities;

"industrial vehicle and equipment sales/rentals establishment" means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;

"institutional use" includes but is not limited to hospitals, public offices, educational facilities, religious assemblies, libraries and senior citizen housing;

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"intensive agriculture" means an agricultural operation which operates on an intensive basis. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, hydroponic and aquaponic operations, but not confined feeding operations or cannabis production and distribution;

"intensive recreation" means high density recreational activities such as campgrounds, picnic grounds, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, golf courses, arenas, swimming pools, tennis courts and other similar activities;

"kennel" means a development in which four (4) or more domestic pets over six (6) months in age are maintained, boarded, bred, trained or cared for or kept for purposes of sale;

"landfill" means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or agency or by a municipally-owned corporation or agency;

"landscaping" means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;

"lane" means a right-of-way on which motorized vehicles are normally allowed to operate which is 10 m (32.8 ft.) or less in width;

"lattice tower" means a non-solid structure made up of vertical, horizontal and diagonal members assembled in triangular or square faced sections that can be stacked to obtain height. The structure can stand by itself (self-supporting), on a foundation, or it may be of the type requiring supporting assistance of cables (guyed tower);

"library and cultural exhibit" means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, available, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;

"liquor store" means a development or a part of a development used for the retail sale of any and all types of alcoholic beverages to the public for consumption off premises. This use may include the retail sales of related products such as soft drinks and snack foods. This use does not include cannabis retail sales establishments;

"livestock" means livestock as defined in the Agricultural Operation Practices Act;

"livestock sales yard" means any enclosed area of land, with or without accessory buildings or structures, upon which livestock is collected for sale or for market distribution;

"living quarters" means the developed area within a dwelling but does not include basement, garage or carport, patio, or atrium;

"lot" means

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

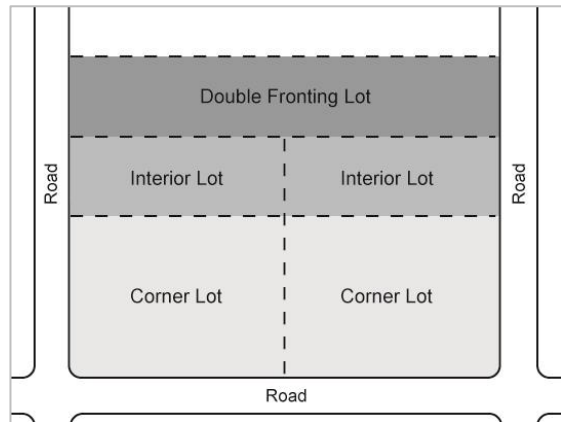


Figure 6: Illustration of corner, double fronting and interior lots

"lot, corner" means a lot having boundary lines on two or more roads or highways, or with a road and a highway, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot. For the purposes of this definition, a road or highway shall not include a lane;

"lot width" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;

"main building" means a building in which is conducted the main or principle use of the site on which it is erected;

"main use" means the primary purpose or purposes for which a building or lot is used;

"maintenance" means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting,

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replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;

"manufactured home" means a single family dwelling, manufactured in full compliance with both the Canadian Standards Association (CSA) Z-240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displaced CSA Z240MH Mobile Home label AND an Alberta Municipal Affairs label that certifies compliance to the ABC. Notwithstanding the requirement regarding labels, should a building not have a label, it can still be considered a manufactured home for the purposes of this Bylaw should the inspection and upgrading procedures outlined in Section 8.35 of this Bylaw be followed. A manufactured home is normally constructed off-site and then transported to its site. Upon arriving at the site for location, apart from incidental operations such as placement on a foundation and connection of utilities, it is ready for year round use as a dwelling for one household. However, a manufactured home may be entirely constructed on-site;

"manufactured home park" means any lot on which two or more occupied manufactured home units are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks;

"manure storage facility" means a manure storage facility as defined in the Agricultural Operation Practices Act;

"may" is an operative word meaning a choice is available, with no particular direction or guidance intended;

"mobile home" see "manufactured home"

"modular dwelling" means a single detached dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of dwelling but rather to a method of construction, and includes single family dwellings;

"motel" means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include a liquor store, an entertainment establishment, or an establishment where there is a dance floor. A motel shall not include a workcamp;

"municipality" means the Town of Legal;

"must" is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;

"natural area" means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition.

"natural resource extraction industry" means an industry engaged in the extraction of natural resources such as trees, clay, sand and gravel, limestone, shale, coal, and other minerals including petroleum and natural gas and which may include bringing these together with other elements such as power or water into integrated processes for the purpose of primary treatment into a marketable form;

"neighbourhood commercial development" means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960 ft²). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops. This use does not include cannabis retail sales or liquor stores;

"non-conforming building" means a building

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

"non-conforming use" means a lawful specific use

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw affecting the land or building becomes effective, and
- (b) that on the date this land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this land use Bylaw;

"nuisance" means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome

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to other people for which complaints are received either by the Municipality's office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;

"obnoxious" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;

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

"occupant" means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resides thereon or conducts a business thereon;

"off-street" means, when used as an adjective, that the defined thing is not located on a road or highway, but rather a lot, and, further, that it is not directly accessory to a particular use or development on a lot;

"offensive" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

"office use" means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies;

"open space" means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources;

ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;

"outdoor storage" means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;

"owner" means

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) in the case of any other land, the person shown as the owner of land on the municipality's assessment role prepared under the Act;

"parcel of land" means the aggregate of one or more areas of land described in certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles office;

"park model" means a type of recreational vehicle; however, for the purposes of this Bylaw, park models are not allowed in any District within this Land Use Bylaw unless either recreational vehicles or recreational vehicle parks are listed as a permitted or a discretionary use within the District, and, further, that a park model has been specifically identified and approved by the Development Authority within an approved development permit. As well, park models shall not be used as dwellings within the municipality. There are a number of types of park models. Currently, two types described below are recognized by the recreational vehicle industry.

- (a) Park Model Trailer 102 is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not normally fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it normally must be connected to the local utilities. This style is normally built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area normally does not exceed 37.2 sq. m

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(400 sq. ft.). It conforms to the CSA Z-240 Standard for recreational vehicles.



Figure 7: Park Model Trailer 102

- (b) Park Model Recreational Unit is a unit built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and normally must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a floor area, including lofts, not exceeding 50 sq. m (540 sq. ft.) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode.

Park Model recreational units almost always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z-241 Standard for recreational vehicles.



Figure 8: Park Model Recreational Unit

"parking area" means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building;

"parking lot" means a parking area which is located on a lot and not accessory to a particular use or development;

"parking space" means an area set aside for the parking of one (1) vehicle;

"patio" means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level;

"pet shop" means a shop or a place where domestic animals for use as pets are sold, kept for sale or groomed, but does not include a shop or place for the breeding or overnight boarding of pets;

"permitted use" means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority;

"personal service shop" means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats;

"place of worship" means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

"principal building" means a building which:

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

"principal use" means the primary purpose or purposes for which a building or site is used;

"private club" means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly. This use does not include cannabis lounges;

"protective and emergency services" means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective

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and emergency services include police stations, detention centres, fire stations, and accessory training facilities;

"public education facility" means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;

"public or quasi-public building" means a building which is owned or leased by a department or agency of the federal or provincial government, or the Municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities;

"public or quasi-public use" means a use by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities;

"public park" means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;

"public-serving recreation area" means a campground, day use area, picnic site, lodge, hiking and skiing trail and other similar uses as developed by either private or public interests;

"public utility" means a public utility as defined in the Act;

"public utility building" means a building in which the proprietor of a public utility, as defined in the Act, maintains its office or offices and/or maintains or stores any equipment used in connection with the public utility;

"rear line" means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;

"rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot, to the rear line of the lot;

"recreation camp" means a development that contains accommodation facilities and is used wholly or partly for recreational purposes, and without limitation, includes trail riding ranches and guest ranches, rural experience camps, survival training camps, fishing and hunting camps, religious camps and camps for disabled persons;

"recreational use" means a recreational development conducted on a unified basis on a single site where the prime reason for location may be to take advantage of natural features. A recreational use may include the provision of day to day sporting and athletic facilities and the structures incidental thereto such as ski slopes, golf courses, archery, trap and rifle ranges, racetracks, boating, swimming, picnicking, athletic, and similar uses, and may include a refreshment stand incidental to the primary use. However, recreational use does not include extensive recreation, or a campground, a recreational vehicle park or a recreation camp;

"recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor or is mounted or drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, 5th wheels, or motor homes, but not manufactured homes, a park model, a garage package, or a cabin on any sort of transportation device such as skids or wheels up to a maximum interior space of 75 sq. m (807.3 sq. ft.). Any vehicle larger than 75 sq. m (807.3 sq. ft.) in interior space shall be considered to be a manufactured home for the purposes of this Bylaw;

Figure 9: Recreational Vehicle

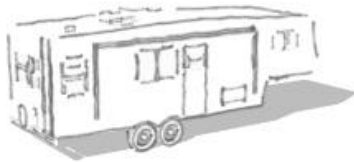


Figure 10: Recreational Vehicle

"recreational vehicle campground" means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for more than four (4) consecutive days and not normally more than twenty (20) days in a year, and may include sites for the erection of tents for similar time frames;

"recreational vehicle campground, seasonal" means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for a minimum of four (4) consecutive days and normally for no longer than an entire season operating between April to October;

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"recreational vehicle campground, workcamp" means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house camp workers by various contracting firms on a temporary basis. The units may be dismantled and removed from the site from time to time

"recreational vehicle storage" means a development which provides fenced or indoor, secure, on-site storage of more than three (3) recreational vehicles;

"recycling depot" means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;

"religious assembly" means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Religious assembly includes churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

"relocated building" means a building that was constructed off site in one piece or in pieces and relocated to another site but does not include manufactured homes or modular homes;

"renovation" means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;

"rentable unit" means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;

"rental cabin" means a one-room structure (not including a washroom, bathroom, or toilet) intended for short term occupancy, often rented for short period of time to the traveling or vacationing public;

"residential use" includes the occupation and use of land and buildings by and as dwellings, whether on a seasonal or year-round basis;

"RF Technology" means technology operating in the electromagnetic radiating frequency bands;

"road" means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;

"roof" means the top of any enclosure, above or within the vertical walls of a building;

"row housing" means a building consisting of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean apartment;

"sea can" means a container, including a sea/land/rail shipping container, which is used as a storage vault. A sea can shall only be allowed on a lot and use as an accessory building and/or use to a main building or use. A sea can shall not be used for a dwelling or any part of a dwelling; and, notwithstanding any other provision of this Bylaw to the contrary, not attached, in any way, to a main building;

"secondary suite" means a self-contained dwelling unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit;

"service station" means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops. Service stations which do not include any facilities for servicing or repairing of motor vehicles are often referred to as gas bars;

"setback" means, depending on the context of the term, the minimum horizontal distance between buildings or a lot boundary and buildings;

"shall" is an operative word which means the action is obligatory;

"shed" means a building to be used for storage;

"shop" means a building to be used for light industrial purposes or the storage of vehicles larger than that allowed in a garage;

"shopping centre" means a building or a group of buildings, comprising retail commercial and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;

"should" is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;

"show home" means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of the municipality. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;

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"side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;

"side yard" means a yard extending from the front yard of a lot to the rear yard of the lot and lying between the side line of the lot and the nearest wall of the main building;

"sign" means any visual medium, including its structure and other component parts, used on a permanent or temporary basis to convey information, to advertise, or to attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a licensed motor vehicle;

"sign area" means the total face area of a sign intended for the letters or graphics of the message. In the case of a double-faced sign, only half of the area of each sign face shall be used in calculating sign area;

"sign, A-frame" means a type of sign commonly referred to as "sandwich boards", composed of two hinged or otherwise joined boards which leans on the ground,



Figure 11: A-Frame Sign

"sign, canopy" means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy;



Figure 12: Canopy Sign

"**sign, fascia**" means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.3 m (12.0") from the surface of the building, and does not project above the roof or parapet. Fascia signs are also called wall signs;



Figure 13: Fascia Sign

"**sign, freestanding**" means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure;

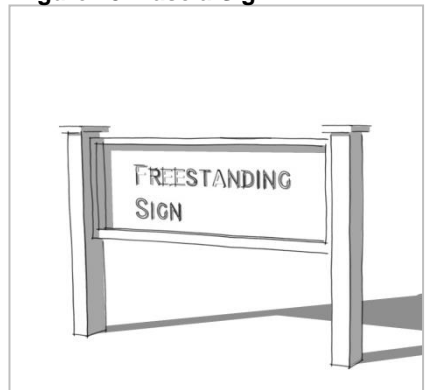


Figure 14: Freestanding Sign

"**sign, inflatable**" means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Commonly used as a temporary sign for special events or promotions;



Figure 15: Inflatable Sign

"**sign, off site**" means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;

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"sign, projecting" means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;



Figure 16: Projecting Sign

"sign, roof" means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall;



Figure 17: Roof Sign

"sign, temporary/portable" means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

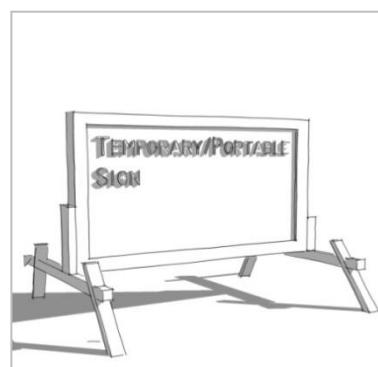


Figure 18: Temporary/Portable Sign

"sign, under-canopy" means a sign which is attached to the bottom surface or edge of a canopy;



Figure 19: Under-Canopy Sign

"sign, wall" means a sign placed flat and parallel to the face of the building so that no part projects more than 15 cm (6 in.) from the building, but which may or may not project above the roof or parapet;

"single family dwelling" see "dwelling, single family";

"similar use" means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;

"site" means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin;

"solar array" means multiple solar panels used in conjunction to produce electricity.

"solar energy collection system" means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted.

"solar panel, free standing" means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support.

"solar panels, roof mounted" means a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure.

"stall" means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;

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"storey" means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey;

"structural alterations" means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;

"Subdivision and Development Appeal Board" means a Subdivision and Development Appeal Board appointed pursuant to Town's Subdivision and Development Appeal Board Bylaw and the Act;

"Subdivision Authority" means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;

"substandard lot" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;

"surveillance suite" means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and security of the development;

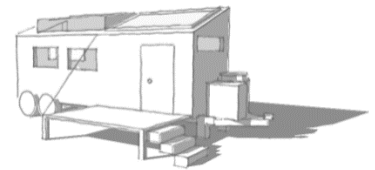


Figure 20: Surveillance Suite

"swimming pool" means a man-made body of water, either above or below ground, with a water depth greater than 0.5 m (1.64 ft.) and a water surface area greater than 10 sq. m (107.6 sq. ft.). This definition shall include a hot tub or a similar facility which meets the dimension criteria noted above;

"temporary development" means a development for which a development permit has been issued and which is to exist for a limited time only;

"tie down" means an apparatus which firmly secures a manufactured home to the ground. This apparatus usually consists of steel cables attached to the manufactured home and concrete pylons strategically placed on the accommodating site;

"trucking and cartage establishment" means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or

storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3,000.0 kg (6,613.9 lbs.);

“truck wash” means a facility for the washing of large or commercial vehicles

"undeveloped lot" means a lot which does not contain a residence, building or structure;

"unit", other than when referred to as a dwelling unit, means an area of land or a building designated as a unit in a condominium plan;

"use" means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;

"vehicle repair establishment" means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, upholsterer shops, and body repair and/or paint shops;

"veterinary clinic" means a development where domestic pets are cared for and treated, including hospitalization for fewer than four (4) days. Veterinary clinics may also treat livestock, but they will be treated via out-patient care. All animals shall be kept within an enclosed building;

"warehouse sales establishment" means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores;

"width" see “lot width”;

"wind energy conversion system, large" means one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;

“wind energy conversion system, micro” means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure.

“wind energy conversion system, small” refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to

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provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale.

“wind turbine tower” refers to the guyed or freestanding structure that supports a wind turbine generator.

“wind turbine tower height” The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

"wireless communications facility" means a facility that provides communication service using RF technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna deicing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems.

"workcamp" means a temporary residential complex used to house workers, usually but not necessarily for a contracting firm or project, on a temporary basis of more than twenty-eight (28) days and less than one (1) year. A workcamp is usually made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;

"yard" means a part of a parcel upon or over which no building is to be erected unless otherwise provided for in this Bylaw;

and all other words and expressions have the meanings respectively assigned to them in the Act or in common law.

2 | Establishment of Districts and Regulations

2.1 Establishment of Land Use Districts

- (1) For the purposes of this Bylaw, the Town of Legal is divided into the following districts:

District	Description
Residential (R1) District	low density residential
Residential (R1a) District	low density residential (small lot)
Residential (R2) District	medium density residential
Residential (R3) District	high density residential
Commercial (C1) District	Downtown commercial
Commercial (C2) District	General commercial
Commercial (C3) District	Highway commercial
Industrial (M1) District	Industrial
Urban Services (US) District	Public Utilities and Recreation
Direct Control (DC) District	Council as Development Authority
Urban Reserve (UR) District	Future Urban Development

- (2) For the purposes of this Bylaw, the R1, R1a, R2 and R3 Districts shall be considered to be Residential Districts, and the C1, C2 and C3 Districts shall be considered to be Commercial Districts.
- (3) The boundaries of the districts listed in this Bylaw are as delineated in the LAND USE DISTRICT MAP, which is **Section 10** of this Bylaw.

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- (4) Where uncertainty exists as to the boundaries of districts as delineated in the LAND USE DISTRICT MAP, the following rules shall apply:
- Rule 1** Where a boundary is shown as following a street or lane, it shall be deemed to follow the centre line thereof.
- Rule 2** Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3** In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined:
- (a) where dimensions are set out on the LAND USE DISTRICT MAP, by the dimensions so set, or
 - (b) where no dimensions are set out on the LAND USE DISTRICT MAP with respect to such boundary, by measurement of and use of the scale shown on the LAND USE DISTRICT MAP.
- (5) Where the application of the above rules does not determine the exact location of the boundary of a district, the Council, either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to the measurements and directions as the circumstances may require.
- (6) After the Council has fixed a District boundary pursuant to the provisions of Subsection (5), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (7) The Development Authority shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

2.2 Establishment of Land Use District Regulations

Land Use District regulations shall be as set forth in **Section 9** of this Bylaw.

3 | General Administration

3.1 Control of Development

- (1) No development other than that designated in **Section 3.2** shall be undertaken within the Town unless an application for it has been approved and a development permit has been issued.

3.2 Development Not Requiring a Permit

- (1) The following development shall not require a development permit:
 - (a) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
 - (b) the completion of a building which was lawfully under construction at the date of the first publication of the notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice;
 - (c) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
 - (d) a patio in a Residential District that meets the minimum distance requirements outlined in **Section 8.1** of this Bylaw.
 - (e) non-structural alterations or improvements totaling up to 60% or less of the total area of an existing deck;
 - (f) the erection, construction, or maintenance, improvement or alteration of gates, fences or walls or other means of enclosure less than 1.0 m (3.3 ft.) in height in front yards or in side yards abutting a highway or road, and less than 1.8 m (6.0 ft.) in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds

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the regulations indicated in **Section 8.21** of this Bylaw.

- (g) notwithstanding 3.2(1)(f) an approved development permit shall always be necessary before razor wire is used as a fencing material;
- (h) a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;
- (i) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (j) extensive agriculture, excepting where the following situations apply:
 - (i) where the lot is smaller than 32 ha (80 ac.) in size, or
 - (ii) where the proposed development involves a dwelling or an accessory use or building to a dwelling, or
 - (iii) where beehives are proposed, or
 - (iv) where fences for game farming are proposed within 15.2 m (50 ft.) of a property line adjacent to a road or highway, or within 30 m (98.4 ft.) of the centreline of a road or highway, or
 - (v) where other buildings and dugouts are proposed within:
 1. - 40 m (131.2 ft.) of a property line of a grid road,
 2. - 50 m (164 ft.) of a centreline of a minor two-lane highway,or
 3. - 70 m (230 ft.) of a centreline of a major two-lane highway or a multi-lane highway;
- (k) except for beehives described in Section 3.2(1)(g)(iii) above, a building or structure with a floor area of under 10.0 sq. m (107.6 sq. ft.) which is not on a permanent foundation;
- (l) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - (i) such signs are removed within seven (7) days after the election date,
 - (ii) such signs do not obstruct or impair vision or traffic,
 - (iii) such signs are not attached to fences, trees, or utility poles; and
 - (iv) such signs indicate the name and address of the sponsor and the person responsible for removal;

- (m) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale or rent, with removal to be within one (1) month after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 sq. m (6.5 sq. ft.) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way;
- (n) development within a basement which does not change or add to the uses within a dwelling;
- (o) signs in Commercial or Industrial Districts provided they are inside the building or inside the windows.
- (p) the removal of top soil except in conjunction with a development for which a development permit has been issued as per the requirements of **Section 8.63** of this Bylaw;
- (q) landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport, provided that such hard-surfacing does not exceed 9.8 m (32.0 ft.) in width, except for a deck or patio in a Residential District that does not meet the minimum distance requirements outlined in Section 8.1 of this Bylaw.
- (r) the demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (d) through (p) above, both inclusive.

3.3 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.

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- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building,
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and **Section 4.3(7)** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 Approval Authorities

- (1) Development Authority
 - (a) For the purposes of this Bylaw, except in the Direct Control District, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw with their duties and responsibilities as are specified in that Bylaw, this Bylaw and the Act.
 - (b) The Development Authority shall:
 - (i) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto;
 - (ii) keep a register of all applications for development, including the decisions thereof and the reasons therefor;
 - (iii) make available for inspection by the public during office hours the register of all applications for development permits and the decisions made thereon;
 - (iv) shall collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Council;
 - (v) shall be declared to be the designated officer for the purposes of Section 542 of the Act; and
 - (vi) In the Direct Control District, the Council shall have that power of the Development Authority solely in relation to the consideration

and making decisions on development permits, and no further powers and duties.

(2) Council

The Council of the Town of Legal shall perform such duties that are specified for it in this Bylaw and the Act.

(3) Subdivision Authority

The Subdivision Authority established by the municipality's Subdivision Authority Bylaw shall perform such duties as are specified in this Bylaw and by the Act.

(4) Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Five of this Bylaw.

4 | Development Applications

4.1 Application for Development

- (1) An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) a site plan in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; access and egress points to the site; the location of all gas and other utility lines, whether at, above or below grade, together with easements; and proposed finished grades and elevations in relation to adjoining lots, buildings, curbs, roads and/or lanes;
 - (b) building dimensions;
 - (c) a statement of the proposed uses; and
 - (d) a statement of ownership of the land and the interest of the applicant therein.

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- (2) Each application for a development permit shall be accompanied by a non-refundable application fee as established by Council.
- (3) The Development Authority Officer may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
 - (a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
 - (b) the height and horizontal dimensions of all existing and proposed buildings;
 - (c) outlines of roof overhangs on all buildings;
 - (d) existing and proposed elevations on the site and on adjacent sites, roads and lanes;
 - (e) post construction site and building elevations;
 - (f) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
 - (g) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
 - (h) drainage plans;
 - (i) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - (j) future development plans for a site which is to be partially developed through the applicable development permit;
 - (k) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
 - (l) in the case of the placement of an already constructed or partially constructed building on a site, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;

- (m) any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site;
 - (n) a statutory declaration indicating that the information supplied is accurate; and
- (4) In addition to the information requirements indicated above, each application for industrial development may be requested, at the discretion of the Development Authority, to be accompanied by the following information:
- (a) type of industry,
 - (b) estimated number of employees,
 - (c) estimated water demand and anticipated source,
 - (d) estimated gas demand and anticipated source,
 - (e) type of effluent and method of treatment,
 - (f) type of air emissions and method of abatement,
 - (g) estimated noise generated by the development and method of abatement;
 - (h) estimated light generated by the development and (if necessary) method of abatement,
 - (i) transportation routes to be used and estimated traffic impact,
 - (j) reason for specific location,
 - (k) means of solid waste disposal,
 - (l) any accessory works required (pipeline, railway spurs, power lines, etc.),
 - (m) anticipated residence location of employees,
 - (n) municipal servicing costs associated with the development,
 - (o) physical suitability of site with respect to soils, slopes and drainage,
 - (p) if a subdivision is involved, the size and number of lots and proposed phasing (if any),
 - (q) servicing requirements and provisions for meeting them, and

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- (r) costs associated with providing new or upgraded municipal services associated with the development,

and/or any other information as may be reasonably required by the Development Authority.

- (5) In addition to the information requirements indicated above, the Development Authority may require for a proposed industrial use the provision of environmental assessment information and a risk assessment to assist the Development Authority in assessing the effect of the proposed development in relation to the natural and human environments, and indicate both if and how any negative matters can be mitigated.
- (6) In addition to any or all of the information requirements indicated above, each application for a commercial development may be required, at the discretion of the Development Authority, to be accompanied by the following information:
 - (a) physical suitability of site with respect to soils, slopes and drainage,
 - (b) the size and number of lots and proposed phasing (if any),
 - (c) servicing requirements and provisions for meeting them,
 - (d) estimated water demand and anticipated source,
 - (e) estimated gas demand and anticipated source,
 - (f) type of effluent and method of treatment,
 - (g) type of air emissions and method of abatement,
 - (h) estimated noise generated by the development and method of abatement,
 - (i) estimated light generated by the development and (if necessary) method of abatement,
 - (j) costs associated with providing new or upgraded municipal services associated with the development,
 - (k) the requirements and provisions for employee and customer parking and for site access,
 - (l) a landscaping plan,
 - (m) cross-sections and elevations for each building,

- (n) a list of proposed uses, and
 - (o) transportation routes and estimated traffic impact.
- (7) In addition to the information requirements indicated in **Sections 4.1(1), 4.1(3) and 4.1(4)**, the Development Authority may require an applicant for a subdivision or development permit for **Cannabis Production and Distribution** to submit any or all of the following information; prepared by a qualified professional; with the application:
- (a) Waste Management Plan;
 - (b) Environmental Assessment;
 - (c) Traffic Impact Assessment;
 - (d) Water/Wastewater Report;
 - (e) Storm Water Management Plan; and/or
 - (f) Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.”
- (8) The Development Authority or Subdivision Authority may require an applicant for subdivision or a development permit for a **Cannabis Retail Sales Establishment**, to include with the application the following information:
- (a) a map identifying the distance from the proposed development to all property boundaries of:
 - (i) buildings containing a school or a boundary of a parcel of land on which the building is located;
 - (ii) parcels of land that are designated as school reserve or municipal and school reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - (iii) provincial health care facilities or the boundary of a parcel of land on which the facilities are located;
 - (iv) any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission; and
 - (v) parks and playgrounds within the Town of Legal.”
- (9) The Development Authority or Subdivision Authority may require an applicant for subdivision or a development permit for the development of an **Industrial Hemp**

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Production Facility to provide the following information, prepared by a qualified professional, with the application:

- (a) Waste Management Plan;
 - (b) Environmental Assessment;
 - (c) Traffic Impact Assessment;
 - (d) Water/Wastewater Report;
 - (e) Storm Water Management Plan; and
 - (f) Any additional study or assessment necessary to address specific concerns identified by the Development Authority and/or Subdivision Authority in the course of their review of the application.
- (10) In addition to the information requirements indicated above, an application for a development permit for the excavation, stripping or grading of land that is proposed without any other development on the same land, may include with the application, the following information:
- (a) location and area of the site where the excavation is to take place,
 - (b) existing land use and vegetation,
 - (c) the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site,
 - (d) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority,
 - (e) identification of potential for outdoor noise and the discharge of substances into the air,
 - (f) the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site,
 - (g) an indication of all municipal servicing costs associated with the development, and
 - (h) the proposed haul route, dust control plan and expected hours of operation.

- (11) In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- (12) In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.
- (13) At the sole discretion of the Development Authority Officer, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the storm water is to be directed. Storm water from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or storm water management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.
- (14) The Development Authority may refer any application for a development permit to any person or agency for comments in writing.
- (15) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
- (16) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Five of this Bylaw, at his discretion, the Development Authority may or may not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (17) The Development Authority shall receive, review, consider and decide on all other applications for a development permit, except for development permit applications within the Direct Control District. For development permit applications on lands located within the Direct Control District, the development Authority shall receive, review and forward applications for a development permit to Council for their

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decision, and then undertake all the other responsibilities of the Development Authority once Council has made a decision on the development permit application.

- (18) The Council shall receive applications for a development permit within the Direct Control District from the Development Authority, and decide on such applications. In making such decisions, the Council has all of the responsibilities, powers, and duties of the Development Authority as elsewhere indicated in this Bylaw.

4.2 Referral of Applications

- (1) Development in proximity to a Highway:

Applications for development located within 0.8 km (0.5 mi.) of the right-of-way of a highway, where the proposed development would have direct access from the highway, shall be referred to Alberta Transportation for comment prior to any decision by the Development Authority.

- (2) Historical or archeological Sites

Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be circulated to the Province and protected in accordance with Provincial legislation and regulations.

- (3) All subdivision proposals and all applications for significant discretionary development permits within 3.2 km (2.0 miles) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.
- (4) The Development Authority may refer any application for a development permit prior to making a decision on the application to any other person, agency, or organization as deemed necessary or suitable by the Development Authority.

4.3 Decision

- (1) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- (2) In making a decision, the Development Authority may also impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the municipality or by certification by either an engineer, an architect, or an Alberta Land Surveyor that the measures indicated

within the various elements of information provided with the application, including any mitigative or elimination measures, as described through the information provided pursuant to **Section 4.1**, have been completed or will be undertaken, as appropriate, in accordance with the Development Authority's approval.

- (3) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (4) The Development Authority may require, as a condition of issuing a development permit, that all necessary safety measures are taken during any excavation, storage or piling up of materials required during construction, and that the owner of such materials or excavations assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- (5) The Development Authority may also require that as a condition of issuing a development permit, all requirements of this Bylaw and of Provincial regulations be met, and that any further development on the subject site require a development permit.
- (6) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
- (7) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, 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 land or building in this Bylaw.

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- (8) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in **Section 5.0** of this Bylaw as though they have received a refusal at the end of the forty (40) day period specified in this subsection.
- (9) A Development Authority may suspend or revoke a development permit at any time:
 - (a) where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - (b) if the conditions of the approval of the development permit have not been complied with or cease to be complied with;
 - (c) if requested to do so by the applicant; or
 - (d) within 14 days of the issue of the permit, where the permit was issued in error.
- (10) Temporary Developments

Where a development permit application in a land use district is for a temporary development, the Development Authority

- (a) may consider and decide upon a development for a specific period of time, not exceeding one year;
- (b) shall impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and
- (c) may require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

4.4 Notice of Decision

- (1) Within five (5) working days after a decision on a development permit application, the Development Authority shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Town office **and on the Town's website** indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.

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- (2) When a development permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, no notification shall be given of the decision except to the applicant and the notice posted in the Town office;
- (3) When a development permit for a discretionary use has been issued, the Development Authority shall immediately:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) mail a notice in writing to all adjacent landowners who, in the sole opinion of the Development Authority, may be affected; and/or
 - (c) publish a notice of the decision in a newspaper circulating in the Town,
stating the location of the property for which the application has been made and the use approved.
- (4) When a development permit for a permitted use has been issued, for which a variance has been granted or conditions have been required; the Development Authority shall immediately:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) mail a notice in writing to all adjacent landowners who, in the sole opinion of the Development Authority, may be affected; and/or
 - (c) publish a notice of the decision in a newspaper circulating in the Town,
stating the location of the property for which the application has been made and the use approved.
- (5) When the Development Authority refuses an application for a development permit, the decision shall be issued in writing and contain reasons for the refusal.
- (6) A person to whom a development permit has been issued shall, during development, keep a copy of the development permit posted in a conspicuous place on the lot, and a copy of the approved drawings and specifications to which the permit pertains.

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4.5 Validity of Development Permits

- (1) When a development permit has been granted by the Development Authority, it shall not be valid unless and until the conditions of the permit, excluding those of a continuing nature, have been fulfilled and no notice of appeal has been served on the Subdivision and Development Appeal Board within the appeal period.
- (2) When the Subdivision and Development Appeal Board has approved a development permit, the permit shall not be valid until the decision of the Board is issued in writing.
- (3) If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall suspend the development permit, except where approval has been granted for a permitted use or, where a license, permit, approval or other authorization is granted by the Natural Resource Conservation Board or Alberta Energy Regulator (AER) to the extent that the application complies with the license, permit, approval or other authorization granted. The final determination of an appeal, except for those applications approved as a permitted use and/or, by the Natural Resource Conservation Board or Alberta Energy Regulator (AER), shall validate, amend or revoke, as the case may be, a suspended development permit.
- (4) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date that notice of an order, decision, or development permit is received as described in **Section 4.4 – Notice of Decision**. For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (5) Notwithstanding Subsection (4) above, a development permit for a permitted use where the provisions of this Bylaw were neither relaxed or varied in the decision of the Development Authority, or for a development permit issued by Council within the Direct Control District, comes into effect one (1) day after its issuance, or one (1) day after all of the conditions of the permit have been met, whichever day is the latter.

4.6 Commencement and Completion

- (1) If the development authorized by a development permit is not commenced within 12 months from the date of its issuance and carried out with reasonable diligence within three (3) years of the date of issuance the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.

- (2) Upon application to the Development Authority, prior to the expiry of an approved development permit application, the Development Authority may grant an extension to the effective period of a development permit for a period that shall not exceed 12 months.
- (3) When a development permit expires, a new application is required. The new application will be reviewed and a decision issued based on the current merits of the proposed development in relation to current municipal, provincial and federal regulations, requirements, policies and practices. The Development Authority shall not be obliged to approve a development permit based on a previous approval.
- (4) In cases where a use is discontinued, or intended to be discontinued for a period of six (6) months or more, any subsequent use of the land or building shall comply with this bylaw and shall require a new development permit.

4.7 Developer's Responsibility

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes and sidewalks.
- (4) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Authority, has been undertaken.

4.8 On-Site and Off-site Services and Improvements

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the work nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken according to the standards and specifications of the Town. In order to satisfy the Development Authority, the developer will be required to enter into a development agreement with the Town as a condition of development permit approval.

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- (2) No development permit shall be issued for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- (3) All future development areas must be serviced to the satisfaction of the Development Authority.
- (4) All infrastructure improvement costs associated with the development will be borne by the proponent of the development.

5 | Development Appeals

5.1 Appeal Procedure

- (1) The Subdivision and Development Appeal Board, as established by Town Bylaw, shall hear and make a decision on an appeal where the Development Authority:
 - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Authority to extend the 40-day period herein described, or
 - (b) issues a development permit for a permitted or a discretionary use subject to conditions, or
 - (c) issues a development permit for a discretionary use, or for a permitted use pursuant to this bylaw; or
 - (d) issues an order under **Section 7** of this Bylaw,and the person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority appeals to the Subdivision and Development Appeal Board.
- (2) A person applying for the permit or affected by an order under **Section 7**, or any other person affected by a development permit, order or decision issued/made by the Development Authority, may appeal to the Subdivision and Development Appeal Board.
- (3) Notwithstanding subsections (1) and (2) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this

Bylaw were relaxed, varied or misinterpreted or for the issuance of a Development Permit by Council within the Direct Control District.

- (4) An appeal shall be made by serving a written notice of appeal and submitting the applicable fee to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - (a) the date a notice of the decision or permit issued by the Development Authority was given in accordance with **Section 4.4** of this Bylaw, or
 - (b) the date an order was given in accordance with **Section 7.1(1)** of this Bylaw, or
 - (c) the forty (40) day period or any extension referred to in **Section 4.3(8)** of this Bylaw has expired.
- (5) Each notice of appeal shall be accompanied by a fee as set by Council and shall contain at least one (1) reason for appeal.

5.2 Appeal Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:
 - (a) the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;
 - (c) those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
 - (d) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or

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- (b) the order of the Development Authority under **Section 7.1** of this Bylaw or **Section 645** of the Act.

as the case may be.

- (4) At the appeal hearing referred to in subsection (1), the Subdivision and Development Appeal Board shall hear:
 - (a) the appellant or any other person acting on their behalf;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

5.3 Appeal Decision

- (1) In determining an appeal, the Subdivision and Development Appeal Board:
 - (a) shall have due regard for any applicable statutory plans and the Town's Land Use Bylaw;
 - (b) shall comply with the Province's Land Use Policies and applicable regional plans;
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) must have regard for, but is not bound by, the Subdivision and Development Regulation;
 - (e) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board if:
 - (i) the proposed development would not:
 - A. unduly interfere with the amenities of the neighbourhood, or

- B. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 - (ii) the proposed development conforms with the use prescribed for the land or building as defined in this Land Use Bylaw.
- (2) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
 - (3) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
 - (4) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
 - (5) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
 - (6) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and
 - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

6 | Bylaw Amendments

6.1 Application for Amendment

- (1) A person may apply to have this Bylaw amended by applying in writing, furnishing reasons in support of the application and paying the fee therefore required.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an amendment therefore:
- (3) All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:
 - (a) an application fee according to the governing Land Use Bylaw fee schedule as amended from time to time by resolution of Town Council shall be submitted for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant;
 - (b) a title search for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land;
 - (c) drawings drawn on standard drafting material to the satisfaction of the Development Authority, which shall be fully dimensioned, accurately figured, explicit and complete; and
 - (d) any other information deemed necessary by the Development Authority.
- (4) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- (5) Council may request such information as it deems necessary to reach a decision on the proposed amendment.

6.2 Public Hearing Process

- (1) At the discretion of Council, first reading of a proposed amendment may be given before the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Town Council.
- (2) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.

7 | Enforcement

7.1 Contraventions, Stop Orders and Penalties

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
 - (a) the Act or the regulations made thereunder; or
 - (b) a development permit or subdivision approval; or
 - (c) the Land Use Bylaw;

the Development Authority may, in accordance with the Municipal Government Act, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
- (ii) demolish, remove or replace the development; and/or
- (iii) take such other measures as are specified in the notice;

so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, within the time frame specified in the notice as the case may be.

- (2) Where a notice is issued under **Section 7.1(1)**, the notice shall state the following and any other information considered necessary by the Development Authority:

- (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
 - (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
 - (c) a time frame in which the contravention must be corrected prior to the Town pursuing action; and
 - (d) advise the person of their right to appeal the notice to the Subdivision and Development Appeal Board.
- (3) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (5) The municipality may register a Caveat under the Land Titles Act pursuant to the Order against the certificate of title that is subject to the Order in accordance with Section 646(2) of the Act.
- (6) Enforcement
- (a) This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.
 - (b) A person who:
 - (i) contravenes any provision of the Act or the regulations under the Act,
 - (ii) contravenes this Bylaw,
 - (iii) contravenes an order under **Section 7.1** of this Bylaw and/or Section 645 of the Act,
 - (iv) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - (v) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw

is guilty of an offense and is liable to a fine prescribed in Section 566 of the Act.

- (c) If a person is found guilty of an offense under **Section 5.1** of this Bylaw (Section 557 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - (i) the Act and the regulations under the Act,
 - (ii) this Bylaw,
 - (iii) an order under **Section 7.1** of this Bylaw and/or Section 645 of the Act, and/or

a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.

- (d) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - (i) delivered personally to the person or their agent it is directed to; or
 - (ii) mailed by regular mail to the last known address of the person it is directed to; or
 - (iii) left with any agent or employee or resident at the last known address of the person to whom it is directed.
- (e) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

(6) Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Town.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$100.00 for a first offence and

\$200.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.

- (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.
- (g) If a violation ticket has been issued with respect to a development which has occurred without an approved development permit, all fines indicated above shall be doubled.

8 | General Regulations

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply.

8.1 Accessory Buildings in Residential Districts

- (1) Where a building is attached to the main building on a site by its roof, an open or enclosed structure, a floor or a foundation, it is considered to be a part of the main building.
- (2) Except as otherwise indicated in this Bylaw, this Section applies within all Residential Districts.
- (3) Unless otherwise provided in this Bylaw,
 - (a) an accessory building shall not exceed one storey nor 6.10 m (20 ft.) in height with maximum height of vertical walls not exceeding 4.27 m (14 ft.). If vertical walls exceed 3.05 m (10 ft.), then a 0.61 m (2 ft.) overhang is required;

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- (b) notwithstanding (a) above, a garage with an approved garage suite may not exceed 10.0 m (32.8 ft.) in height.
 - (c) accessory buildings shall not be located:
 - (i) within 2.0 m (6.56 ft.) of a dwelling;
 - (ii) within a front yard or within a side yard adjacent to a road, except in the case of a corner lot in which case the accessory building may be located with a minimum of 5.5 m (18.04 ft.) from the road if, in the opinion of the Development Authority, no adjacent developments would be adversely affected;
 - (iii) within 1.0 m (3.3 ft.) of a side line or rear line, unless the accessory building is a garage and the garage doors face the side line or the rear line, in which case the accessory garage must not be within 5.5 m (18.04 ft.) of the side line or rear line, whichever line the garage doors face, and within 1.0 m (3.3 ft.) of the other line;
 - (iv) over a gas utility line; or
 - (v) such distance as required by the Development Authority as a result of utilities or utility rights-of-way; and
 - (d) no roof overhang shall be within 0.3 m (0.98 ft.) of the side and rear lines.
- (4) On corner lots, accessory buildings shall be situated so that the side yard which abuts the road is not less than the minimum side yard requirement for the main building or use.
 - (5) Except at the discretion of the Development Authority, no accessory building may have a floor area greater than the floor area of the dwelling on the same lot.
 - (6) An accessory building shall not be used as dwelling unless the accessory building is a surveillance suite or garage suite for which a development permit has been granted pursuant to this Bylaw.
 - (7) All accessory buildings shall be constructed of materials that blend harmoniously with the main building on the lot.
 - (8) An accessory building or use shall not be located on a lot which does not have on it a main building or use;
 - (9) Notwithstanding the provisions of the District in which it is located, the total combined floor area of accessory buildings shall not exceed twelve percent (12%) of the lot area.

- (10) Notwithstanding Subsection (3)(b), fire pits shall be located a minimum of 3.0 m (10.0 ft.) from a dwelling or any other combustible material including: accessory buildings, trees and fences;
- (11) Development permits for portable tented structures shall be issued for a temporary period not exceeding three (3) years.

8.2 Accessory Buildings in Other Districts

- (1) In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
- (2) At the discretion of the Development Authority, a development permit may be issued for the temporary erection of a factory-manufactured building or tented structure for use as an accessory building provided that the following additional conditions are met:
 - (a) the development permit approval shall not be for a period of more than one (1) year,
 - (b) if an extension to the one (1) year period is desired by the applicant, the applicant must submit a written extension request to locate the building for a further six (6) months.
- (3) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea can be given a fresh coat of paint as a condition of the issuance of a development permit.

8.3 Amateur and Small Radio Antennas

- (1) Amateur and small radio antennas shall only be allowed as accessory developments.
- (2) An amateur or small radio antenna shall conform to the following provisions:
 - (a) it shall be installed according to the manufacturer's specifications;
 - (b) it shall be located in the rear yard;
 - (c) it shall conform to the height regulations in the district in which the antenna is located;
 - (d) it shall not be illuminated or have any signs affixed thereto; and

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- (e) at the discretion of the development authority, it shall be adequately buffered from adjacent land uses.

8.4 Bareland Condominiums

- (1) A Bare Land Condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.
- (2) An application for a Bare Land Condominium development shall include a comprehensive site plan.
- (3) For the purposes of this Bylaw, a Bare Land Condominium Plan is a plan of subdivision and a unit on a Bare Land Condominium Plan is a lot.

8.5 Basic Campgrounds

- (1) Where a campground proposal will ultimately exceed sixty (60) campsites and/or cabins and is located on a lot greater than 8.0 ha (19.8 ac.), a development concept plan for the development of the entire tract of land shall be submitted and approved by the Development Authority prior to submitting a development permit application for any site specific development. The development concept plan shall include detailed plans and specifications (i.e. servicing, traffic, environmental considerations, etc.) for the initial stage, as well as any subsequent stages of development.
- (2) A minimum of 10% of the gross lot area of the campground shall be set aside for common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this area.
- (3) Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- (4) All campgrounds shall be provided with safe and convenient vehicular access and all roadways within a campground shall be of a surface and standard acceptable to a Development Authority for the purposes of accommodating emergency, fire and maintenance vehicles.
- (5) Within a campground development, the roadway system will be sensitive to the topography and site characteristics of the site and shall be “signed” to avoid confusion.

- (6) All campsites shall be accessible by means of an access at least 3.0 m (9.8 ft.) in width where the access is for one-way traffic, or at least 6.0 m (19.7 ft.) in width where the access is for two-way traffic.
- (7) Trees and natural vegetative cover shall not be removed without an approved development permit, or development concept plan. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.
- (8) Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2.0 m (6.6 ft.), to the satisfaction of the Development Authority.
- (9) Fires are permitted only in facilities which have been provided for such purpose or where open fires are allowed by the Town's fire department.
- (10) Fireplaces, fire pits, charcoal and or other barbecue equipment, wood burning stoves, or any other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighbouring properties.
- (11) Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings.
- (12) A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour emergency communications service (e.g. telephones) shall be provided.
- (13) Pedestrian walkways having a width of not less than 1.2 m (3.9 ft.) shall be provided from campground stalls to all service buildings, facilities, refuse collection areas, and recreation areas. The walkways shall be well drained, well lighted, and the surface shall be constructed of a standard to the satisfaction of a Development Authority.
- (14) The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of a Development Authority.
- (15) Campgrounds with less than sixty (60) campsites and no permanent cabins shall be required to provide sewage disposal and water service facilities to the satisfaction of a Development Authority.
- (16) Campgrounds with more than sixty (60) campsites and with permanent cabins shall provide onsite services as follows:

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- (a) A water supply system shall be provided for each campsite designed to accommodate the campground user occupying a self-contained recreational vehicle or a cabin and shall be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Town Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
 - (b) Alternatively, a campground may provide one or more easily accessible water supply outlets for filling potable water storage tanks. The water supply outlets shall be located within 100.0 m (328.1 ft.) of the campsites. The water supply outlets shall be constructed to the satisfaction of the Town Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
 - (c) An adequate and safe sewage disposal system shall be provided in a campground for each campsite designed to accommodate the campground user occupying a self-contained vehicle or cabin and shall be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Authority. The sewage disposal system in a campground shall be constructed to the satisfaction of the Town Engineer and the Development Authority and shall comply with all applicable Provincial and Town regulations, and shall be maintained to the standards of the regulatory approvals.
 - (d) A campground shall be provided with sanitary dumping stations in the ratio of one for every one hundred recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained to Town regulations and standards to the satisfaction of the Town Engineer and the Development Authority. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be separated from any campsite or cabin by a distance of not less than 20.0 m (65.6 ft.).
 - (e) In no case shall less than one (1) toilet and lavatory be provided for each sex for every ten (10) campsites.
- (17) Campgrounds, containing campsites, cabins, hotels and or motels are considered temporary occupancies, and subsequently, the maximum occupancy is two hundred and forty (240) days per calendar year.
- (18) The minimum size for a campsite is:
- (a) 10.0 m (32.8 ft.) in width;

- (b) 25.0 m (82 ft.) in depth; and
 - (c) 325.0 sq. m (3500 sq. ft.) in area.
- (19) A recreation vehicle/travel trailer on a campsite shall be separated a minimum of 3.0 m (9.8 ft.) from:
- (a) another recreation vehicle/travel trailer on an adjacent site;
 - (b) other structures; and
 - (c) an interior roadway.
- (20) Each campsite shall provide two parking spaces on the campsite.
- (21) All campsites shall be required to provide an acceptable form of ground cover to prevent erosion. Natural vegetation shall not be removed from campsites without an approved development permit. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.

8.6 Bed & Breakfast Establishments

A bed and breakfast establishment shall comply with the following regulations:

- (1) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of three (3) sleeping bedrooms.
- (2) Cooking facilities shall not be located within the sleeping units.
- (3) A bed and breakfast establishment shall also comply with all of the requirements for a home occupation described in **Section 8.25** of this Bylaw.

8.7 Building Exteriors

- (1) Except at the discretion of the Development Authority, no single family dwellings of identical (or in the opinion of the Development Authority similar) roof or front elevations or total colour treatment shall be located within four (4) lots from each other along either side of a road, unless the dwellings form part of a single project which is subject to one development permit.
- (2) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
- (3) The design, character, and appearance of all buildings shall:

- (a) be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,
- (b) be suited to the purpose of the District in which it is located, and
- (c) comply with the provision of any statutory plan applicable to the design, character or appearance of the building.

8.8 Cannabis Production and Distribution

Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.

- (1) No cannabis production and distribution development shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- (2) A cannabis production and distribution development shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including:
 - (a) The production of cannabis in accordance with the *Cannabis Regulations*, SOR/2018-144, as amended, or any subsequent legislation that may be enacted.
- (3) Cannabis production and distribution developments must provide a copy of the current license(s) for the cannabis production and distribution development as issued by the provincial and/or federal government to the Development Authority with the application or as a condition of development permit approval.
- (4) Cannabis production and distribution developments shall meet security and premises requirements as required under provincial and federal legislation.
- (5) The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (6) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- (7) No outdoor storage of goods, material, or supplies shall be permitted.
- (8) Garbage containers and waste material shall be contained within an enclosed and locked building.

- (9) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (10) All activities related to the cannabis production and distribution developments shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- (11) Hours of operation may be restricted as a condition of the development permit issued by the Development Authority.
- (12) A cannabis production and distribution development's exterior lighting levels shall satisfy the following requirements:
 - (13) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under provincial and federal regulations.
 - (14) Minimum lot size shall be at the discretion of the Development Authority.
 - (15) Minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
 - (16) Maximum lot coverage shall be at the discretion of the Development Authority.
 - (17) Maximum height of the principle building shall be 10.0 m (32.8 ft.).
- (18) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
- (19) On site buffering measures shall be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- (20) Parking and loading requirements for cannabis production and distribution facilities shall be provided based on this regulation in **Sections 8.39** and **8.40** of this Bylaw and any applicable requirements in provincial and federal regulations, as amended.

The regulations in this section are not exclusive and shall not prevent the Town from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.”

8.9 Cannabis Retail Sales Establishment

Regulations within this section apply to the retail sale of cannabis.

- (1) Cannabis retail sale establishments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including:
 - (a) the production of cannabis in accordance with the *Cannabis Regulations*, SOR/2018-144, as amended;
 - (b) any subsequent legislation or regulations that may be enacted.
- (2) Cannabis retail sale establishments shall comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
 - (a) only facilities licensed by the provincial or federal governments will be permitted;
 - (b) a copy of the license(s) for the cannabis retail sales establishment as issued by the provincial government shall be provided to the Development Authority, with the application or as a condition of development approval.
- (3) Cannabis retail sales establishments shall include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw for a commercial use and meet all servicing standards of the municipality.
- (4) The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (5) Cannabis retail sales establishments shall meet security and premises requirements as required under provincial and federal legislation.
- (6) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (7) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- (8) A cannabis retail sales establishment's exterior lighting levels shall satisfy the following requirements:

- (a) The illumination of parking areas, walkways, signs, and other structures associated with cannabis retail sale development shall be arranged to meet the requirements under provincial and federal regulations.
- (9) Cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, a public park, or a parcel of land that is designated school reserve, or municipal and school reserve.
- (10) A public education facility, a provincial health care facility, a public park, or a parcel of land that is designated as school reserve, or municipal and school reserve shall not be approved within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
- (11) The separation distance between the cannabis retail sales establishment and the uses listed in subsections **8.9(9)** and **8.9(10)** shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.
- (12) A site, building or structure established, operated, or maintained as a cannabis retail sales establishment shall comply with the provisions made for in any applicable Municipal, Provincial, and Federal regulations as per this Bylaw.
- (13) Applications for subdivision of land for this use shall include the information required by the Development Authority in **Section 4.1**.

These regulations are not exclusive and shall not prevent the municipality from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

8.10 Car Washes

- (1) In addition to the Districts in which a car wash is indicated as a permitted or a discretionary use, a car wash may be allowed as a discretionary use as part of a shopping centre if the Development Authority is satisfied that it will not contravene other regulations of this Bylaw or adversely affect an adjoining land use or traffic circulation within and adjacent to the shopping centre.
- (2) The minimum lot area shall be 600 sq. m (6458.0 sq. ft.) and shall contain space for ten (10) vehicles to wait or be parked prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations or gas bars including car washes, minimum lot area shall be 1120.0 sq. m (12,056.0 sq. ft.).

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- (3) All lot and building requirements pertaining to drive-in businesses (**Section 8.17**) shall also apply to car washes.

8.11 Churches & Other Places of Religious Assembly

- (1) The lot on which a place of religious assembly is situated shall have a frontage of not less than 30.48 m (100 ft.) and an area of not less than 929 sq. m (10,000 sq. ft.), except in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1393.5 sq. m (15,000 sq. ft.).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of religious assembly is located.

8.12 Confined Feeding Operations & Manure Storage Facilities

- (1) Confined feeding operations and manure storage facilities for which an approval, a registration, or an authorization is required pursuant to the Agricultural Operation Practices Act are not regulated by this Bylaw but by that Act.

8.13 Crime Prevention Through Environmental Design

- (1) During the review of a Development Permit, the Development Authority may consider the following Crime Prevention Through Environmental Design (CPTED) principles, and make recommendations for the proposed development:
 - (a) the reduction of concealment opportunities;
 - (b) The provision of lighting to minimize unlit areas;
 - (c) the placement of windows to maximize informal surveillance; and
 - (d) easily-identified street addresses.

8.14 Development on Corner and Double Fronting Lots

- (1) On corner lots in any district, no fence, wall, tree, bush structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area

formed by the intersecting boundary lines of the lot adjacent to the highway or road and a straight line joining points on those boundary lines 8.0 m (26.2 ft.) from their intersection.

- (2) In the case of double fronting sites, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
- (3) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- (4) Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).
- (5) Notwithstanding Subsection (4) above, features under 0.5 m (1.65 ft.) above grade may can project to the side line where a second minimum front yard is not required on a corner site (see figure 20).

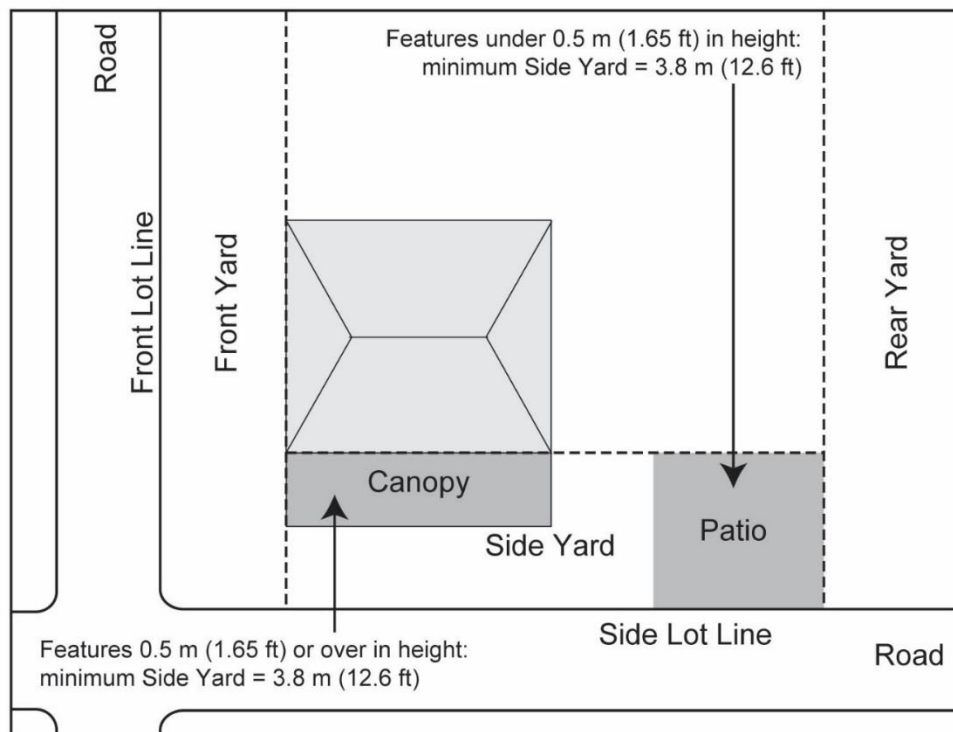


Figure 21: Permitted Side Yard Setbacks

8.15 Day Use and Picnic Areas

- (1) A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers shall be at the discretion of the Development Authority.
- (2) The facility shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- (3) Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
- (4) Parking areas should be physically separated from the rest of the day use or picnic areas.

8.16 Development of a Project

- (1) Prior to the granting of approval of a multi-lot subdivision application or a development permit for a large project, as the case may be, the developer shall provide the municipality with a proposed site development and landscaping plan and enter into an agreement with the municipality specifying the respective obligations of the developer and the municipality.

8.17 Drive-In Businesses

- (1) Points of access and egress shall be located to the satisfaction of the Development Authority.
- (2) The minimum lot area shall be 557.4 sq. m (6000 sq. ft.).
- (3) All parts of the lot to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
- (4) The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- (5) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- (6) The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

8.18 Dwelling Units on a Lot

- (1) No permit shall be granted for the erection of any more dwelling units on a single lot other than allowed for within this Bylaw.
- (2) No more than one single family dwelling shall be permitted on any lot.
- (3) The number of dwelling units allowed on any lot shall not exceed one (1) except:
 - (a) where the additional dwelling unit:
 - (i) is contained in a building that, or in buildings each of which, is designed for or divided into two (2) or more dwelling units, and which is located within a District where such buildings are allowed as either a permitted or a discretionary use; or
 - (ii) is a secondary suite, in-law suite, or garage suite as defined in this Bylaw, and which is located within a District where a secondary suite, , in-law suite, or garage suite is allowed as either a permitted or a discretionary use; or
 - (iii) is a building, as defined in the Condominium Property Act, that is the subject of a condominium plan to be registered in a land titles office under the Act.

8.19 Emergency Access to Buildings

- (1) Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for firefighting equipment is afforded to all buildings.
- (2) On at least two sides (one of which shall be the longest side) of any dwelling which is an apartment and which exceeds two (2) storeys in height there shall be firm level areas accessible from an adjacent road for firefighting equipment for at least 75% of the length of each of the two (2) sides of the building. Such areas shall not be less than 4.25 m (13.9 ft.) in width and not more than 3.0 m (9.9 ft.) from the building, and no permanent structure or vehicular parking shall be permitted thereon.
- (3) A paved driveway or driveways for the purpose of permitting the access of firefighting equipment to all major access points of shopping center buildings and to all fire risk utilities on the shopping center site shall be provided, and no permanent structure or vehicular parking may be provided thereon.

8.20 Existing Substandard Lots

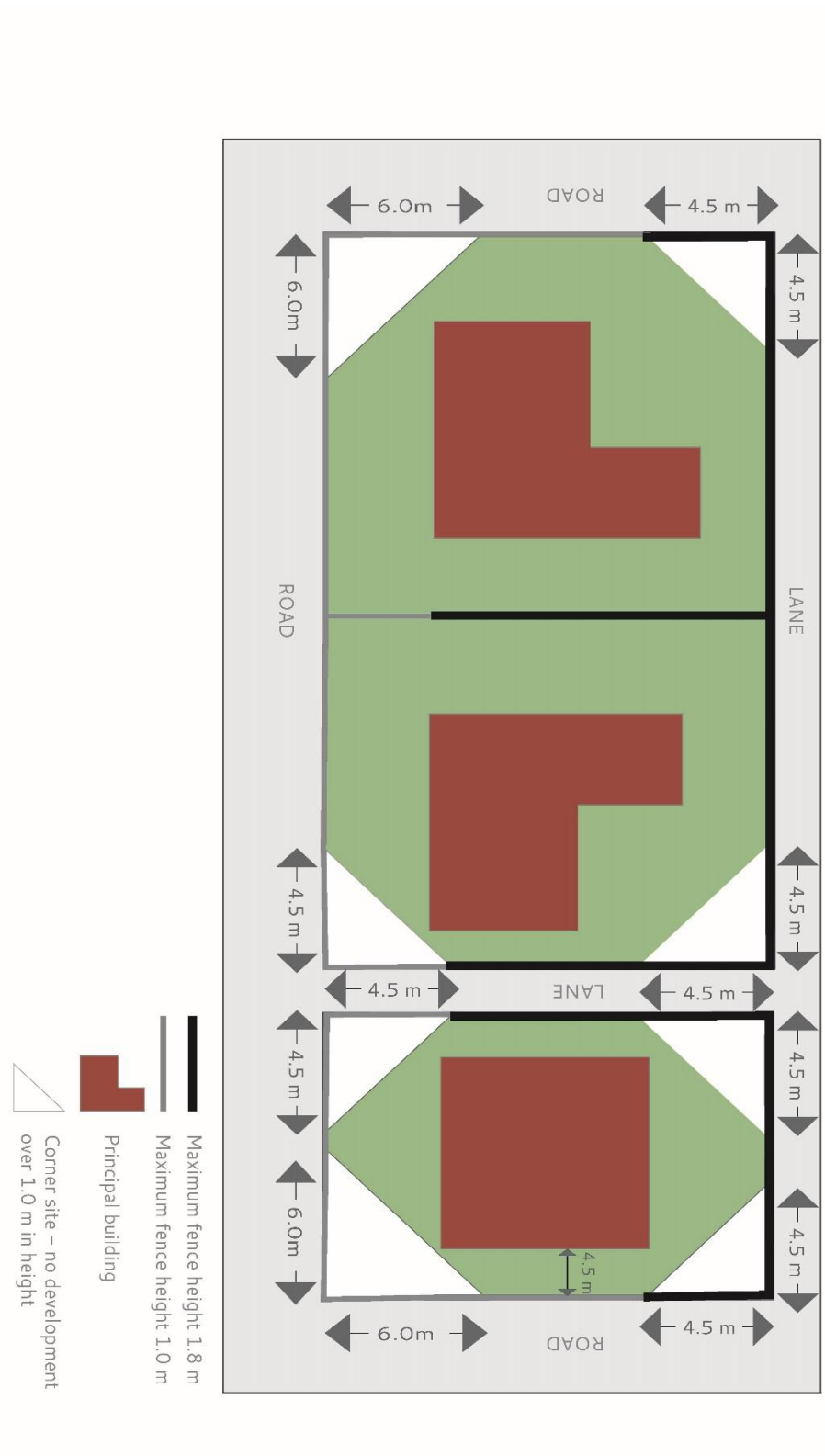
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Development on existing substandard lots may be allowed by the Development Authority. Compliance with the Alberta Safety Codes Act and any applicable Provincial Board of Health Regulations shall be required.

8.21 Fences, Walls & Hedges

- (1) Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot provided however, that a fence, wall or hedge or other vegetation shall not be allowed to encroach onto any road or lane right-of-way.
- (2) No fence, wall or hedge in any Residential District shall be:
 - (a) Higher than 2.0 m (6.56 ft.) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - (b) Higher than 1.0 m (3.3 ft.) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection (see figure 21); or
 - (c) Higher than 1.0 m (3.3 ft.) within 6.0 m (19.7 ft.) of the intersection of roads, (see figure 21).
 - (d) Higher than 1.0 m (3.3 ft.) within 4.5 m (14.8 ft.) of the intersection of lanes and lands with roads (see figure 21) .

Figure 22: fence height requirements



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- (3) All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.2 m (3.9 ft.) nor more than 2.1 m (7.0 ft.) in height, along any side or rear lines adjacent to any residential district.
- (4) All drive-in businesses, car washing establishments, service stations and gas bars adjacent to any Residential District shall provide and maintain, to the satisfaction of the Development Officer, a solid wall or fence of not less than 1.5 m (4.9 ft.) nor more than 2.1 m (7.0 ft.) in height.
- (5) All other commercial or industrial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wall or fence of not less than 1.8 m (6.0 ft.) in height for screening. In addition, garbage containers and outdoor storage shall be screened to the satisfaction of the Development Authority.
- (6) Notwithstanding any other provision in this Bylaw to the contrary, the height of a fence or wall in a Commercial or Industrial District may be up to 2.5 m (8.2 ft.) in height, provided, however, that no barbed wire shall be used above the height of 1.8 m (6.0 ft.).
- (7) The height of a fence in an Industrial District or in an Urban Reserve District shall be as determined by the Development Authority.
- (8) The Development Authority may require that any fence or wall in any Commercial or Industrial District or related to an apartment or row housing development, including those indicated in Subsections (3) to (6), inclusive, above, be opaque.
- (9) Neither razor wire nor barbed wire shall be allowed within Residential Districts.
- (10) Razor wire shall not be used in the municipality without a development permit having been issued to allow its use.
- (11) Barbed wire shall be used as a fencing material only if a development permit has been issued to allow its use.

8.22 Garage Suites

- (1) A garage suite shall be restricted to a site occupied by a single family dwelling.
- (2) A garage suite is prohibited from being constructed on a lot with a duplex, or multi-family dwelling.

- (3) A maximum of one garage suite is allowed on any lot on which a single family dwelling is located.
- (4) A garage suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 sq. m (860.0 sq. ft.) in floor area.
- (5) A garage suite shall remain accessory to and subordinate to the use of the garage.
- (6) The minimum floor area for a garage suite is 30.0 sq. m (322.9 sq. ft.).
- (7) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- (8) A garage suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (9) A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- (10) At grade garage suites shall have a maximum height of 4.5 m (14.8 ft.).
- (11) Above grade garage suites shall have a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 6.5 m (21.3 ft.) for suites with a sloped roof, provided that the maximum height of the accessory building in which the garage suite is located is not higher than the height of the principal dwelling.
- (12) A minimum of three (3) onsite parking spaces are required. Tandem parking may be allowed at the discretion of the Development Authority.

8.23 Group Homes, Day Homes and Child Care Facilities

- (1) All group homes, day homes, and child care facilities shall conform to regulations under the Safety Codes Act and any other relevant Provincial legislation and regulations.
- (2) In making a decision on a development permit for a group home, a day home, or a child care facility, the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

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- (3) In addition to all other regulations of this Bylaw, a group home development shall comply with the following regulations:
 - (a) The maximum number of residents shall be established by the Development Authority who shall have regard for the nature of the group home and the density of the District in which it is located.
 - (b) The group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.
- (4) In addition to all other regulations of this Bylaw, a child care facility development and a day home development shall comply with the following regulations:
 - (a) The maximum number of children for which care may be provided in a child care facility shall be established by the Development Authority who shall have regard for the nature of the facility, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.
 - (b) The maximum number of children for which care may be provided in a day home shall be established by the Development Authority who shall have regard for the nature of the day home, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.
 - (c) Notwithstanding Subsection (4)(b) above, the number of children within a day home established within a dwelling unit in any Residential District shall not exceed six (6).
 - (d) A child care facility in any non-residential District shall be in a separate facility, either within the principal building on the lot or in an accessory building, with a separate access to ground level and an adjacent playground area.

8.24 Hazardous Materials

- (1) No anhydrous ammonia storage shall be allowed within the municipality.
- (2) Liquefied petroleum gas tanks with a storage capacity exceeding 9080 l (2000 gal.) may only be allowed within the Industrial District at the discretion of the Development Authority.

- (3) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- (4) No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- (5) All commercial or industrial developments involving the following hazardous materials shall submit a written description of the materials and operations being undertaken on the site to the Development Authority for review prior to development approval at the time of development permit application, or at the time the operation begins using the material:
 - (a) poisonous and infections agents,
 - (b) pesticides,
 - (c) corrosives and explosives,
 - (d) flammable and combustible liquids,
 - (e) manures, and
 - (f) radiation.
- (6) No development shall create or discharge toxic materials in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- (7) No development shall discharge toxic or noxious materials:
 - (a) across the boundaries of a site,
 - (b) through infiltration into the soil,
 - (c) into the municipal sewage disposal system, or
 - (d) into a water body, any surface water channel, or any below surface water course.

8.25 Home Occupations

- (1) All development permits issued for home occupations shall be revocable at any time by the development authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

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- (2) A minor home occupation shall comply with the following regulations:
- (a) All sales relating to the home occupation shall occur off the premise.
 - (b) A minor home occupation shall not employ any person on-site other than a resident of the dwelling.
 - (c) Storage shall only be allowed inside the dwelling and not in an accessory building. There shall be no display of goods in the interior of the residence.
 - (d) No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the minor home occupation is located shall be produced by the home occupation.
 - (e) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed only in either the dwelling or accessory buildings.
 - (f) Up to five (5) business visits per week are allowed.
 - (g) Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.
 - (h) No commercial vehicle used in or for the home based business shall be parked on the subject site, unless the vehicle is fully enclosed within a garage, or on the adjoining road.
 - (i) No exterior signage shall be allowed.
- (3) A major home occupation shall comply with the following regulations:
- (a) The number of non-resident employees working on-site shall not exceed two (2) on-site, non-occupant employees.
 - (b) Up to eight (8) business visits per day are allowed.
 - (c) No more than one (1) commercial vehicle, not exceeding 4500 kg. in weight (loaded or unloaded), to be used in conjunction with the major home occupation, shall be parked or maintained on the site in a Residential District. The parking space for the commercial vehicle shall be adequately screened and sited behind the principal building to the satisfaction of the Development Authority.

- (d) Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the Alberta Safety Codes Act and the regulations made thereunder.
 - (e) There shall be no exterior signage, display or advertisement other than a business identification sign, the size of which shall be entirely at the discretion of the Development Authority, and related to the location of the sign on the lot.
 - (f) There may be a limited volume of on-premises sales.
 - (g) The home occupation - major shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
 - (h) Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - (i) The home occupation - major shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- (4) All home occupations shall comply with the following requirements:
- (a) In addition to a development permit application, each application for a minor home occupation or a major home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - (b) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
 - (c) There shall be no exterior signage, display or advertisement, other than for a small name plate not exceeding 0.2 sq. m (2.2 sq. ft.).
 - (d) A minor or major home occupation shall not occupy more than 20% of the floor area of the main dwelling or 35.0 sq. m (37.05 sq. ft.), whichever is greater.
 - (e) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site.

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- (f) All residents who hold a home occupation business license shall be required to renew same in January of each calendar year in the appropriate form provided by the municipality.
 - (g) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - (h) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
 - (i) Home occupations shall not involve:
 - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - (ii) any use that would, in the opinion of the development authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
 - (j) It is not the intent of this Bylaw to prohibit residents from doing handcrafts from their residences. These activities may be carried on subject to the following:
 - (i) only family members are involved;
 - (ii) all sales shall occur off the premises; and
- (5) A permit issued for a home occupation is valid for one (1) year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.
- (6) A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this Bylaw or conditions of the approval of the development permit and complaints based on the operation of the home occupation have been received.

8.26 Industrial Developments

- (1) The Development Authority may request advisory comment from various departments within the Provincial and Federal Government and/or from the Health Authority when considering an application for the establishment of an industrial use in the Industrial (M1) District.

- (2) All site regulations and development requirements, including any requirement for buffers, shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
- (3) A development permit for an industrial use in the Industrial (M1) District may only be issued if, in the opinion of the Development Authority:
 - (a) the applicant can satisfy the Development Authority with respect to any concerns about:
 - (i) the type and level of exhaust that may be emitted into the atmosphere;
 - (ii) servicing requirements and provisions for meeting them; and
 - (iii) any costs associated with providing new or upgraded municipal services associated with the development.

8.27 Industrial Hemp Production Facility

- (1) No Industrial Hemp Production Facility shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- (2) An industrial hemp production facility shall comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
 - (a) Only facilities licensed by Health Canada under the *Industrial Hemp Regulations*, SOR/2018-145, or as amended, will be permitted.
 - (b) A copy of the current license for the Industrial Hemp Production Facility as issued by Health Canada shall be provided to the Development Authority before a permit can be issued.
- (3) The development shall be consistent with the characteristics and appearance of the neighbourhood.
- (4) The development shall be designed and located to minimize any impacts on the natural environment.
- (5) The development shall minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.

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- (6) There shall be no outdoor storage of industrial hemp in accordance with *Industrial Hemp Regulations*, SOR/2018-145.
- (7) All activities related to the Industrial Hemp Production Facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of industrial hemp in accordance with *Industrial Hemp Regulations*, SOR/2018-145.
- (8) An Industrial Hemp Production Facility’s exterior lighting levels should meeting the following:
 - (a) The illumination of parking areas, walkways, signs, and other structures associated with Industrial Hemp Production Facilities shall be arranged to meet any requirements of the Land Use Bylaw or any other bylaw and/or policy approved by the Town and any requirements under the *Industrial Hemp Regulations*, SOR/2018-145.
- (9) An Industrial Hemp Production Facility Site, for the purposes of this section, means the lot(s) on which the Industrial Hemp Production Facility is located or is proposed to be located.
- (10) The minimum lot size shall be at the discretion of the Development Authority having regard to the requirements in the *Industrial Hemp Regulations*, SOR/2018-145.
- (11) The minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
- (12) The maximum lot coverage shall be at the discretion of the Development Authority.
- (13) The maximum height shall be 10.0 m (32.8 ft.) for the principal building.
- (14) The minimum front setback from any property line next to a road right of way shall be:
 - (a) A From a municipal road – at the discretion of the Development Authority
 - (b) From a highway – As required by Alberta Transportation
- (15) A building or structure used for security purposes for an Industrial Hemp Production Facility may be located in the front yard and shall comply with the required minimum setbacks identified within the applicable district.

- (16) The minimum landscaping buffer width shall be as required by the Development Authority excluding those developments proposed adjacent to a provincial highway which are subject to Alberta Transportation regulations.
- (17) Buffers shall be required for all Industrial Hemp Production Facilities. Buffers may combine: setbacks, landscaping, and fencing to mitigate the impacts on farming and adjacent activities.
- (18) Parking and loading requirements for an Industrial Hemp Production Facility shall be provided based on this regulation in **Sections 8.39** and **8.40** of this Bylaw and any applicable requirements and regulations under the *Industrial Hemp Regulations*, SOR/2018-145, as amended.

The regulations in this section are not exclusive and shall not prevent the Town from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

8.28 In-law Suites

- (1) An in-law suite shall be restricted to a site occupied by a single family dwelling or a duplex dwelling.
- (2) An in-law suite is prohibited from being constructed within an apartment building or row house.
- (3) A maximum of one in-law suite is allowed on any lot on which a single family dwelling or duplex is located.
- (4) An in-law suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 sq. m (860.0 sq. ft.) in floor space.
- (5) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
- (6) An in-law suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (7) An in-law suite does not have an entrance separate from the entrance to the principal dwelling.
- (8) The minimum floor area for an in-law suite is 30.0 sq. m (322.9 sq. ft.).

8.29 Intensive Agriculture

- (1) All development proposals for intensive agriculture shall be considered and decided upon by the Development Authority individually based upon their individual merit and consideration should be given to such items as site selection, waste disposal, first owner priority, and the distance from watercourses and waterbodies, and from roads and highways.

8.30 Keeping of Domestic Pets & Livestock

- (1) The keeping of domestic pets in the Residential Districts shall be in accordance with the following provisions without the need to obtain a development permit:
 - (a) No animals other than domestic pets shall be allowed in Residential Districts.
 - (b) The total number of domestic pets per lot shall not exceed three (3).
- (2) The keeping of domestic pets not in accordance with this Section shall require a development permit.
- (3) On lots 0.61 ha (1.5 ac) in size and larger in the Urban Reserve District in addition to domestic pets livestock units shall be allowed in accordance with the following:

Lot Size	Allowable Number of Livestock Units
0.61 – 1.0 ha (1.5 – 2.5 ac.)	2
1.0 – 2.0 ha (2.5 – 5.0 ac.)	3
2.0 – 3.1 ha (5.0 – 7.5 ac.)	4
2.01 – 8.09 ha (7.5 – 19.99 ac.)	5

On lots greater than 8.09 ha (19.99 ac.) in the Urban Reserve District, livestock unit restrictions shall not apply.

- (4) Animals shall be kept under such conditions that they do not act as a nuisance and reduce the amenities of the residential area for other residents, nor shall they create any health nuisance.

- (5) The keeping of livestock not in accordance with this Section shall require a development permit.
- (6) For the purposes of this section, “one (1) livestock unit” means:
 - (a) one (1) horse (over one (1) year old), or
 - (b) two (2) colts (up to one (1) year old), or
 - (c) one (1) cow or steer (over one (1) year old), or
 - (d) one (1) buffalo (over one (1) year old), or
 - (e) two (2) calves (up to one (1) year old), or
 - (f) one (1) llama, or
 - (g) two (2) alpacas, or
 - (h) one (1) pig (over one (1) year old), or
 - (i) two (2) piglets (up to one (1) year old), or
 - (j) ten (10) ducks, turkeys, geese or chickens, or
 - (k) two (2) sheep or goats, or
 - (l) twenty (20) rabbits or similar rodents.
- (7) The keeping of ostriches, emus, or other ratites shall only be allowed upon issuance of a development permit. Two (2) ostriches, emus, or other ratites shall be the equivalent of one livestock unit. Any development permit issued for the keeping of these animals shall require, as a condition of the approval, the construction of a minimum 1.8 m (5.9 ft.) high perimeter fence comprised of tight lock game fencing or chain link fencing with steel or wooden posts around the fenced pen area.
- (8) For animals specified in Subsections 8.30(6)(a) to (l), a perimeter fence not less than 1.2 m (3.9 ft.) in height shall be constructed of four (4) strand barbed wire, chain link or wood/ steel rail. The perimeter fence is to be no closer than 20.0 m (65.6 ft.) from the nearest dwelling. For all other animals specified in Subsection 8.30(7), appropriate fencing will be constructed to contain said animals/birds within the property.
- (9) The municipality will discourage grazing within sensitive riparian areas.

8.31 Landscaping

- (1) Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality's landscaping standards as stated in **Subsection (9)** hereof. Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.
- (2) Up to a \$1000.00 landscaping deposit may be required with the submission of Development Permit applications for residential, commercial and industrial development. The deposit will be fully refundable after the first year of the completion of the development if:
 - (a) the landscaping is complete within one year of the house being constructed to lockup; and
 - (b) the landscaping conforms to the approved landscaping plan and meets with the satisfaction of the Development Authority.
- (3) When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year from the time the development is available for occupancy or the commencement of operation of the proposed development.
- (4) The Development Authority may require, as a condition of the approval of a development permit, the preparation and implementation of a landscaping plan
- (5) Landscaping plans shall include the following information which adheres to the following standards:
 - (a) the final grading of the area and the placing and spreading of topsoil. In particular:
 - (i) the cross slope across boulevards shall be a minimum of two percent (2%), and
 - (ii) all areas to be landscaped shall be graded to drain to the road, into catch basins, or into adjacent drainage easements. Under no circumstances shall an area be designed, built, or landscaped to drain from public property onto private property, or from private property onto adjacent private property without appropriate easements.
 - (b) all physical features, both existing and proposed, including: shrubs and trees identified by their common name, their botanical name, and their size;

- grassed areas; flower beds; berms showing contours; walls; fences; outdoor furniture; surface utilities; water features; and decorative paving; and
- (c) playground equipment and public seating areas if the area forms part of a communal amenity area.
- (6) Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
- (a) the plant material must be hardy to the municipality and the proposed site. The Horticultural Standards of the Canadian Nursery Trades Association may be used as a reference guide in selecting plants);
 - (b) the proportion of deciduous to coniferous trees shall be approximately 60:40, unless the landscaping plan is prepared by a professional landscape architect;
 - (c) deciduous trees must have a minimum calliper width of 5.0 cm (1.9 in.) measured 10.0 cm (3.9 in.) above the root ball;
 - (d) coniferous trees must be a minimum height of 2.0 m (6.6 ft.) at the time of planting: and
 - (e) shrub material, if deciduous, must have a minimum height of 60.0 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40.0 cm (15.7 in.) when planted.
- (7) Where trees are required within a parking lot, they shall be provided in a ratio of one (1) tree per five (5) parking spaces (single row parking) or one (1) tree per ten (10) parking spaces (double row parking), and planted in landscaped islands.
- (8) Landscaped islands must be:
- (a) designed to protect all plant material from damage,
 - (b) raised at least 15.0 cm (5.9 in.) above finished grade, and
 - (c) finished with tree grates, ground cover vegetation, and/or hard landscaping.
- (9) Landscaping must be consistent with the approved tree species list as established by Council.
- (10) Tree species not currently on the municipality's Town's approved tree species list may be allowed at the discretion of the Development Authority.
- (11) Landscaping must be located so that it will not have a negative impact on above or below ground utilities.

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- (12) The Development Authority may impose conditions requiring the retention or removal of trees, as well as additional tree planting.
- (13) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- (14) Trees shall be planted on all buffers unless otherwise specified by the Development Authority.
- (15) Buffers may include vegetation screens, distance separation, or a combination of these or any such suitable interposing features as the Development Authority may require.
- (16) The developer shall be responsible for proper maintenance of the landscaping on public lands associated with the development. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size, at no cost to the municipality.
- (17) All development in proximity to highways shall be screened, landscaped and buffered to the satisfaction of the Development Authority.
- (18) When a commercial or industrial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial or industrial land user between the commercial or industrial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
- (19) A garbage collection area, an open storage area, or an outdoor service area which is visible from an abutting site in a residential district, or from a public roadway other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan as approved by the Development Authority. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 1.8 m (6 ft.).
- (20) A minimum of 10% of the lot area of all apartment, row housing, and/or commercial developments shall be landscaped to the satisfaction of the Development Authority.

8.32 Manufactured or Mobile Homes

- (1) Manufactured or mobile homes shall not be allowed to be placed within the municipality.

8.33 Motels

- (1) Minimum Lot Area per Rentable Unit:
 - (a) One Storey – 139.4 sq. m (1500 sq. ft.)
 - (b) Two Storeys – 92.9 sq. m (1000 sq. ft.)
- (2) Minimum Floor Area per Rentable Unit – 26.5 sq. m (285 sq. ft.)
- (3) Minimum Yards:
 - (a) Front – 7.62 m (25.0 ft.)
 - (b) Side – 3.05 m (10.0 ft.)
 - (c) Rear – 3.05 m (10.0 ft.)

- (4) Space Between Buildings

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.66 m (12.0 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.

- (5) Entrances and Exits

Not more than two accesses for vehicles to a road, each of a minimum width of 7.62 m (25.0 ft.), shall be permitted, provided however, that one (1) combined motor vehicle entrance and exit may be permitted, not less than 9.14 m (30.0 ft.) in width.

- (6) The owner, tenant, operator or person in charge of a motel shall at all times:

- (a) maintain the lot and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;
- (b) maintain garbage facilities to the satisfaction of the Development Authority;

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- (c) maintain an appropriate fence, where required by the Development Authority, not less than 5.0 ft. in height, around the boundaries of the lot; and
- (d) landscape and maintain landscaping to the satisfaction of the Development Authority.

8.34 Moved-In Buildings

- (1) The movement of any building onto a lot, whether permanently or for a specific period of time, and whether or not the building is portable or can easily be removed from the lot, shall require an approved development permit.
- (2) The Development Authority may require the applicant to provide an acceptable security equal to the estimated amount of repairs, to ensure completion of any renovations set out as a condition of approval of a permit.

8.35 Multiple Dwelling Developments

- (1) Before any application for development of row housing or an apartment can be considered, the applicant must submit to the Development Authority, in addition to those requirements of **Section 4.1(3)** of this Bylaw:
 - (a) Design plans and working drawings, including elevations; and
 - (b) Site plans showing the proposed
 - (i) Location and position of structures on the lot, including any signs;
 - (ii) Location and number of parking spaces, exits, entries, and drives;
 - (iii) Location of an access to garbage storage areas; and
 - (iv) Landscape plan of the entire site which shall also show intended fencing and surfacing for drives and parking areas.
- (2) The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval.
- (3) The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans, and said relationships shall be to the satisfaction of the Development Authority.

8.36 Municipal Services, Sanitary Facilities & Road Availability

- (1) A development permit shall not be valid for a proposed use without the necessary approvals respecting the proposed type of sanitary facilities required by Provincial regulation.
- (2) A development permit shall not be issued for residential, recreational, commercial or industrial uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are available to support existing and proposed development.
- (3) No development shall take place and no development permit shall be approved unless the lot on which the development is to take place has direct access to a developed, all-weather road constructed to municipal standards or better. Alternatively, the Development Authority may establish as a condition of approval that an all-weather road be constructed by the developer/landowner to municipal standards or better from the nearest such road to the lot.

8.37 Neighbourhood Commercial Developments

- (1) Neighbourhood commercial developments located entirely within a standalone building or located within a building that also contains residential use may be allowed to locate in the R-1, R-1a, R-2, and R-3 Districts provided the development meets all of the other regulations of this Bylaw and, further, that the development:
 - (a) does not include as part of its operation a gas bar or vehicular servicing component, and/or
 - (b) is situated on a corner lot with safe access to a collector road.
- (2) The façade of a structure containing a commercial or mixed-used building, such as a corner store, building containing a neighbourhood commercial development that is located in a Residential District Area must be integrated with the surrounding residential area.
- (3) The height of a mixed use commercial/residential building containing a neighbourhood commercial development in a Residential District may not exceed twice the height and massing of the adjacent buildings.



Figure 23: Example of a Neighbourhood Commercial Building

8.38 Objects Prohibited or Restricted in Yards

- (1) No person shall keep or permit in any Residential District
 - (a) any excavation, storage or piling up of materials in a manner unacceptable to the Development Authority,
 - (b) any commercial vehicle in excess of 1 tonne, or
 - (c) more than one (1) unlicensed vehicle for more than fourteen (14) days.
 - (d) any object, chattel, or other use of land which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district. This includes dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, diesel fuel, propane and gasoline products.
- (2) In addition, no person shall keep or permit in any part of any yard in any Residential District any more than one (1) vehicle, loaded or unloaded, of a gross vehicle weight in excess of 4,800.0 kg (10,560 lbs) for longer than is reasonably necessary to load or unload the vehicle.
- (3) No person shall keep or permit in a yard adjacent to a dwelling, either:
 - (a) a propane tank that is larger than 68.2 kg (150 lbs.);
 - (b) more than four (4) propane tanks; or
 - (c) any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.);

without first obtaining a development permit.

- (4) Notwithstanding Subsection (3) above, on lots in a Residential District which are:
 - (a) greater than 1.2 ha (3 ac.) in area; and
 - (b) where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;

The Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91.0 kg (200 lbs.) to be located on a lot.

- (5) Notwithstanding Subsection (3) above, in Commercial Districts, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety standards as well as emergency response requirements, the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.) to be located either:
 - (a) within an individual lot; or
 - (b) within each recreational vehicle stall located in an approved campground/recreational trailer park.
- (6) All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.), to be located within individual stalls, in approved campground or recreational vehicle park, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to issuance of a development permit.
- (7) Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.

8.39 Off-Street Loading

- (1) When required by the Development Authority, loading spaces shall:
 - (a) have dimensions of not less than 4.0 m (13.1 ft.) in width, 8.0 m (26.2 ft.)

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in length and 4.3 m (14.1 ft.) in clearance above grade;

- (b) provide vehicular ingress to, and egress from, a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in nearby roads or lanes;
- (c) be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
- (d) be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross lot lines or sidewalks if approved by the Development Authority;
- (e) be paved or hard-surfaced where an off-street parking facility is required; and
- (f) have adequate lighting to the satisfaction of the Development Authority.

(2) Number of Off-Street Loading Spaces

The number of loading spaces required to be provided in a development shall be as follows:

- (a) For a retail, industrial, warehouse, or similar development
 - (i) of less than 1000 sq. m (10,764 sq. ft.) of gross floor area, one (1) space,
 - (ii) of between 1000 sq. m (10,764 sq. ft.) and 2000 sq. m (21,529 sq. ft.) of gross floor area, two (2) spaces, and
 - (iii) of over 2000 sq. m (21,529 sq. ft.), two (2) spaces plus one (1) for each additional 2000 sq. m (21,529 sq. ft.) of gross floor area or fraction thereof.
- (b) For an office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or any similar use
 - (i) of less than 3000 sq. m (32,293 sq. ft.) of gross area, one (1) space, and
 - (ii) of over 3000 sq. m (32,293 sq. ft.), one (1) space plus one (1) for each additional 3000 sq. m (32,293 sq. ft.) of gross floor area or fraction thereof.

(1) For an apartment building:

- (a) One (1) stall per thirty (30) dwelling units
- (2) The Development Authority may require, at their discretion, that any other building or use shall have one or more off-street loading spaces.

8.40 Off-Street Parking

- (1) Parking stalls and loading spaces shall be clearly marked in any parking facility. Such marking shall be regularly maintained to ensure legibility to users.
- (2) All off-street parking facilities shall be located at least 1.0 m (3.3 ft.) from roads or lanes, or a greater distance at the discretion of the Development Authority.
- (3) All off-street parking facilities shall be so constructed that:
 - (a) necessary curb cuts are located and flared to the satisfaction of the Development Authority;
 - (b) every off-street parking area and the access thereto is hard-surfaced, paved, or of a gravel mixture approved by the Development Authority;
 - (c) parking facilities used at night have adequate lighting of the entire parking facility. Such lighting shall be directed away from adjacent residential properties and other properties where in the opinion of the Development Authority it would have adverse effects; and
 - (d) grades and drainage shall dispose of surface water. In no case shall surface drainage cross any sidewalk or lot line without the approval of Development Authority.
- (4) The minimum dimension of maneuvering aisles and parking spaces shall be in accordance with Table 1.
- (5) Where the side of a parking space is against any permanent building or structure greater than 0.2 m (8 inches) in height at any point in the front 3.6 m (11.8 ft.) of the space (measured in the center perpendicular to the front of the space), the minimum width of a space shall be 0.3m (1.0 ft.) wider than the width required by the Table.
- (6) An off-street parking area or accessory off-street parking area:
 - (a) shall not be located within 1 m (3.25 ft.) of a lot line;
 - (b) shall be constructed so that adequate access to and exit from each parking space is to be provided at all times by means of maneuvering aisles;

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- (c) shall have necessary access located and constructed to the satisfaction of the Development Authority; and
 - (d) shall be adequately signed so as to direct access to it.
- (7) Dimensions
- (a) All parking areas shall conform to the following requirements:

TABLE 1

Minimum Parking Standards

Parking Angle in Degrees	Width of Space	Depth of Space Perpendicular to Maneuvering Aisle	Width of Space Parallel to Maneuvering Aisle	Overall Depth	Width of Maneuvering Aisle (one-way)	Width of Maneuvering Aisle (two-way)
a	b	c	d	e	f	
0	3.0 m (9.84 ft.)	3.0 m (9.84 ft.)	7.0 m (22.97 ft.)	9.1 m (29.86 ft.)	3.6 m (11.81 ft.)	6.7 m (21.98 ft.)
30	3.0 m (9.84 ft.)	5.2 m (17.06 ft.)	5.5 m (45.87 ft.)	14.0 m (45.93 ft.)	3.6 m (11.81 ft.)	7.3 m (23.95 ft.)
45	3.0 m (9.84 ft.)	5.8 m (19.03 ft.)	4.0 m (13.12 ft.)	15.2 m (49.87 ft.)	3.6 m (11.81 ft.)	6.7 m (21.98 ft.)
60	3.0 m (9.84 ft.)	6.1 m (20.01 ft.)	3.1 m (10.17 ft.)	18.2 m (59.71 ft.)	6.0 m (19.69 ft.)	7.3 m (23.95 ft.)
90	3.0 m (9.84 ft.)	6.1 m (20.01 ft.)	3.0 m (9.84 ft.)	19.5 m (63.98 ft.)	7.3 m (23.95 ft.)	7.3 m (23.95 ft.)

(See following diagram for definitions of column headings)

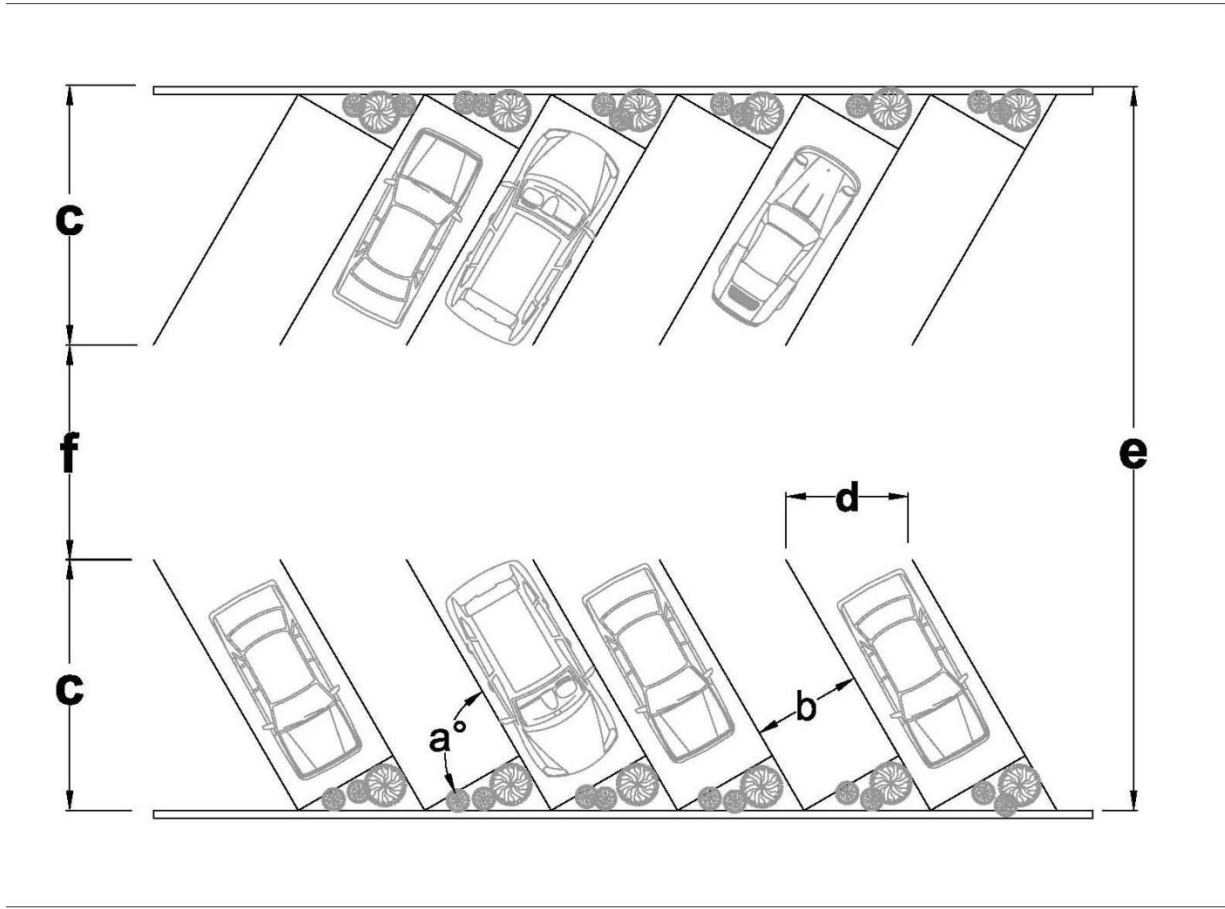


Figure 24: Parking Lot Layout

- (b) Within the M1 District, the Development Authority may require some parking spaces provided to be a minimum width of 3.0 m (10 ft.) and a minimum depth of 20 m (65.5 ft.), specifically designed for large trucks. Maneuvering aisles and accesses will be sized appropriately to permit vehicular access to these spaces.

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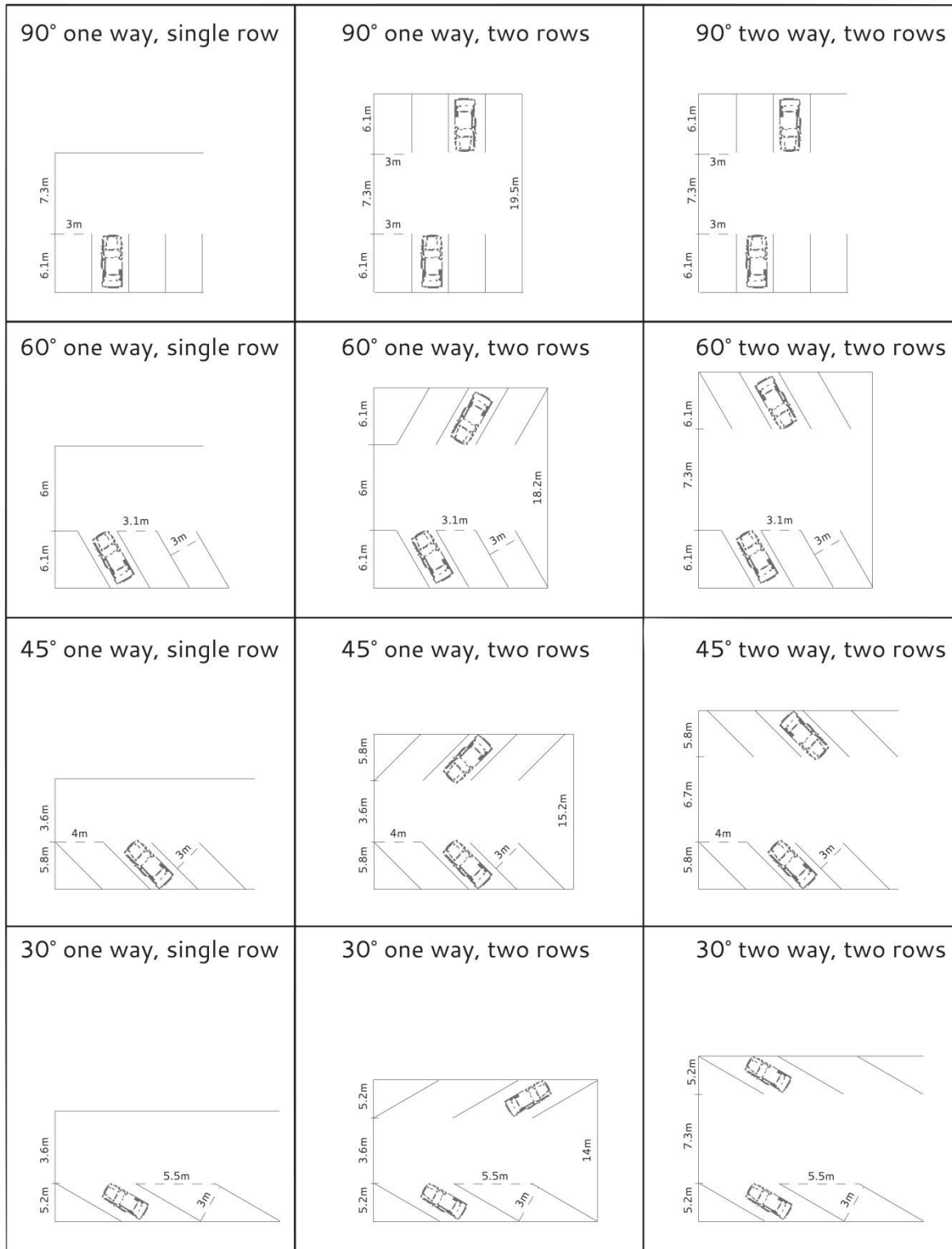


Figure 25: Off Street Parking Requirements

(8) Surfacing and Drainage

- (a) Every off-street parking space provided, and the access thereto, shall be hard surfaced if the access is from a street or lane which is hard surfaced; parking areas must be paved or of gravel mixture as approved by the Development Authority.
- (b) Each parking area shall be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross a sidewalk unless allowed otherwise by the Development Authority.

(9) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building or use shall be as in the following table. In the case of use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

<i>USE OF BUILDING OR SITE</i>	<i>MINIMUM NUMBER OF PARKING SPACES</i>
RESIDENTIAL USES	
Apartments	
dwelling units with 1 or fewer bedrooms	1.7 per dwelling unit
dwelling units with 2 bedrooms	2 per dwelling unit
dwelling units with 3 or more bedrooms	2 per dwelling unit
Visitor parking	1 per 7 dwelling units
Seniors' apartments	2 per 3 dwelling units
Boarding and lodging houses	1 per sleeping unit in addition to the parking requirements for the primary dwelling
Senior citizens' homes	1.5 per 3 dwelling units
Secondary suites, garage suites and in-law suites	1 per dwelling unit
All other dwellings (single family, duplex, row housing)	2 per dwelling unit

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COMMERCIAL USES	
Office uses and government services	1 per 40.0 sq. m (430.0 sq. ft.) of gross leasable area
Health services	1 per 30.0 sq. m (325.0 sq. ft.) of gross leasable area or 3 for each full time or part-time professional whichever is greater
Eating and drinking establishments	
Eating and drinking establishments (except those as noted below)	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Restaurants	1 per 13.0 sq. m (140.0 sq. ft.) of gross leasable area plus 1 per 3 employees on maximum shift
Nightclubs	1 per 13.0 sq. m (140.0 sq. ft.) of gross leasable area plus 1 per 3 employees on maximum shift
Bars and neighbourhood pubs	1 per 13.0 sq. m (140.0 sq. ft.) of gross leasable area plus 1 per 3 employees on maximum shift
Drive-in restaurants	1 per 3.0 sq. m (32.3 sq. ft.) of gross leasable area or 1 per 5 seating spaces, whichever is greater
Other drive-in businesses	8
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Workcamps	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfast establishments	1 per sleeping unit in addition to the parking requirements for the primary dwelling
Major home occupations	1 in addition to the requirements for the residential use
All other commercial uses	
Less than 4,500 sq. m (48,437.5 sq. ft.) of gross leasable area	2.5 per 100.0 sq. m (1,076.4 sq. ft.) of floor area
4,500 sq. m (48,437.5 sq. ft.) to 9,000 sq. m (96,872.2 sq. ft.) of gross leasable area	3 per 100.0 sq. m (1,076.4 sq. ft.) of floor area
9,000 sq. m (96,872.2 sq. ft.) to 28,000 sq. m (301,386.5 sq. ft.) of gross	3.5 per 100.0 sq. m (1,076.4 sq. ft.) of floor area

leasable area	
Greater than 28,000 sq. m (301,386.5 sq. ft.) of gross leasable area	4 per 100.0 sq. m (1,076.4 sq. ft.) of floor area
PLACES OF PUBLIC ASSEMBLY	
Auditoriums, halls, clubs, theatres and other recreation places	1 per 5 seats
Places of worship	1 per 4 seats
Spectacular entertainment establishments	1 per 5 seats
Spectacular sports establishments	1 per 5 seats
Outdoor amusement establishments and recreational uses	1 per 3 employees plus the requirements for any accessory uses plus any additional requirements at the discretion of the Development Authority
Golf courses	8 per hole plus 1 per 3 employees plus the requirements for any accessory uses
Indoor amusement establishments	1 per 5 seats
Bowling alleys	4 per lane plus the requirements for accessory uses
Curling rinks	8 per sheet plus the requirements for accessory uses
Health and fitness clubs	1 per 10.0 sq. m (107.6 sq. ft.) of floor area
Hockey rinks and swimming pools	1 per 5 seats
Racket sports facilities	2 per court plus the requirements for accessory uses
SCHOOLS	
Elementary and junior high schools	1 per school employee during regular school hours plus 8
High schools	4 per 10 students
Commercial schools	1 per on-site student
INDUSTRIAL USES	
All industrial uses	1 per employee on maximum shift

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HOSPITALS AND SIMILAR USES	
Health Centres and Hospitals ⁷	1 per 100.0 sq. m (1,076.4 sq. ft.) of gross floor area or 1 per 4 beds, whichever is greater, plus 1 per 2 employees on maximum shift
Extended medical treatment (sanatoriums, convalescent homes, senior citizen lodges, group care facilities, etc.)	1.5 per 3 dwelling units plus 1 per employee on maximum shift
Nursing homes/Long term care facilities	1 per 3 beds plus 1 per employee on maximum shift
Auxiliary hospitals	1 per 3 beds plus 1 per employee maximum shift

- (10) No development shall occur unless provision is made for the required number of parking spaces in accordance with this Bylaw. Notwithstanding this, the Development Authority may waive this requirement in the case of any buildings existing at the date of the approval of this Bylaw if, in his opinion,
- (a) space for parking is not available on site, and if adequate parking is available on other sites or on the roads in the area of the development, or
 - (b) parking requirements can be shared between various uses in the area of the development, and agreements respecting such shared use are entered into and registered on the titles of the affected lots, or
 - (c) parking requirements may overlap because of differing times during the day, week or year that parking requirements would normally be used.

8.41 On-Site Sewage Disposal & Water Supply Services

- (1) No development permit shall be issued for a development to be served by private sewage disposal or water supply systems until the systems have first been approved in accordance with appropriate Provincial legislation or regulations.

8.42 Pet Shops, Kennels, Veterinary Clinics or Hospitals & Animal Grooming Businesses

- (1) These uses shall strictly satisfy Section 8.46 of this Bylaw. Pens, rooms and runs shall be adequately soundproofed.
- (2) Facilities which house animals overnight shall be equipped with an adequate

number of indoor exercise runs relative to the maximum number of animals than can be housed.

- (3) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other businesses

8.43 Places of Worship

- (1) The lot on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 900 sq. m (9688 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same lot. The combined area of the lot in this case shall not be less than 1440 sq. m (15,500 sq. ft.).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of worship except where the height restriction of the District is exceeded. In such cases, the yard setback requirements shall be at the discretion of the Development Authority.

8.44 Private Swimming Pools and Hot Tubs

- (1) Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private swimming pool or hot tub.
- (2) Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- (3) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.
- (4) No private swimming pool or hot tub may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (5.9 ft.) in height for the length that it replaces the fence.
- (5) Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (5.9 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
- (6) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

8.45 Projections Into Yards

- (1) Except as provided in this part, and except for fences as noted in **Sections 8.1 and 8.21** of this Bylaw, no portion of a building shall be located or project into a required yard.
- (2) The following features may project into a required yard:
 - (a) steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
 - (b) bay windows, fireplaces chases, cantilevered sections of walls, etc., provided that the projection does not exceed 0.6 m (2 ft.);
 - (c) patios, but not into a required minimum front yard;
 - (d) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
 - (e) exterior balconies on apartments provided that:
 - (i) they are cantilevered and not enclosed, and designed as an integral part of the building, and
 - (ii) they do not project more than 1.98 m (6.5 ft.) into the front yard; and
 - (f) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

8.46 Protection From Exposure Hazards

- (1) The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9080 l (2000 gal.) shall be in accordance with the requirement of the Development Officer, but in no case be less than a minimum distance of 228 m (748 ft.) from assembly, institutional, mercantile or residential buildings. Nor shall a storage tank be placed within a minimum of 38 m (124.5 ft.) of the centre line of a grid road, 41 m (134.5 ft.) from the right-of-way of a minor two-lane highway or 70 m (230 ft.) from the right-of-way of a major two-lane highway.
- (2) LPG containers with a water capacity of less than 9080 l (2000 gal.) shall be located in accordance with regulations under the Alberta Safety Codes Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Alberta Safety Codes Act.

- (4) Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with the appropriate provincial regulations or acts, but in no case be less than a minimum distance of 30 m (98.4 ft.) for institutional, commercial, or residential buildings.
- (5) The location of the storage tank shall be completely enclosed by a security fence having a minimum height of 1.8 m (6 ft.).
- (6) Dangerous Goods warning signs of an appropriate nature shall be clearly visible at the site. Signs shall be attached to the fence and to the storage tanks.
- (7) No tanks for the storage of anhydrous ammonia shall be allowed within the municipality.
- (8) In any District, no storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites by reason of the generation of:

noise	radiation hazard
vibration	fire and explosive hazards
dust, and other particulate matter	heat, humidity and glare
smoke	refuse matter
odour	waste or waterborne waste
toxic and noxious matter	water or steam.

8.47 Recreational Uses

- (1) Recreational development shall be required to:
 - (a) maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
 - (b) install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

8.48 Recreational Vehicles

- (1) Notwithstanding any other provision of this Bylaw to the contrary, no person may occupy a recreational vehicle on any lot unless a development permit has been received for the placement and use of the recreational vehicle.
 - (a) If the intention is to rent the recreational vehicle for any consideration (whether for money or for goods or service in kind), a development permit for a recreational vehicle park must be approved. Such a permit may only be approved in Districts where recreational vehicle parks are listed as a permitted or a discretionary use.
 - (b) If the intention is to have the recreational vehicle occupied by person or persons, but not have any arrangement for any consideration as described in Subsection (a) above, a development permit for the placement of the recreational vehicle as an accessory building and use must be approved. Such a permit may only be approved in Districts where residential uses are listed as a permitted or a discretionary use, and may only be approved for a period of time, which period shall not exceed six (6) months. In addition, no more than one (1) recreational vehicle used for such a purpose shall be allowed on any lot, and the placement of the recreational vehicle shall abide by all requirements for accessory buildings on the subject lot.
 - (c) If the intention is to store an unoccupied recreational vehicle, unless a development permit has been issued for Outdoor Storage which includes recreational vehicles, no more than one (1) recreational vehicle shall be allowed on any lot. No development permit shall be required for the storage of one (1) unoccupied recreational vehicle on a lot.
- (2) No recreational vehicle, whether located within a recreational vehicle park or on a lot, may have associated with it any more than two (2) accessory structures, buildings, or other appurtenances, in addition to fences, benches, fire pits, picnic tables, a small shed with a maximum size of 10 sq. m (107.6 sq. ft.), and a screened or roofed patio around or beside the recreational vehicle.
- (3) No structure accessory to a recreational vehicle shall be used as sleeping quarters.
- (4) Except for a recreational vehicle on a lot which may have an appurtenant garage for the storage of vehicles or boats, the total floor area or ground area covered by all accessory structures, buildings or other appurtenances (other than those indicated in Subsection (2) above) shall not exceed the total floor area of the recreational vehicle.
- (5) The storage of recreational vehicles will not be allowed on a vacant lot.

8.49 Recreational Vehicle Campgrounds

- (1) The construction and maintenance of all internal roads are to be the responsibility of the landowner/developer. Internal roads shall have a minimum of a 6 m (20 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12 ft.) usable top.
- (2) Recreational vehicle or camping spaces shall have a minimum of 13.5 m (49 ft.) width and a minimum of 273 sq. m (2938.5 sq. ft.) area. All such spaces shall be set back a minimum of 30 m (98.4 ft.) from the shoreline of any body of water.
- (3) The developer shall provide an adequate on-site water supply.
- (4) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over the type of development.
- (5) The development agreement may require the developer to construct, upgrade, or pay to construct or upgrade the necessary Town roads to access the development.
- (6) The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle park area as a playground. This area is to be clearly marked and free from all traffic hazards.

8.50 Relocation of Buildings Other Than Manufactured Homes

- (1) No person shall alter the location on a lot of a building already constructed on that lot, unless a development permit has been issued.
- (2) No person shall place on a lot of land within the municipality a building formerly erected or placed on a different lot, including portable pre-fabricated buildings, without an approved development permit.
- (3) Any application for a "relocated building" considered by the Development Authority shall:
 - (a) be accompanied by recent colour photographs of the structure; and
 - (b) indicate if the building will meet current requirements of the Alberta Building Code (ABC), and if it does not, how the building will be brought up to these requirements; and

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- (c) meet all other requirements or conditions as required by the Development Authority.
- (4) The Development Authority may, at his/her discretion, require, prior to the approval of a development permit for a relocated building, that an inspection of the proposed relocated building be completed by the Development Authority or a designated officer to determine its suitability for relocation within the Town.

8.51 Sea Cans

- (1) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea can be given a fresh coat of paint as a condition of the issuance of a development permit.
- (2) A maximum of one (1) sea can may be allowed, at the discretion of the Development Authority, for a temporary period not exceeding six (6) months during the construction of the primary dwelling on a lot.
- (3) The maximum number of sea cans that may be placed on a lot in the C1, C2, C3, M1 and UR District is at the discretion of the Development Authority.
- (4) The placement of a sea can on any lot in the municipality requires a development permit.
- (5) If a temporary development permit for a sea can has been approved by the Development Authority, then the sea can will be allowed to be placed on a site for a period of 6 months. After that period has expired the developer will be required to apply to the Town for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
- (6) Sea cans may not be stacked. The maximum height for a sea can allowed on a lot is 3.0 m (10.0 ft).
- (7) Sea cans located in a Residential District may be a maximum of 6.0 m (20.0 ft.) in length.
- (8) The exterior finish of a sea can sited within a Commercial or Residential District must be consistent with the finish of the primary building.
- (9) Sea cans shall not be used as a dwelling, bunk house or a guest house on any lot within the municipality.
- (10) No human or animal habitation will be allowed within a sea can.

8.52 Secondary Suites

- (1) A secondary suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- (2) A secondary suite is prohibited from being constructed within a row housing or apartment building development.
- (3) A maximum of one (1) secondary suite is permitted in any single detached dwelling, duplex lot or semi-detached lot.
- (4) A secondary suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 sq. m (860.0 sq. ft.) in floor area.
- (5) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- (6) A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (7) A secondary suite has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the building.
- (8) A secondary suite may include the conversion of a portion of existing space in the principal dwelling, the addition of new floor space to an existing dwelling.
- (9) The minimum lot size for a secondary suite is 360.0 sq. m (3,875.0 sq. ft.).
- (10) The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft.).
- (11) The minimum floor area for a secondary suite is 30.0 sq. m (322.9 sq. ft.).
- (12) A secondary suite cannot exceed the maximum height of the principal dwelling.
- (13) Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- (14) One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the principal dwelling pursuant to Section 8.40 of this Bylaw. Tandem parking may be permitted at the discretion of the Development Authority.

8.53 Service Stations & Gas Bars

- (1) Service stations and gas bars shall be located in such a manner that:
 - (a) No entrance or exit thereto for motor vehicles shall be within 60 m (197 ft.) of an entrance to or exit from firehall, public or private school, playground, library, religious assembly, hospital, children's or senior citizen's home, or other public or quasi-public use;
 - (b) No part of a service station or gas station building or of any pump or other accessory shall be within 6 m (19.5 ft.) of a side or rear property line;
 - (c) Service stations shall have a front yard of not less than 12 m (39.5 ft.) and no fuel pump shall be located closer than 6.0 m (19.5 ft.) to the front property line; and
 - (d) Storage tanks shall be set back from adjacent buildings in accordance with the Alberta Safety Codes Act and regulations made thereunder, and the Alberta Fire Code.
- (2) Site Area and Coverage
 - (a) The minimum site areas shall be 740 sq. m (7965.5 sq. ft.) and the maximum building coverage shall be 25% of the site area. For service stations including car wash, the minimum site area shall be 1115 sq. m (12,002 sq. ft.).
 - (b) Where a service station forms part of an auto dealership development, the minimum site area and maximum building coverage may be varied at the discretion of the Development Authority.
- (3) Site and Building Requirements
 - (a) All parts of the site to which vehicles may have access shall be surfaced and drained to the satisfaction of the Development Authority.
 - (b) No activity may be carried on which constitutes an undue nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odour, smoke or vibration.
 - (c) The site of the buildings shall be maintained in a clean and tidy condition and free from all rubbish and debris.

8.54 Signs

In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs:

(1) Limitations

- (a) Except as provided in **Section 3.2** of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless they have complied with the requirements of this Section and any other relevant provisions of this Bylaw, and have been issued a development permit in respect thereof.
- (b) The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.
- (c) Provisions for election signs and property for sale or rent signs are provided in **Section 3.2** of this Bylaw.
- (d) No signs, billboards, advertising structure or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.

(2) Information Requirements for a Development Permit for a Sign

In addition to the requirements of **Section 4.1** of this Bylaw, a development permit application for a sign shall include the following information:

- (a) a letter of consent from the property owner,
- (b) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
- (c) any animation, moving copy, or other moving features of the sign, if applicable,
- (d) method of illumination, if applicable,
- (e) mounting details,

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- (f) the location and size of all other existing and proposed signs on the building façade or site,
 - (g) mounting heights and clearances to grade, and
 - (h) the amount of projection of the sign from a building, if any.
- (3) Additionally, the Development Authority may, at their sole discretion, require that an applicant provide certification from a professional engineer that a roof sign, a projecting sign, or a freestanding sign will be safe from collapse under strong wind or storm conditions.
- (4) Signs as Permitted or Discretionary Uses
- (a) No sign, other than an off-site sign in the Districts indicated in Subsection (b) below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in **Section 3.2** of this Bylaw, shall be allowed unless it is accessory to an existing use.
 - (b) Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this section, off-site signs shall be considered to be discretionary developments in all Commercial Districts, in all Industrial Districts, and in the Urban Reserve (UR) District.
- (5) Procedures for the Consideration of Development Permit Applications for Signs
- All development permit applications for signs shall follow the process outlined in **Section 4** of this Bylaw and be subject to appeal if applicable in accordance with **Section 5** of this Bylaw.
- (6) General Sign Regulations
- (a) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
 - (i) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic,
 - (ii) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
 - (iii) it would be situated within the area regulated by **Section 8.14** of this Bylaw.

- (b) A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
 - (c) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
 - (d) A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any property boundary and no part of a sign may encroach onto an adjacent lot or a road or lane.
 - (e) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18.0 sq. m (193.6 sq. ft.).
 - (f) At the discretion of the Development Authority a maximum of five (5) signs may be allowed on a lot, including temporary signs and portable signs.
 - (g) Signs will not be allowed on fences in Residential Districts or Commercial Districts.
- (7) Care and Maintenance of Signs
- (a) All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
 - (b) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair they may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
 - (i) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
 - (ii) take such measures as they may specify in the notice to alter and/or refurbish and/or repair the sign.
 - (c) Failure to remove the sign or to comply with the measures specified in the notice described in Subsection (b) above may result in the issuance of a violation ticket as described in this Bylaw.
 - (d) The notice described in Subsection (b) above shall be considered to be a stop order for the purposes of this Bylaw.
- (8) Type of Signs

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(a) A-Frame Signs

- (i) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
- (ii) The maximum area of each A-frame sign face which is located on a sidewalk shall be 0.7 sq. m (7.5 sq. ft.). Figure 25 illustrates area and height requirements for A-frame signs.
- (iii) The maximum area of each A-frame sign face located in another location, approved by the development authority, shall be 1.5 sq. m (16.0 sq. ft.). (See figure 25)
- (iv) The maximum height of an A-frame sign which is located on a sidewalk shall be 1.0 m (3.3 ft.). (See figure 26).
- (v) No A-frame sign shall be located on a sidewalk in such a manner so as to obstruct pedestrian flow. (See figure 25).

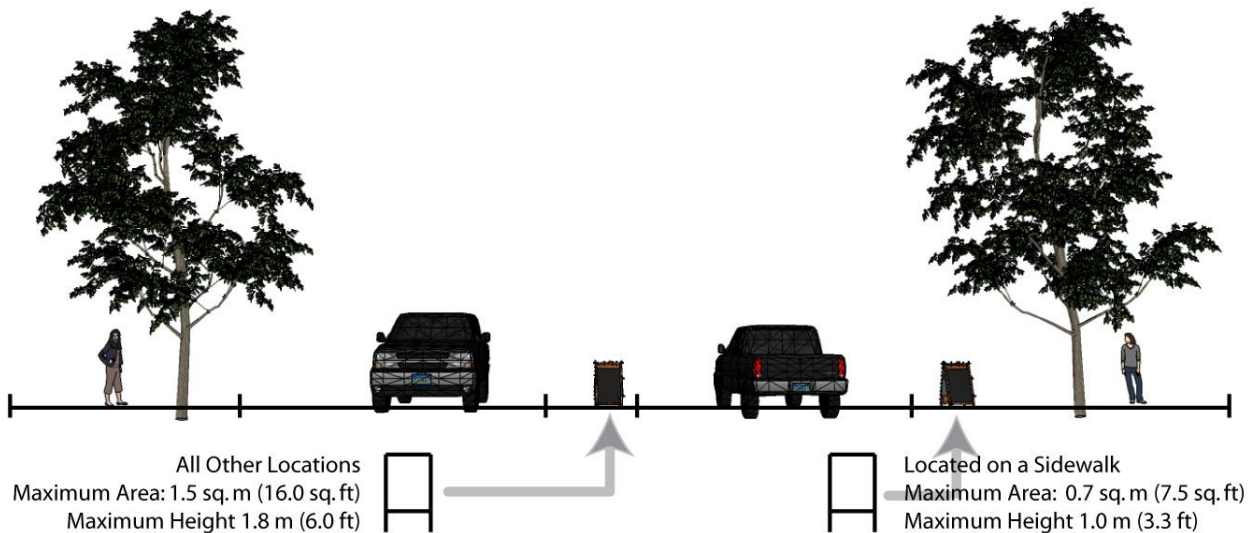


Figure 26: A-Frame Sign Requirements

- (vi) The maximum height of an A-frame sign placed in other locations shall be 1.8 m (6 ft.), measured perpendicular distance from the ground to the highest point of the sign when set up.
- (vii) No more than one (1) A-frame sign shall be allowed per business frontage.
- (viii) Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.

- (ix) The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- (x) A-frame signs are not to be used in conjunction with projecting signs at grade level.

(b) Canopy Signs

Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:

- (i) the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
- (ii) the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
- (iii) no part of the canopy shall project over a road or lane,
- (iv) unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
- (v) signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
- (vi) each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 sq. m (5.4 sq. ft.) in area, and
- (vii) all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires or similar support elements are visible from a road or lane.

(c) Freestanding Signs

- (i) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- (ii) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft.) at road level.
- (iii) Notwithstanding Subsection (ii) above, a maximum of one (1) freestanding sign may be allowed per site except:
 - A. where a site has more than a 90.0 m (295.3 ft.) frontage, one (1) additional freestanding sign may be erected at the discretion of the Development Authority.
 - B. where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.3 ft.) apart.
 - C. Additional signs may be allowed at the discretion of the Development Authority.

- (iv) The total sign area of all freestanding signs on a site shall not exceed 0.3 sq. m (3.2 sq. ft.) in area for each lineal metre of frontage, to a maximum of 8.4 sq. m (90 sq. ft.).
- (v) The maximum height of a freestanding sign shall be 7.0 m (23.0 ft.).
- (vi) Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- (vii) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

(d) Portable Signs

- (i) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- (ii) No more than one (1) portable sign shall be located on a site.
- (iii) Notwithstanding Subsection (ii) above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer than 15.0 m (49.2 ft.) to another portable sign.
- (iv) All portable signs shall be double-faced.
- (v) No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- (vi) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- (vii) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in any Residential District.

(e) Projecting Signs

- (i) No projecting sign shall project over another site, a road, or a lane.
- (ii) A projecting sign shall have a vertical clearance of a minimum of 3.05 m (10 ft.) from grade.
- (iii) No more than one (1) projecting sign of 0.5 sq. m (5.4 ft² in size shall be allowed for each frontage of a commercial or industrial use.
- (iv) All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.

(f) Roof Signs

- (i) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- (ii) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (iii) All roof signs shall be set back a minimum of 1.0 m (3.3 ft.) from the edge of the building on which the roof sign is located.

(g) Fascia Signs

- (i) The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
 - A. the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft.) above grade,

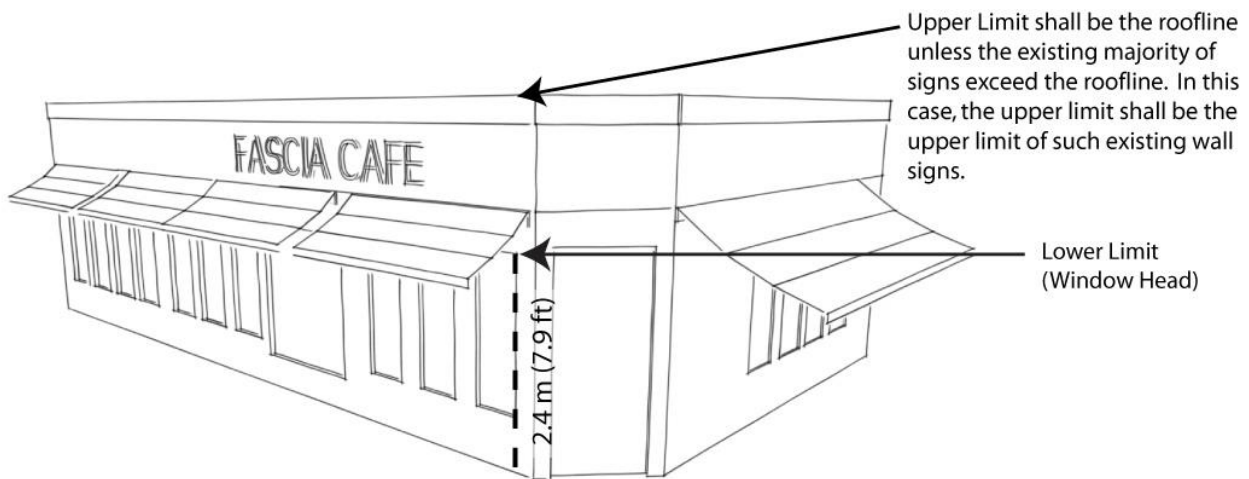


Figure 27: Fascia Sign on a Single Storey Building

- B. in the case of a one storey building, the upper limit of the portion shall be either:
 - 1. the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs, or

2. a maximum of 0.8 m (31.5 inches) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or

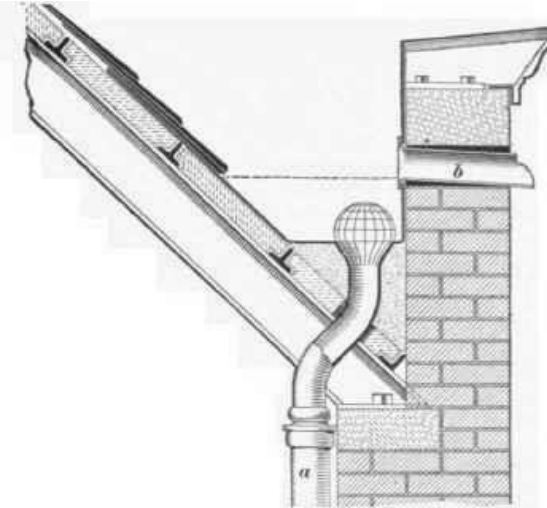


Figure 28: Example of a Parapet Wall and Eaves

3. the line of the eaves,
- C. in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 inches) above the floor elevation of the second storey.

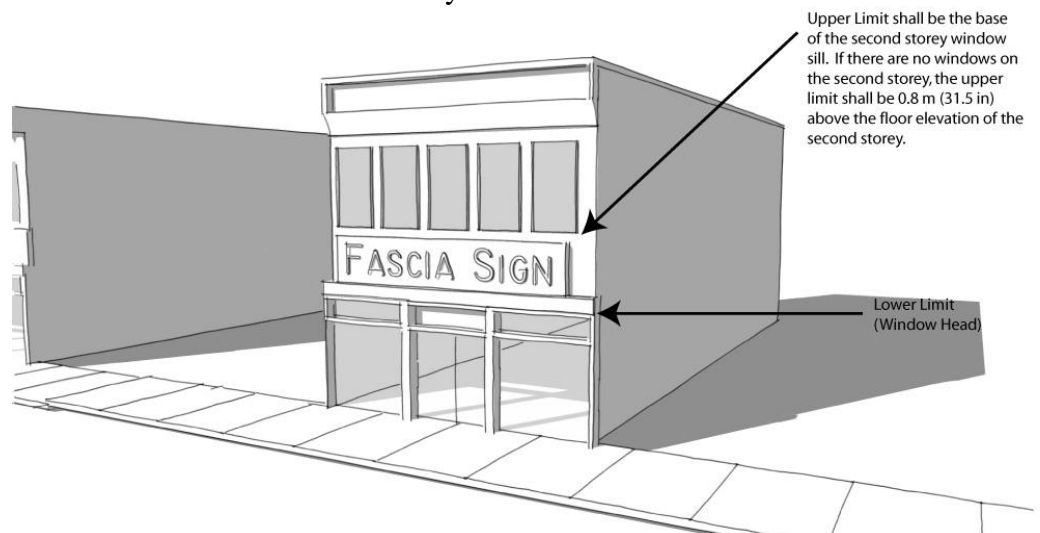


Figure 29: Fascia Sign placement on a Two Storey Building

- (ii) Notwithstanding Subsection (i), a fascia sign may be located:

- A. below the area defined in Subsection (a) above, provided:
 - 1. the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
 - 2. the sign states no more than the name of the building or the principal tenant of the building, and
 - 3. the sign area does not exceed 20% of the building face below the area defined in Subsection (a) above,
 - B. between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
 - 1. the sign states no more than the name of the building or the principal tenant of the building, and
 - 2. the sign area does not exceed 2.5 sq. m (26.9 sq. ft.), or
 - C. above the third storey window sill, provided:
 - 1. the sign states no more than the name of the building or principal tenant of the building, and
 - 2. there is no more than one (1) sign per building face above the third storey.
- (iii) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
- (iv) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.
- (h) Inflatable Signs
- (i) A small inflatable style sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is, no larger than 5.5 sq. m (59.2 sq. ft.) as applicable.
 - (ii) Larger inflatable signs require that a development permit be applied for, and approval obtained before installation.
 - (iii) One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
 - (iv) The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.
 - (v) An inflatable sign can only be located on a site twice in a calendar year and not for longer than 30 consecutive days.
 - (vi) Inflatable signs cannot be located on the roof of a structure.

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(9) Signs in or Adjacent to Residential Districts

- (a) Except as provided in Subsections (b) and (c) below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
- (b) An approved major home occupation may display a sign, not larger than 0.2 sq. m (2 sq. ft.) in the window of the dwelling.
- (c) An approved bed and breakfast may display a sign, not larger than 0.2 sq. m (2.0 sq. ft.). If outside, the sign shall be placed in a location that is satisfactory to the Development Authority. Alternatively, the sign may be displayed from inside a window of the dwelling.
- (d) One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a neighbourhood, or a subdivision, provided:
 - (i) the sign area does not exceed 5.0 sq. m (53.8 sq. ft.),
 - (ii) the height of the sign does not exceed 2.0 m (6.6 ft.), and
 - (iii) the sign is not internally illuminated, though it may be lit from the front.
- (e) Name or number signs shall have a surface area of no more than 0.3 sq. m (3.0 sq. ft.).
- (f) When an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
- (g) When, in the opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as they deem necessary, to protect the amenities of the Residential District.

(10) Signs Relating to Institutional Uses

In any District where a place of worship or a school or another institutional use is allowed, one (1) sign of not more than 5.0 sq. m (53.8 sq. ft.) in area shall be allowed to be erected on the site occupied by the place of worship, school, or other institutional uses.

8.55 Shopping Centres

- (1) The maximum floor area shall be equal to the site area; however, all other regulations of this Bylaw, such as required yards, parking and loading requirements, etc. shall be adhered to.
- (2) **Section 8.54** of this Bylaw contains additional provisions relating to shopping centre signs.
- (3) All shopping centres shall satisfy the Development Authority as to:
 - (a) the orientation, exterior design, and architectural appearance of buildings,
 - (b) the location of development in relation to adjacent land uses,
 - (c) vehicular traffic flow patterns within and access to and from the site,
 - (d) safe pedestrian access and egress within the site and from any pedestrian way, and
 - (e) the location of exterior signs.
- (4) A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located.
- (5) The Development Authority may require any other matters, regulations, or conditions relating to the development as, in his opinion, are necessary, having regard to the nature of the proposed shopping centre development and adjacent land uses.

8.56 Show Homes

- (1) In addition to the requirements of **Section 3.4** of this Bylaw, a development permit application for a show home shall be accompanied by information indicating:
 - (a) the location and area intended as the site for the show home, and
 - (b) proposed parking, exterior lighting and signs.
- (2) Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.
- (3) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

8.57 Sidewalk Cafes

- (1) A sidewalk café permit is valid from the date of issuance for one (1) year and may be renewed annually. In order to renew the permit, the developer must provide the municipality with a request indicating that there will be no changes to the sidewalk café. If any changes are required, the developer must make application for a new permit.
- (2) If the applicant is not the owner of the property, authorization and written permission of the property owner is required and must accompany the application.
- (3) A development permit will authorize only the consumption of food within the sidewalk seating area and not liquor.
 - (a) A permit holder who intends to serve alcohol inside any temporary sidewalk seating area requires a separate license from the Alberta Gaming and Liquor Commission. A copy of that license is to be provided to the municipality.
 - (b) A copy of any approval from any involved Health Authority is to be provided to the municipality.
- (4) The area designated for the sidewalk café shall be considered an extension of the principal building and business; therefore, the location of the sidewalk café must be directly in front of the building.
- (5) The following information must be provided with the application:
 - (a) details of the proposed furniture or manufacturers' brochures,
 - (b) site plan showing all existing buildings, proposed café area and setbacks,
 - (c) layout of the furniture including signage, tables, chairs, placement and number of planters and all other accessories,
 - (d) location, structure and dimensions of any portable walls/barriers,
 - (e) location of all doorways, windows and service openings,
 - (f) length of restaurant/café frontage,
 - (g) distance from property line to curb,
 - (h) proposed width and length of sidewalk seating/café, and
 - (i) proposed total area of sidewalk seating/café.
- (6) Furniture

- (a) Applicants are encouraged to select furniture that is compatible with the outdoor environment. The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use.
- (b) The furniture must fold or stack for storage, and if located on public right-of-way, be readily removed and stored within the associated indoor premises during non-business hours.

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- (c) The number of tables and chairs placed within a sidewalk area must allow unobstructed access and circulation for patrons and staff. (See **Figure 29**)

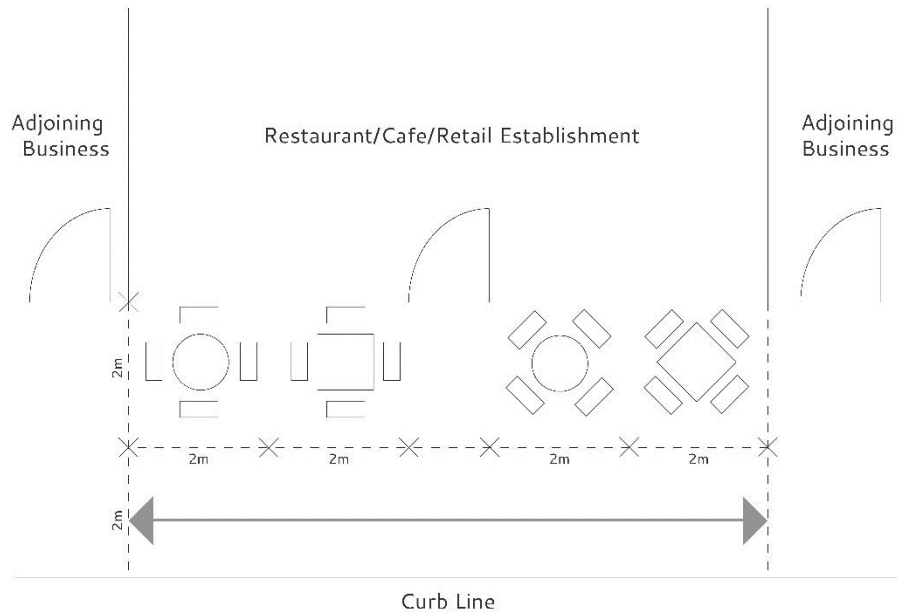
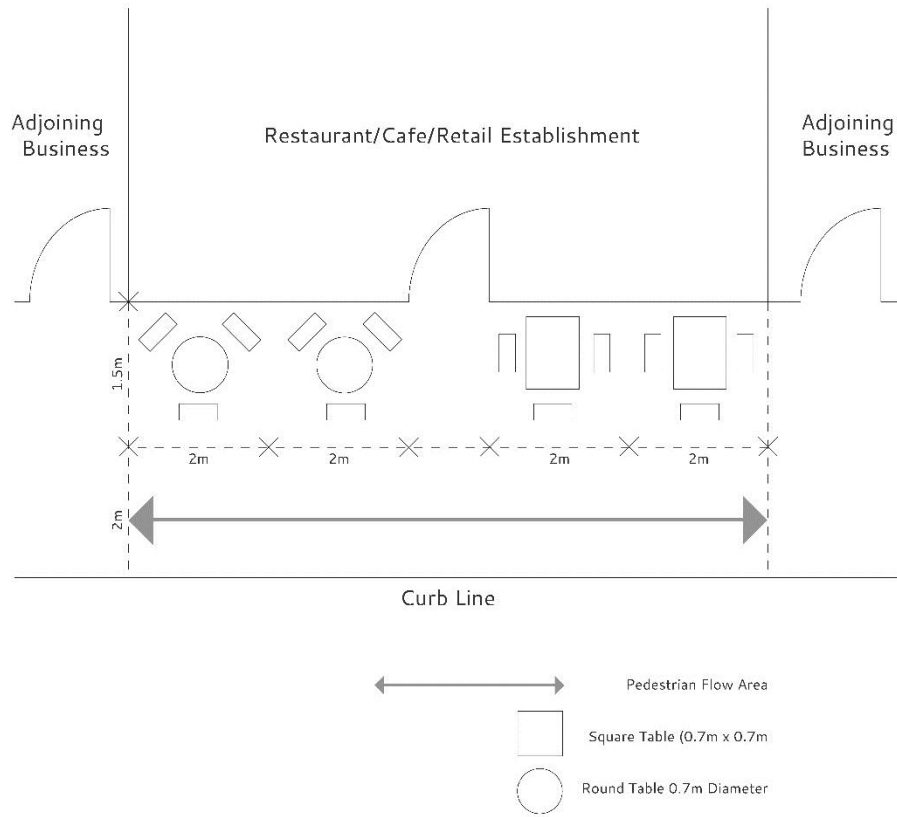


Figure 30: Sidewalk Cafe Requirements

- (d) The permit holder is responsible for ensuring that all furniture remains within the approved sidewalk seating area. No fixed tables or chairs may be used. Developers of sidewalk cafes shall be mindful of the rights of pedestrians travelling past their sidewalk café at all times during the operation of the sidewalk café. In order to ensure this, a sidewalk café is required to maintain a clear path of at least 1.5 m. (5.0 ft.) minimum at all times. In areas of higher pedestrian traffic or activity or in conditions that suggest the need for additional clearance, a clear pedestrian path greater than 1.5 m. (5 ft.) may be required by the Development Authority.

(7) Use of Umbrellas

- (a) Umbrellas should be secured to ensure that they can withstand the effects of wind.
- (b) Umbrellas shall be removed or closed in extremely windy conditions and be removed when the outdoor seating area is not in use (off season).
- (c) Umbrellas shall not be attached to railings.
- (d) Umbrellas shall not encroach on, or interfere with pedestrian movement, and at least 2.0 m (6.6 ft.) in height (see figure 30).
- (e) Umbrellas shall be manufactured from fire retardant material.
- (f) Umbrellas shall be market style (not beach umbrellas).

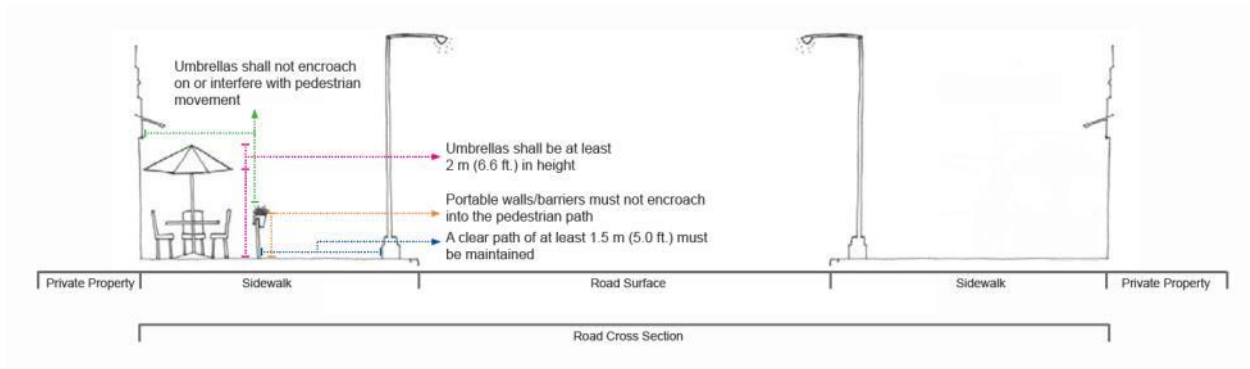


Figure 31: Cross Section of Sidewalk Café requirements

(8) Lighting

- (a) Lighting for sidewalk cafes may be utilized if approved by the Development Authority. Any such lighting shall complement the existing building and

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sidewalk café design and shall not cause a glare to passing pedestrians or vehicles.

- (9) Outdoor Heaters
 - (a) Outdoor heaters may be utilized upon the approval of the Development Authority.
- (10) Limitations on use
 - (a) No portion of a sidewalk seating/café area may be used for any purpose other than seating, dining or circulation.
 - (b) No portion of a sidewalk seating/café area may be used for the storage of and sale of merchandise or objects other than those intended for seating, dining or circulation.
 - (c) The permit holder will bear all financial responsibility for any and all improvements necessary to the public space, both within and surrounding the sidewalk seating area.
 - (d) **Smoking is prohibited at all sidewalk/café locations.** The Tobacco Reduction Act, 2008 requires that managers or owners strictly enforce this requirement or be liable to fines.
- (11) Operations
 - (a) Hours of operation of an outdoor sidewalk seating area/café are 8:00 a.m. to 10:00 p.m. or as stated in the approved Development Permit.
 - (b) Sidewalk seating areas must conform to noise regulations of the current municipal Bylaw and shall be prohibited from playing amplified music, whether live or recorded.
- (12) Business Licensing
 - (a) The principal establishment for each approved sidewalk seating area shall have a valid municipal Business License.
- (13) Waste Management
 - (a) The permit holder will ensure sidewalk seating areas are maintained in a clean and hygienic state at all times and the following requirements will apply:

- (i) Tables and chairs shall be kept clean and litter shall be removed from in and around the seating area and disposed of within the commercial garbage provisions on site.
 - (ii) Furniture, barriers and/or planters shall be clean, in good order and well presented.
 - (iii) Sidewalk seating debris must not be swept or allowed to enter into gutters, parking or traffic lanes, storm-water, catch-basins or pedestrian walkways.

- (14) Reinstatement of a Public Place
 - (a) Every sidewalk seating area shall be temporary in nature and designed so that the entire structure including chairs, tables, fencing, and planters can be easily removed during periods of non-use.

- (15) Insurance Requirements
 - (a) The permit holder will be required to hold valid comprehensive general liability insurance to the satisfaction of the municipality but the limit shall not be less than \$1,000,000 per occurrence, \$1,000,000 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability.
 - (b) The municipality shall be named as an additional insured for any liability arising directly or indirectly from the operation of a sidewalk café located on a public right-of-way.

- (16) Renewals and Amendments
 - (a) Development permits must be renewed annually. The permit holder shall submit their request for renewal in writing.
 - (b) A permit holder will be required to submit an application in writing to the Development Authority for any amendment to their existing sidewalk seating plan.

- (17) Approval of a sidewalk café permit will require, as a conditional of approval, that the Development Authority and the Fire Chief conduct a site inspection of the approved sidewalk café and all elements placed therein after construction to ensure that the sidewalk café and all sidewalk café elements are in compliance with the approved permit and that the developer is in compliance with all other requirements of the permit before any use of the sidewalk café may commence.

- (18) The issuance of a sidewalk café permit is a privilege granted by the municipality. The municipality requires compliance with all rules and regulations as well as to

have respect for the community in which the café is located. The Development Authority and Bylaw Enforcement Officer will monitor the operation of the sidewalk café and are empowered to issue citations for bylaw violations and may also result in the revocation of the development permit.

8.58 Site Conditions

- (1) Development shall not be allowed on unstable slopes, land characterized by soil instability, or land exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise.
- (2) Lands Subject to Flooding or Subsidence
 - (a) Notwithstanding that a proposed development conforms in all respects with this Bylaw, where the application is for development on lands that are or may be subject to flooding or subsidence, or in an area potentially subject to a 1:100 year flood, the Development Authority shall not approve a development permit unless the applicant can demonstrate that preventive engineering and construction measures can be instituted to make the site suitable for the proposed development or to protect the development from the potential flooding hazard.
 - (b) If a development is subsequently approved in such an area, the developer shall be required to implement the preventive measures referred to in Subsection (a) above, and agree within an agreement that can be caveated against the titles of the affected lands, that he and/or any subsequent landowners shall be responsible for any damage or loss caused by flooding or subsidence.
- (3) The Development Authority may impose conditions on the approval of a development permit requiring the retention of trees, or additional planting of such a type and extent that is considered necessary.
- (4) The Development Authority may prescribe setback and/or buffering requirements for uses which may be incompatible with adjacent land uses.
- (5) The Development Authority may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses.

8.59 Solar Energy Collection Systems

- (1) Solar energy collection systems shall only be allowed as accessory developments.

- (2) Ground mounted solar collectors shall be located in a side or rear yard only.
- (3) When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot should not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
 - (a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.66 m (12 ft.) obstruction located on the lot line; and,
 - (b) has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

Notwithstanding the foregoing, the Town shall not be held responsible for protecting access to solar energy on private land.

- (4) No solar energy collection system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

8.60 Sour Gas Facilities

- (1) No development shall be allowed within 100 m (328 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Resources Conservation Board (ERCB).
- (2) In the case of a Level 2 sour gas facility as determined by the ERCB:
 - (a) no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility; and
 - (b) no institutional use shall be allowed within 500 m (1640 ft.) of the sour gas facility.
- (3) In the case of Level 3 sour gas facility as determined by the ERCB:
 - (a) no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility;

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- (b) no residential development with a density of more than eight (8) dwelling units per quarter section shall be allowed within 500 m (1640 ft.) of the sour gas facility; and
 - (c) no institutional use shall be allowed within 1500 m (4921 ft.) of the sour gas facility.
- (4) The Town does not support the development of sour gas facilities within Town boundaries.

8.61 Subdivision of Land

- (1) Where the development of land requires a subdivision, no development permit shall be issued until the proposed subdivision has received tentative approval from the Subdivision Authority for the Town.
- (2) Development agreements shall be required as a condition of approval for subdivision of land within the Town.

8.62 Surveillance Suites

- (1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
 - (a) A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject lot. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.
 - (b) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or lot.
 - (c) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject lot is located or in accordance with the following requirements, whichever are more stringent:
 - (i) a minimum of 1.8 m (6.0 ft.) from any buildings; and
 - (ii) a minimum of 1.8 m (6.0 ft.) from the rear and side property lines; and
 - (iii) no closer than the front line of main building.

- (d) The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.5 sq. m (500.0 sq. ft.).
- (e) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

8.63 Topsoil Removal

- (1) No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of the development, a minimum topsoil coverage of 15.0 cm (6 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.
- (2) The Development Authority may refer a copy of a development permit application for topsoil removal to the appropriate provincial agencies for input prior to making a decision.

8.64 Wind Energy Conversion Systems, Large

- (1) Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - (a) any adjacent municipality should the proposed development be located within 2 km (1.2 mi.) of the municipality; and
 - (b) landowners within 2 km (1.2 mi.) of the proposed development.
- (2) When making an application for a development permit for a Large Wind Energy Conversion System, the developer shall provide to the Development Authority appropriate reports and/or approvals from the following:
 - (a) Transport Canada
 - (b) NavCanada
 - (c) Alberta Culture and Community Spirit
 - (d) Alberta Environment
 - (e) Alberta Sustainable Resource Development

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- (f) Alberta Tourism, Parks and Recreation
 - (g) Alberta Transportation
- (3) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of this Bylaw.
 - (4) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the district in which it is located.
 - (5) Where, in the opinion of the Development Authority, the setbacks referred to in **Section 8.64(4)** above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
 - (6) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
 - (7) The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft.) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
 - (8) To ensure public safety, the Development Authority may require that:
 - (a) a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
 - (b) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
 - (c) a locked device be installed on the tower to preclude access to the top of the tower; and
 - (d) such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.

- (9) All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.
- (10) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
- (11) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.
- (12) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
 - (a) information provided in the application;
 - (b) the proximity of the proposed development to other land uses;
 - (c) the cumulative effect of all wind energy conversion systems approved or proposed in the area;
 - (d) underlying utilities; and
 - (e) information received from the circulation of the application and from the public.
- (13) Large wind energy systems must comply with applicable air traffic safety regulations. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.

8.65 Wind Energy Conversion Systems, Micro

- (1) Notwithstanding any other provisions in this Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.
- (2) Micro wind energy conversion systems shall be required to conform to set back requirements for accessory buildings.
- (3) Maximum height shall be the maximum height provisions that apply within the

District in which the micro wind energy conversion system is located.

- (4) Number per lot

One micro wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

8.66 Wind Energy Conversion Systems, Small

- (1) Small wind energy conversion systems shall only be allowed as accessory developments.
- (2) For property sizes between 0.1 ha (0.25 ac.) and 0.2 ha (0.5 ac.) the wind turbine tower height shall be limited to 25.0 m (82.0 ft.). For property sizes of 0.2 ha (0.5 ac.) or more, there is no limitation on wind turbine tower height, subject to the setback requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
- (3) The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (9.8 ft.) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.6 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
- (4) The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except during short-term events such as utility outages and/or severe wind storms.
- (5) Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

- (6) Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Nav Canada.
- (7) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.
- (8) No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.
- (9) One Small Wind Energy System is allowed per single detached dwelling on a lot.

8.67 Wireless Communication Facilities

- (1) The municipality will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria.
- (2) Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the site will be given priority status.
- (3) The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege.
- (4) Applications for development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards

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Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation.

- (5) Guyed-tower structures are to be located on properties that allow for a distance from the base to boundary setbacks that is no less than equal to the final structure height. In all cases that base and anchor structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed.

Self-support towers are to be located respecting the building and safety codes for the community. In all cases the base structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development.

- (6) Multiple tower structures will require individual development permit applications.
- (7) Applications for the development of wireless facilities must include in the development application letters from the following authorities:
 - (a) Transport Canada governing painting and lighting of the applicant's tower for aeronautical safety;
 - (b) Nav Canada governing aircraft communication and instrumentation immunity from the applicant's tower transmissions;
 - (c) Industry Canada governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed Exempt operators must provide a stamped letter from a licensed professional RF engineer guaranteeing these conditions will be met; and
- (8) Appropriate fencing around the base, anchors and site limiting public access to the tower and exposure to high RF energy fields must be provided with consideration of community aesthetics.
- (9) The application for development must include consideration to minimizing environmental damage through the following measures:
 - (a) Consultation with Federal and Provincial environmental agencies to ensure the site selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development.

- (b) The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.
- (10) As a condition of obtaining a development permit the applicant agrees to the following:
 - (a) The site will be reclaimed within six (6) months of cessation of operation.
 - (b) The site reclamation will comply with Alberta Environmental Laws to be provided by Alberta Environment or their agent.
- (11) A public consultative process shall commence within the intent to establish a wireless facility advertisement in the local newspapers and ~~b-a~~ letter to the neighbouring property owners 120 days prior to the anticipated date of construction. The municipality will arrange for the public meetings at its discretion and at the sole expense of the applicant.

9 | Land Use District Regulations

9.1 R1a –Residential District

(1) General Purpose

The general purpose of this District is to allow the development of single family dwellings on large lots.

(2) Permitted Uses

- (a) Day Homes
- (b) Minor home occupations
- (c) Parks, playgrounds and similar recreational uses
- (d) Public utilities, not including an enclosed building
- (e) Single family dwellings
- (f) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

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- (a) Bed and breakfast establishments
- (b) Day homes
- (c) Duplexes
- (d) Family care facilities
- (e) Garage Suites
- (f) Group Care Facilities
- (g) In-law Suites
- (h) Major home occupations
- (i) Modular dwellings
- (j) Neighbourhood commercial developments
- (k) Public or quasi-public buildings and uses required to serve the immediate area
- (l) Places of worship
- (m) Secondary suites
- (n) Show homes
- (o) Solar energy collection systems
- (p) Wind energy conversion systems, micro
- (q) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area for Single Family Dwellings and Modular Dwellings
 - (i) In the case of road and lane systems:
 - A. Internal Lots – 464.8 sq. m (5000.0 sq. ft.)
 - B. Corner Lots – 533.7 sq. m (5740.0 sq. ft.)
 - (ii) In the case of laneless systems:
 - A. Internal Lots – 518.18 sq. m (5577.6 sq. ft.)
 - B. Corner Lots – 595.0 sq. m (6400.1 sq. ft.)
 - (iii) Development on existing substandard lots may be considered by the development Authority
- (b) Minimum Lot Area for Other Uses – as required by the Development Authority.
- (c) Minimum Lot Width for Single Family Dwellings and Modular Dwellings
 - (i) Internal Lots – 15.24 m (50.0 ft.)
 - (ii) Corner Lots – 17.5 m (57.4 ft.)
- (d) Minimum Lot Width for Other Uses – as required by the Development Authority.
- (e) Minimum Lot Depth
 - (i) In the case of road and lane systems – 30.5 m (100 ft.)

- (ii) In the case of laneless systems – 34.0 m (111.5 ft.)
- (f) Development on existing substandard lots may be considered by the Development Authority. Compliance with provincial plumbing, drainage and health Regulations will be required.
- (g) Minimum Floor Area for Residential Uses – 83.6 sq. m (900 sq. ft.) for each dwelling unit
- (h) Minimum Yard Requirements:
 - (i) Front yard – 7.0 m (23.0 ft.)
 - (ii) Minimum side yard
 - A. In the case of a lot with an adjacent lane:
 - 1.5 m (4.9 ft.) for buildings of less than two storeys, or
 - 2.3 m (7.5 ft.) for buildings of two storeys or more
 - B. In the case of a lot without an adjacent lane when the dwelling on the lot does not have an attached garage or carport:
 - 3.2 m (10.5 ft.) on one side, and in accordance with Subsection A. above on the other
 - C. Corner lot - 3.8 m (12.5 ft.) abutting road
 - (iii) Rear yard
 - A. 6.0 m (19.7 ft.) for internal lots
 - B. 4.5 m (14.8 ft.) for corner lots
- (i) Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.
- (j) Maximum Lot Coverage - 40%
 - (i) Dwellings – 28%
 - (ii) Accessory buildings – 12%
- (k) Design, Character and Appearance of Buildings:
 - (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
 - (ii) All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.

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- (iii) All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the modular dwelling.

(l) Other Requirements:

- (i) The maximum height of any building shall be 10 m (32.8 ft.).

(m) Relating to Duplexes

- (i) Minimum lot depth - 34 m (111.5 ft.)
- (ii) Minimum lot width
 - A. In the case of a lot with an adjacent lane:
 - 1. 9.0 m (29.5 ft.) for each dwelling unit for internal lots
 - 2. 11.5 m (37.7 ft.) for each dwelling unit for corner lots
 - B. In the case of a lot without an adjacent lane:
 - 1. 10.5 m (34.4 ft.) for each dwelling unit for internal lots
 - 2. 13.0 m (42.6 ft.) for each dwelling unit for corner lots
- (iii) Minimum front yard - 7.0 m (23.0 ft.)
- (iv) Minimum rear yard
 - A. 6.0 m (19.7 ft.) for internal lots
 - B. 4.5 m (14.8 ft.) for corner lots
- (v) Minimum side yard
 - A. On common wall between dwelling units - nil
 - B. In the case of a lot with an adjacent lane:
 - 1. 1.5 m (4.9 ft.) for buildings of less than two storeys, or
 - 2. 2.3 m (7.5 ft.) for buildings of two storeys or more
 - C. In the case of a lot without an adjacent lane when the dwelling on the lot does not have an attached garage or carport:
 - 1. 3.2 m (10.5 ft.) on one side, and
 - 2. In accordance with Subsections A. and B. above on the other.
 - D. Corner lot - 3.8 m (12.5 ft.) abutting road
- (vi) Minimum floor area - 70 sq. m (754 sq. ft.) for each dwelling unit
- (vii) Maximum lot coverage - 40%
- (viii) Maximum height – 10.0 m (32.8 ft.) or 2.5 storeys, whichever is lower

9.2 R1b – Small Lot Residential District

(1) General Purpose

The general purpose of this District is to allow the development of primarily smaller single family dwellings on smaller lots.

(2) Permitted Uses

- (a) Day Homes
- (b) Minor home occupations
- (c) Parks, playgrounds and similar recreational uses
- (d) Public utilities, not including an enclosed building
- (e) Single family dwellings
- (f) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Day homes
- (c) Family care facilities
- (d) Garage Suites
- (e) Group Care Facilities
- (f) In-law Suites
- (g) Major home occupations
- (h) Modular dwellings
- (i) Neighbourhood commercial developments
- (j) Public or quasi-public buildings and uses required to serve the immediate area
- (k) Places of worship
- (l) Secondary suites
- (m) Show homes
- (n) Solar energy collection systems
- (o) Wind energy conversion systems, micro
- (p) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area for Single Family Dwellings and Modular Dwellings
 - (i) In the case of road and lane systems:
 - A. internal sites – 372.0 sq. m (4,004.2 sq. ft.)
 - B. corner sites – 418.0 sq. m (4,499.3 sq. ft.)
 - (ii) In the case of laneless systems:
 - A. internal sites – 459.0 sq. m (4,940.6 sq. ft.)
 - B. corner sites – 503.0 sq. m (5,414.2 sq. ft.)

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- (iii) Development on existing substandard lots may be considered by the Development Authority.
- (b) Minimum Lot Area for Other Uses – as required by the Development Authority.
- (c) Minimum Lot Width for Single Family Dwellings and Modular Dwellings
 - (i) internal sites – 12.2 m (40.0 ft.)
 - (ii) corner sites – 13.7 m (45.0 ft.)
- (d) Minimum Lot Width for Other Uses – as required by the Development Authority.
- (e) Minimum site depth
 - (i) In the case of road and lane systems – 30.5 m (100 ft.)
 - (ii) In the case of laneless systems – 33.5 m (110 ft.)
- (f) Development on existing substandard lots may be considered by the Development Authority.
- (g) Minimum Floor Area for Residential Uses – 83.6 sq. m (900 sq. ft.) for each dwelling unit
- (h) Minimum Yard Requirements:
 - (i) Front yard – 7.0 m (23.0 ft.)
 - (ii) Minimum side yard
 - A. In the case of a lot with an adjacent lane:
 - 1. 1.5 m (4.9 ft.) for buildings of less than two storeys, or
 - 2. 2.3 m (7.5 ft.) for buildings of two storeys or more
 - B. In the case of a lot without an adjacent lane when the dwelling on the lot does not have an attached garage or carport:
 - 1. 3.2 m (10.5 ft.) on one side, and
 - 2. in accordance with Subsection A. above on the other
 - C. Corner lot - 3.8 m (12.5 ft.) abutting road
 - (iii) Rear yard
 - A. 6.0 m (19.7 ft.) for internal lots
 - B. 4.5 m (14.8 ft.) for corner lots

Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.

- (i) Maximum Lot Coverage - 50%
 - (i) Dwellings – 38%
 - (ii) Accessory buildings – 12%

- (j) Design, Character and Appearance of Buildings:
 - (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
 - (ii) All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.
 - (iii) All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the modular dwelling.

- (k) Other Requirements:
 - (i) The maximum height of any building shall be 10.0 m (32.8 ft.).

9.3 R2 – Medium Density Residential District

(1) General Purpose

The general purpose of this District is to allow the development of a mixture of residential uses at an overall moderate density, with the development, including its design, being entirely at the discretion of the Development Authority.

(2) Permitted Uses

- (a) Duplexes
- (b) Day homes
- (c) Home occupations, minor
- (d) Public parks
- (e) Single family dwellings
- (f) Buildings and uses accessory to permitted uses

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(3) Discretionary Uses

- (a) Basement suites
- (b) Bed and breakfasts
- (c) Day cares
- (d) Family care facilities
- (e) Group care facilities
- (f) In-law suites
- (g) Home occupations, major
- (h) Neighbourhood commercial developments
- (i) Places of Worship
- (j) Public or quasi-public buildings required to serve the immediate area
- (k) Public utilities required to serve the immediate area
- (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (m) Row housing
- (n) Secondary suites
- (o) Show homes
- (p) Single family dwellings
- (q) Solar energy collection systems
- (r) Buildings and uses accessory to discretionary uses

(4) Requirements

(a) Relating to Single Family Dwellings

Same as in the R-1a District

(b) Relating to Duplexes

- (i) Minimum lot depth - 34 m (111.5 ft.)
- (ii) Minimum lot width
 - A. In the case of a lot with an adjacent lane:
 - 1. 9.0 m (29.5 ft.) for each dwelling unit for internal lots
 - 2. 11.5 m (37.7 ft.) for each dwelling unit for corner lots
 - B. In the case of a lot without an adjacent lane:
 - 1. 10.5 m (34.4 ft.) for each dwelling unit for internal lots
 - 2. 13.0 m (42.6 ft.) for each dwelling unit for corner lots
- (iii) Minimum front yard - 7.0 m (23.0 ft.)
- (iv) Minimum rear yard

- A. 6.0 m (19.7 ft.) for internal lots
- B. 4.5 m (14.8 ft.) for corner lots
- (v) Minimum side yard
 - A. On common wall between dwelling units - nil
 - B. In the case of a lot with an adjacent lane:
 - 20% of the lot width, or
 - 1. 1.5 m (4.9 ft.) for buildings of less than two storeys, or
 - 2. 2.3 m (7.5 ft.) for buildings of two storeys or more
 - C. In the case of a lot without an adjacent lane when the dwelling on the lot does not have an attached garage or carport:
 - 1. 3.2 m (10.5 ft.) on one side, and
 - 2. in accordance with Subsections A. and B. on the other
 - D. Corner lot - 3.8 m (12.5 ft.) abutting road
- (vi) Minimum floor area - 70 sq. m (754 sq. ft.) for each dwelling unit
- (vii) Maximum lot coverage - 40%
- (viii) Maximum height - 10 m (32.8 ft.) or 2.5 storeys, whichever is lower

(c) Relating to Row Housing

- (i) Minimum Lot Requirements for Row Housing – at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located, and all other requirements of this section.
- (ii) Maximum density – 40 dwelling units per ha (16 per ac.)
- (iii) Minimum Yard Requirements
 - A. Front yard – 7.5 m (24.6 ft.)
 - B. Except as noted below, side yard – 3.0 m (9.84 ft.)
 - C. Side yard abutting a road in the case of a corner lot – 4.5 m (14.75 ft.)
 - D. Side yard where there is no lane and where no attached garage is provided – 3.0 m (9.84 ft.)
 - E. Rear yard – 7.5 m (24.6 ft.)
- (iv) Each dwelling unit shall have an outdoor living area immediately adjacent to it and accessible to it via an entranceway. The minimum depth of this area shall be 7.5 m (24.6 ft.). Within this area, there shall be a privacy zone measuring a minimum of 4.5 m (14.75 ft.) in depth, contained by a fence with a minimum height of 1.5 m (5 ft.).
- (v) The maximum height shall be 10 m (32.8 ft.).

(d) Relating to All other Uses

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- (i) All regulations shall be as required by the Development Authority
- (e) Other Regulations
 - (i) Design, Character and Appearance of Buildings:
 - A. The design characteristics of the overall development, including landscaping, driveway pattern, and the spatial relationship of the various uses on a lot shall be to the satisfaction of the Development Authority.
 - B. All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.
 - C. All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the modular dwelling.

9.4 R3 – High Density Residential District

(1) General Purpose

The general purpose of this District is to allow the development of a mixture of residential uses at a higher density to include row housing and apartments, with the development, including its design, being entirely at the discretion of the Development Authority.

(2) Permitted Uses

- (a) Apartments
- (b) Day homes
- (c) Home occupations, minor
- (d) Public parks
- (e) Public or quasi-public buildings required to serve the immediate area
- (f) Public utilities required to serve the immediate area
- (g) Row housing
- (h) Senior citizens' housing
- (i) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Day cares
- (b) Family care facilities
- (c) Group care facilities
- (d) Home occupations, major
- (e) Neighbourhood commercial developments
- (f) Places of Worship
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Senior Citizens Housing
- (i) Show homes
- (j) Solar energy collection systems
- (k) Wind energy conversion systems, micro
- (l) Buildings and uses accessory to discretionary uses

(4) Requirements

(a) Relating to Row Housing

- (i) Minimum Lot Requirements for Row Housing – at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located, and all other requirements of this section.
- (ii) Maximum density – 40 dwelling units per ha (16 per ac.)
- (iii) Minimum Yard Requirements
 - A. Front yard – 7.5 m (24.6 ft.)
 - B. Except as noted below, side yard – 3.0 m (9.84 ft.)
 - C. Side yard abutting a road in the case of a corner lot – 4.5 m (14.75 ft.)
 - D. Side yard where there is no lane and where no attached garage is provided – 3.0 m (9.84 ft.)
 - E. Rear yard – 7.5 m (24.6 ft.)
- (iv) Each dwelling unit shall have an outdoor living area immediately adjacent to it and accessible to it via an entranceway. The minimum depth of this area shall be 7.5 m (24.6 ft.). Within this area, there shall be a privacy zone measuring a minimum of 4.5 m (14.75 ft.) in depth, contained by a fence with a minimum height of 1.5 m (5 ft.).

(b) Relating to Apartments

- (i) Maximum density – 100 dwelling units per ha (40 per ac.)
- (ii) Minimum lot depth - 34 m (111.5 ft.)
- (iii) Minimum lot width - 11.0 m (35.1 ft.)

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- (iv) Minimum lot area - 374 sq. m (3980 sq. ft.)
- (v) Maximum Lot Coverage – 40%
- (vi) Maximum Building Height – 11.0 m (36.1 ft.) or three (3) stories whichever is lower
- (vii) Minimum floor area
 - A. For one bedroom dwelling units - 51 sq. m (550 sq. ft.)
 - B. For two bedroom dwelling units - 65 sq. m (700 sq. ft.)
 - C. For three bedroom dwelling units or larger - 79 sq. m (850 sq. ft.)
 - D. For senior citizens' housing - 42 sq. m (450 sq. ft.) per dwelling unit
- (viii) Minimum front yard - 7.0 m (23.0 ft.)
- (ix) Minimum rear yard
 - A. 6.0 m (19.7 ft.) for internal lots
 - B. 4.5 m (14.8 ft.) for corner lots
- (x) Minimum side yard
4.5 m (14.8 ft.) or one-half the height of the highest building on the lot, whichever is the greater
- (xi) Each development shall provide, outside of required side yards, landscaped area on the basis of the following formula:
 - A. for each bachelor dwelling unit – 18.5 sq. m (200 sq. ft.)
 - B. For each one bedroom dwelling unit – 28.0 sq. m (300 sq. ft.)
 - C. For each two bedroom dwelling unit – 70 sq. m (750 sq. ft.)
 - D. For each dwelling unit with three or more bedrooms – 93.0 sq. m (1000 sq. ft.)

(c) Relating to All other Uses

- (i) All regulations shall be as required by the Development Authority

(d) Other Regulations

- (i) Design, Character and Appearance of Buildings:
 - A. The design characteristics of the overall development, including landscaping, driveway pattern, and the spatial relationship of the various uses on a lot shall be to the satisfaction of the Development Authority.
 - B. All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.

- C. All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the modular dwelling.

9.5 C1 – Downtown Commercial District (central business area)

(1) General Purpose

The general purpose of this District is to provide for a wide variety of commercial uses within the Town's downtown core.

(2) Permitted Uses

- (a) Amusement establishment, indoor
- (b) Business support services establishments
- (c) Eating and drinking establishments
- (d) General retail establishments
- (e) Government services
- (f) Health services
- (g) Hotels
- (h) Household repair services
- (i) Indoor recreation facilities
- (j) Libraries and cultural exhibits
- (k) Office uses
- (l) Personal service shops
- (m) Public parks
- (n) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Animal hospital
- (b) Auctioneering establishments
- (c) Automotive and equipment repair shops
- (d) Automotive and recreational vehicle sales/rentals establishments
- (e) Bus depots
- (f) Cannabis Retail Sales
- (g) Car Washes
- (h) Contractor service, limited
- (i) Day care facilities
- (j) Drinking establishment

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- (k) Drive-in businesses
- (l) Entertainment establishments
- (m) Equipment rental establishments
- (n) Head Shop
- (o) Institutional uses
- (p) Liquor stores
- (q) Motels
- (r) Parking lots
- (s) Private clubs
- (t) Protective and emergency services
- (u) Public or quasi-public buildings
- (v) Public or quasi-public uses
- (w) Public utilities
- (x) Public utility buildings
- (y) Religious assemblies
- (z) Service stations
- (aa) Single family dwellings existing as of the date of this bylaw
- (bb) Vehicle repair establishments
- (cc) Veterinary clinics
- (dd) Solar energy collection systems
- (ee) Wind energy conversion systems, micro
- (ff) Dwellings within buildings in which the predominant use is one or more of the above-listed permitted or discretionary uses, provided, however, that the dwellings have direct access to the outside of the building
- (gg) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (hh) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Relating to Single Family Dwellings - same as in the R-1a District
- (c) Relating to Apartments - same as in the R-3 District
- (d) Relating to Commercial uses:
 - (i) Minimum Lot Area: 140 sq. m (1507 sq. ft.)
 - (ii) Minimum Lot Width: 4.5 m (14.75 ft.)
- (e) Minimum Yard Requirements:
 - (i) Front yard
 - A. None, subject to the regulations of Subsection (5)

- B. Notwithstanding A. above, the Development Authority may require a setback in order to conform to existing adjacent development.
 - (ii) Side yard
 - A. If the subject lot is bounded on both sides by land classified C1, no side yard shall be required. If no side yard is provided, the regulations of Subsection (5) below shall apply.
 - B. If the subject lot is bordered by a lot in a Residential District, the minimum side yard required shall be 2.5 m (8.2 ft.) or one-half the height of the highest building on the lot, whichever is the greater, shall be required.
 - (f) Maximum Lot Coverage – 80%, provided that provisions have been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority.
 - (g) No development shall be allowed that will, in any way and in the sole opinion of the Development Authority, become obnoxious by way of noise, odour, dust, or fumes.
 - (h) Design, Character and Appearance of Buildings:
 - (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
 - (ii) All accessory structures shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the main building.
- (5) Regulations Where No Yard is Provided
 - (a) Where developments are proposed which are permitted to have no yard, the other regulations of the District in which the development is proposed shall apply.
 - (b) Prior to the approval of any development with no yard, plans showing grading and drainage on adjacent sites must be submitted and must be deemed acceptable to the Development Authority
 - (c) Easements Required
 - (i) Where no yard is permitted, an easement shall be provided on the lot abutting that yard for the maintenance of all main and accessory buildings and for any overhang of main or accessory buildings onto

- that adjacent lot. The Development Authority may require that an easement be registered against the title of the affected lot.
- (ii) Subsection (i) does not apply where adjacent owners are permitted pursuant to this Bylaw to construct buildings or accessory buildings (including garages) which are attached at the lot boundary or which face each other at the lot boundary.
 - (iii) Where an accessory building is permitted to have no yard abutting a lot, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Subsection (5)(c)(i) prior to the issuance of a development permit for the subject development.

9.6 C2 – Highway Commercial District

(1) General Purpose

The general purpose of this District is to allow for a wide variety of commercial uses which are generally oriented towards the travelling public and somewhat more land extensive.

(2) Permitted Uses

- (a) Amusement establishments, indoor
- (b) Amusement establishments, outdoor
- (c) Animal hospitals
- (d) Business support service establishments
- (e) Cemetery
- (f) Contractor service, limited
- (g) Car washes
- (h) Drive-in restaurants
- (i) Eating and drinking establishment
- (j) Extensive agriculture
- (k) General retail establishments
- (l) Government services
- (m) Greenhouses
- (n) Health services
- (o) Highway commercial uses
- (p) Hotels
- (q) Household repair services
- (r) Indoor recreation facility
- (s) Libraries and cultural exhibits
- (t) Motels
- (u) Office uses
- (v) Personal service shops

- (w) Protective and emergency services
- (x) Public parks
- (y) Religious assemblies
- (z) Relocated buildings
- (aa) Restaurants
- (bb) Service stations and gas bars
- (cc) Shopping centres
- (dd) Solar energy collection system
- (ee) Wind energy collection system, micro
- (ff) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Auctioneering establishments
- (b) Automotive and equipment repair shops
- (c) Automotive and recreational vehicle sales/rentals establishments
- (d) Bulk fuel storage and sales
- (e) Bus depots
- (f) Cannabis Retail Sales
- (g) Contractor services, general
- (h) Day cares
- (i) Drive-in businesses
- (j) Entertainment establishments
- (k) Equipment rental establishments
- (l) Head shop
- (m) Institutional uses
- (n) Liquor stores
- (o) Private clubs
- (p) Public or quasi-public buildings
- (q) Public or quasi-public uses
- (r) Public utilities
- (s) Public utility buildings
- (t) Recreational vehicle parks
- (u) Residential uses located in the same building as a permitted or discretionary use
- (v) Sea cans
- (w) Service stations
- (x) Surveillance suite (maximum of one per lot)
- (y) Trucking and cartage establishments
- (z) Vehicle repair establishments
- (aa) Veterinary clinics
- (bb) Warehouse sales establishments
- (cc) Wind energy collection system, small
- (dd) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses

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(ee) Buildings and uses accessory to discretionary uses

(4) Requirements

(a) Minimum Lot Area: 232.3 sq. m (2500 sq. ft.)

(b) Minimum Lot Width: 7.62 m (25 ft.)

(c) Minimum Yard Requirements:

(i) Front yard - 15.0 m (49.8 ft.), except that the Development Authority may increase or decrease this requirement, at his discretion, depending on the site and use characteristics and whether parking and loading requirements are to be met on site. If no front yard is provided, the regulations of **Section 9.6(5)** shall apply.

(ii) Rear yard - 6.0 m (19.7 ft.), except that upper levels of the building may extend to the rear line, and further excepting that the minimum rear yard on any lot adjacent to a Residential District shall be 7.5 m (24.6 ft.) at all levels. If no rear yard is provided, the regulations of Section 7.4(4) shall apply.

(iii) Side yard

A. If the subject lot is bounded on both sides by land classified C1 C2 or C3, no side yard shall be required.

B. If the subject lot is bordered by a lot in a Residential District, the minimum side yard required shall be 2.5 m (8.2 ft.) or one-half the height of the highest building on the lot, whichever is the greater, shall be required. If no side yard is provided, the regulations of Section (5) shall apply.

(d) Maximum Lot Coverage – 70%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority.

(e) No development shall be allowed that will, in any way and in the sole opinion of the Development Authority, become obnoxious by way of noise, odour, dust, or fumes.

(f) Design, Character and Appearance of Buildings:

(i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.

(ii) All accessory structures shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the main building.

- (g) Maximum height – at the discretion of the Development Authority
- (h) Access

The number and design of any access provided from a lot to a road or lane shall be to the satisfaction of the Development Authority.

(5) Regulations Where No Yard is Provided

- (a) Where developments are proposed which are permitted to have no yard, the other regulations of the District in which the development is proposed shall apply.
- (b) Prior to the approval of any development with no yard, in addition to the submission requirements of Section 11 of this Bylaw, plans showing grading and drainage on adjacent sites must be submitted and must be deemed acceptable to the Development Authority

(6) Easements Required

- (a) Where no yard is permitted, an easement shall be provided on the lot abutting that yard for the maintenance of all main and accessory buildings and for any overhang of main or accessory buildings onto that adjacent lot. The Development Authority may require that an easement be registered against the title of the affected lot.
- (b) Subsection (a) does not apply where adjacent owners are permitted pursuant to this Bylaw to construct main buildings or accessory buildings (including garages) which are attached at the lot boundary or which face each other at the lot boundary.
- (c) Where an accessory building is permitted to have no yard abutting a lot, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Subsection (6)(a) prior to the issuance of a development permit for the subject development.

9.7 C3 – General Commercial District

(1) General Purpose

The general purpose of this District is to allow for a wide variety of commercial uses which are somewhat more land extensive.

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(2) Permitted Uses

- (a) Amusement establishments, indoor
- (b) Amusement establishments, outdoor
- (c) Animal hospitals
- (d) Auctioneering establishments
- (e) Business support service establishment
- (f) Car washes
- (g) Cemetery
- (h) Contractor service, limited
- (i) Car washes
- (j) Drive-in restaurants
- (k) Eating and drinking establishment
- (l) Extensive agriculture
- (m) General retail establishments
- (n) Government services
- (o) Greenhouses
- (p) Health services
- (q) Highway commercial uses
- (r) Household repair services
- (s) Indoor recreation facility
- (t) Libraries and cultural exhibits
- (u) Motels
- (v) Office uses
- (w) Personal service shops
- (x) Protective and emergency services
- (y) Public parks
- (z) Religious assemblies
- (aa) Relocated buildings
- (bb) Restaurants
- (cc) Sea cans
- (dd) Service stations and gas bars
- (ee) Shopping centres
- (ff) Solar energy collection system
- (gg) Truck wash
- (hh) Wind energy collection system, micro
- (ii) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Automotive and equipment repair shops
- (b) Automotive and recreational vehicle sales/rentals establishments
- (c) Bulk fuel storage and sales

- (d) Bus depots
- (e) Cannabis Retail Sales
- (f) Contractor services, general
- (g) Day cares
- (h) Drive-in businesses
- (i) Entertainment establishments
- (j) Equipment rental establishments
- (k) Head shop
- (l) Heavy truck and equipment storage
- (m) Hotels
- (n) Industrial vehicle and equipment sales/rentals establishments
- (o) Institutional uses
- (p) Kennels
- (q) Liquor stores
- (r) Livestock sales yard
- (s) Outdoor storage
- (t) Private clubs
- (u) Public or quasi-public buildings
- (v) Public or quasi-public uses
- (w) Public utilities
- (x) Public utility buildings
- (y) Recreational vehicle parks
- (z) Recreational vehicle storage
- (aa) Recycling depots
- (bb) Sea cans
- (cc) Service stations
- (dd) Surveillance suite (maximum of one per lot)
- (ee) Trucking and cartage establishments
- (ff) Vehicle repair establishments
- (gg) Veterinary clinics
- (hh) Warehouse sales establishments
- (ii) Wind energy collection system, small
- (jj) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (kk) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area: 232.3 sq. m (2500 sq. ft.)
- (b) Minimum Lot Width: 7.62 m (25 ft.)
- (c) Minimum Yard Requirements:

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- (i) Front yard - 15.0 m (49.8 ft.), except that the Development Authority may increase or decrease this requirement, at their discretion, depending on the site and use characteristics and whether parking and loading requirements are to be met on site. If no front yard is provided, the regulations of Section 7.4(4) shall apply.
- (ii) Rear yard - 6.0 m (19.7 ft.), except that upper levels of the building may extend to the rear line, and further excepting that the minimum rear yard on any lot adjacent to a Residential District shall be 7.5 m (24.6 ft.) at all levels. If no rear yard is provided, the regulations of Section 7.4(4) shall apply.
- (iii) Side yard
 - A. If the subject lot is bounded on both sides by land classified C1 C2 or C3, no side yard shall be required.
 - B. If the subject lot is bordered by a lot in a Residential District, the minimum side yard required shall be 2.5 m (8.2 ft.) or one-half the height of the highest building on the lot, whichever is the greater, shall be required. If no side yard is provided, the regulations of Section (5) shall apply.
- (d) Maximum Lot Coverage –70%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority.
- (e) No development shall be allowed that will, in any way and in the sole opinion of the Development Authority, become obnoxious by way of noise, odour, dust, or fumes.
- (f) Design, Character and Appearance of Buildings:
 - (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
 - (ii) All accessory structures shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the main building.
- (g) Maximum height – at the discretion of the Development Authority
- (h) Access

The number and design of any access provided from a lot to a road or lane shall be to the satisfaction of the Development Authority.

- (i) Extensive Agricultural uses shall not be offensive in nature, and shall not include the breeding and raising of livestock of any kind.
- (5) Regulations Where No Yard is Provided
- (a) Where developments are proposed which are permitted to have no yard, the other regulations of the District in which the development is proposed shall apply.
 - (b) Prior to the approval of any development with no yard, in addition to the submission requirements of **Section 4** of this Bylaw, plans showing grading and drainage on adjacent sites must be submitted and must be deemed acceptable to the Development Authority
- (6) Easements Required
- (a) Where no yard is provided, an easement shall be provided on the lot abutting that yard for the maintenance of all main and accessory buildings and for any overhang of main or accessory buildings onto that adjacent lot. The Development Authority may require that an easement be registered against the title of the affected lot.
 - (b) Subsection (a) does not apply where adjacent owners are permitted pursuant to this Bylaw to construct main buildings or accessory buildings (including garages) which are attached at the lot boundary or which face each other at the lot boundary.
 - (c) Where an accessory building is permitted to have no yard abutting a lot, the applicant will be responsible for the negotiation and registration of any easements required pursuant to **Subsection (6)(a)** prior to the issuance of a development permit for the subject development.

9.8 M1 – Industrial District

(1) General Purpose

The general purpose of this District is to provide for industrial activities in the Town. No industrial development shall take place which may have a detrimental effect on the municipality or its environment.

(2) Permitted Uses

- (a) Auctioneering establishments

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- (b) Automotive and equipment repair shops
- (c) Automotive and recreational vehicle sales and rentals
- (d) Cemeteries
- (e) Contractor services, limited
- (f) Contractor services, general
- (g) Equipment rental establishments
- (h) Green houses
- (i) Industrial uses, light
- (j) Intensive agriculture
- (k) Institutional uses
- (l) Livestock sales yard
- (m) Office uses
- (n) Protective and emergency services
- (o) Public or quasi-public buildings
- (p) Public or quasi-public uses
- (q) Public utilities
- (r) Public utility buildings
- (s) Sea cans
- (t) Service stations and gas bars
- (u) Shops
- (v) Solar energy collection systems
- (w) Wind energy conversion systems, small
- (x) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Agricultural industries
- (b) Bulk fuel storage and sales
- (c) Drive-in businesses, but not including drive-in restaurants
- (d) Heavy truck and equipment storage
- (e) Indoor recreation facility
- (f) Industrial vehicle and equipment sales/rentals establishments
- (g) Industrial uses, medium
- (h) Kennels
- (i) Outdoor storage
- (j) Pipe and equipment storage yards
- (k) Recycling depot
- (l) Salvage yards and/or auto wreckers
- (m) Sewage lagoons and other sewage treatment facilities
- (n) Surveillance suite (maximum of one per lot)
- (o) Trucking and cartage establishments
- (p) Truck washes
- (q) Vehicle repair establishments
- (r) Warehouse sales

- (s) Wind energy conversion systems, small
- (t) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (u) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area – as required by the Development Authority
- (b) Minimum Yards:
 - (i) Front – 6.0 m (19.7 ft.), except that the Development Authority may increase this requirement, at his discretion, depending on the site and use characteristics and whether parking and loading requirements are to be met on site. No area for parking, loading or storage, or any other like purpose, other than parking for visitors, shall be permitted within 6.0 m (19.7 ft.) of the minimum front yard.
 - (ii) Side – none, provided the regulations of Section 9.8(5) below apply. Where a side yard is provided, it shall not be less than 6.0 m (19.7 ft.) on one side and 1.5 m (4.9 ft.) on the other for that part of a building up to 4.5 m (14.8 ft.) high. For that part of a building exceeding 4.5 m (14.8 ft.) in height, the minimum side yard shall be 0.3 m (1.0 ft.) for every metre of height, to a maximum yard requirement of 6.0 m (19.7 ft.).
 - (iii) Rear – 9.0 m (29.5 ft.), or as required by the Development Authority.
- (c) Maximum lot coverage - 60%
- (d) Maximum height – at the discretion of the Development Authority
- (e) Access

Each separate use or lot shall have accesses to any road designed to the satisfaction of the Development Authority having regard to continuity of

traffic flow, the safety of vehicles, the avoidance of dangerous intersections, use, and lot configuration

- (f) Storage
 - (i) Outdoor storage shall be permitted only when accessory to a permitted or discretionary use.
 - (ii) Any storage area shall be screened to the height considered

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necessary by the Development Authority to screen the storage of goods or materials.

9.9 US – Urban Services District

(1) General Purpose

The general purpose of this District is to allow the use of land for service, mainly of a public nature, which has a primary orientation to the community. Land within the US District will normally be owned by the municipality or other government agency.

(2) Permitted Uses

- (a) Assisted living facilities
- (b) Cemeteries
- (c) Day care facilities
- (d) Indoor recreation facility
- (e) Institutional uses
- (f) Extensive recreation
- (g) Government services
- (h) Library or cultural exhibit
- (i) Natural areas
- (j) Office uses
- (k) Protective and emergency services
- (l) Public parks
- (m) Public or quasi-public buildings
- (n) Public or quasi-public uses
- (o) Public utilities
- (p) Public utility buildings
- (q) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Amusement establishments, indoor
- (b) Amusement establishments, outdoor
- (c) Group care facilities
- (d) Private clubs
- (e) Public uses
- (f) Public or quasi-public buildings
- (g) Public or quasi-public uses
- (h) Public utilities
- (i) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (j) Buildings and uses accessory to discretionary uses

(4) Requirements

All requirements shall be as required by the Development Authority.

9.10 DC – Direct Control District

(1) General Purpose

This District is generally intended to establish an area which is to be developed with the specific control of Council. The detailed plans are to propose standards not found within any other District but which will provide sufficient information to the Council so that they, acting as the Development Authority in the making of decisions on development permits, can make a decision with respect to the development.

(2) Permitted Uses

(a) None

(3) Discretionary Uses

- (a) Commercial uses
- (b) Industrial uses
- (c) Residential uses
- (d) Semi-public uses
- (e) Buildings and uses accessory to discretionary uses

(4) Application for a Development Permit

- (a) In addition to the requirements of Section 3.4 of this Bylaw, an application for a development permit within this District may, at the discretion of the Council, be required to include:
 - (i) a comprehensive plan of development for a site which may contain the following information:
 - A. the location of all proposed buildings,
 - B. elevations and architectural treatment of all buildings or structures,
 - C. the number and type of dwelling units,
 - D. the amount of non-residential space and description of proposed non-residential uses,
 - E. the location of all accesses: vehicular, pedestrian and emergency to site and buildings,
 - F. a plan of the internal vehicular and pedestrian circulation

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- systems, and the integration of this with the local pedestrian circulation system. This should include an estimate of traffic generation and distribution –patterns outside the project area,
- G. the location, capacity and treatment of all parking areas,
 - H. the location of all existing trees, with an explanation of which trees are to be removed and why it is necessary to remove them. As well, plans for tree relocation and/or replacement should be included,
 - I. the location and function of all open space and identification of open space outside of the actual development that it is anticipated the residents of the project will use,
 - J. all yards, site coverage, site areas, floor areas, sizes of lots, number of parking stalls,
 - K. the location and extent of all utility services, and
 - L. a scale model of plan showing the proposed development and its relationship to surrounding developments; and
- (ii) a detailed narrative statement containing:
- A. an explanation of the intent of the project,
 - B. the features and details of the project development,
 - C. the features of the project which make it desirable to the general public and the surrounding areas. This is to include an evaluation of how the project will help to meet the present and projected needs of the community as a whole,
 - D. anticipated scheduling and sequence of development for the plan,
 - E. an economic analysis of the proposal's anticipated impact on the municipality,
 - F. the forms of ownership involved in the development and a breakdown of same by area and number of units,
 - G. where the project includes low-cost and/or innovative housing, estimated market price of the units, together with a statement of any government programs under which this project is being done, if any. It is noted that "low cost" is not interpreted meaning low income housing but rather housing covering the full income range of the market but less expensive than comparable conventional dwellings,
 - H. clear identification of all elements of the plan considered innovative and sufficient supportive material to establish the characteristics and extent of these innovations,
 - I. justification of each innovation in terms of its importance to the total concept, the benefits to be derived from its implementation, its impact on the provision of services and amenities and its desirability to the general public,

- J. those sections of municipal and Provincial regulations, legislation and bylaws which will have to be waived to allow for the innovations,
 - K. a delineation of the area of immediate and ongoing responsibility in the development. The elements of the proposed project to be developed and maintained by the developer/applicant, home owner, and/or municipal authorities are to be outlined. This would include the initial servicing, and roadway construction and maintenance of the site after completion,
 - L. the mechanisms by which conformity to the plan as submitted will be ensured. This would normally be done through a combination of covenants, caveats, easements, service agreements and performance bonds. In particular, easements must be provided to allow the residents and municipality free access to those structures, open spaces and roads for which they will be responsible. The costs arising from such items will be borne by the developer/applicant,
 - M. the legal interest of the applicant in the proposal and a legal description of the subject properties,
 - N. the present land use of the subject properties and existing land uses or land use designation, and
 - O. school generation and population density statistics for the area.
- (b) Before considering a decision, the Council, acting as Development Authority, may request any additional information which he may deem necessary to be included. Further, the Council may waive or postpone the requirement of any of the above items where circumstances, in their opinion, make it advisable.
- (c) In deciding the suitability of a proposed development and any conditions that may be imposed as conditions of approval, the Council shall decide each case on its own merits, but take into account among other things, the following factors:
- (i) the degree to which the project fulfills the stated intent and its overall value to the Town and the general public;
 - (ii) any innovation that will unduly compromise safety standards will not be acceptable;
 - (iii) the relationships of buildings, structures and open spaces related to any residential development;
 - (iv) relationship of type and siting of buildings and structures to

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- (v) maximize the utilization of private amenity spaces; utilization of and integration with natural features (trees, elevations, etc.);
- (vi) the provision of a choice of housing types;
- (vii) the provisions of community oriented facilities;
- (viii) the provision of adequate parking and vehicular circulation;
- (ix) the provision and subsequent effectiveness of landscaped passive and active open space;
- (x) the heights and architectural treatment of all buildings and structures;
- (xi) the relationship of the buildings to the present and proposed circulation patterns;
- (xii) the relationship of the development to surrounding development (schools etc.);
- (xiii) the feasibility of servicing the proposed project; and
- (xiv) any Outline Plan or Area Structure Plan, or any other approved development plans for the area.

9.11 UR – Urban Reserve District

(1) General Purpose

The general purpose of this District is to reserve lands for future community growth and development.

(2) Permitted Uses

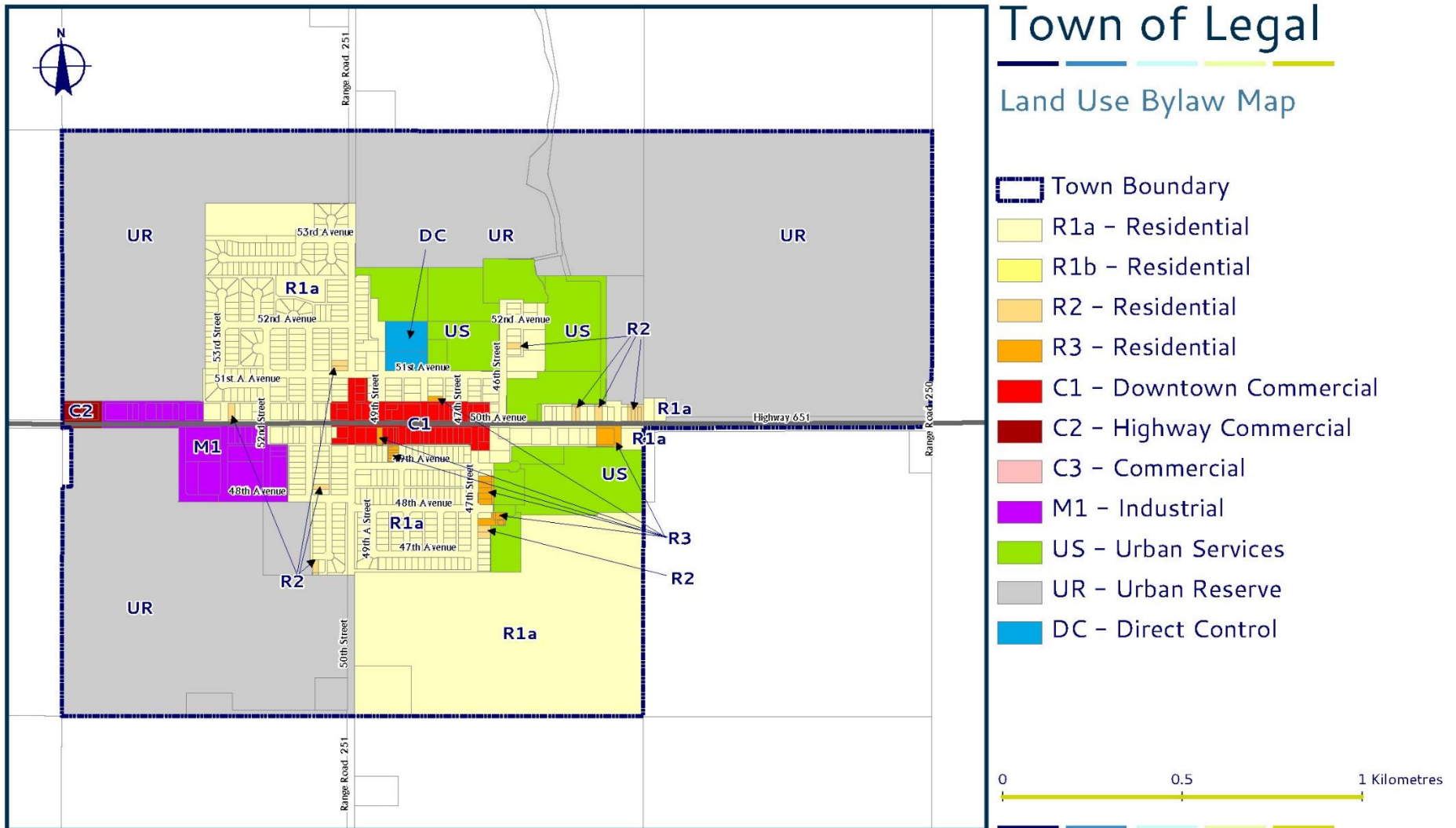
- (a) Extensive agriculture
- (b) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Extensive recreation
- (b) Intensive agriculture, but not including kennels
- (c) Greenhouses
- (d) Kennels
- (e) Parks and playgrounds
- (f) Public or quasi-public buildings
- (g) Public or quasi-public uses
- (h) Public utilities
- (i) Any temporary use or building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically re-subdividing or developing the area in the future at urban densities.
- (j) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses

- (k) Buildings and uses accessory to discretionary uses
- (4) Requirements
 - (a) The minimum lot area shall be 8 ha (20 ac.), or as required by the Development Authority.
 - (b) Minimum Yard Requirements:
 - (i) Front yard - 7.5 m (24.6 ft.)
 - (ii) Side yard - 7.5 m (24.6 ft.)
 - (iii) Rear yard - 7.5 m (24.6 ft.)
 - (c) The maximum height of any building or structure shall be 10 m (32.8 ft.), except in the case of buildings accessory to farming and the cultivation of land other than dwellings.
 - (d) Other Requirements:
 - (i) Extensive Agricultural uses shall not be offensive in nature, and shall not include the breeding and raising of livestock of any kind.
 - (ii) Any permit issued at the discretion of the Development Authority for a temporary use shall be for the period of up to a year only, or for a specified length of time to ensure that the use does not adversely affect future subdivision, servicing and urban development of such lands. Applications to extend the temporary use for a period of a year may be considered at the discretion of the Development Authority.
 - (iii) No subdivision of lands in this District shall be permitted unless the lot is reclassified to another District.

10 | Land Use District Map



BY LAW #05-2013

A BYLAW OF THE TOWN OF LEGAL, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ADOPTING A LAND USE BYLAW FOR THE TOWN OF LEGAL.

WHEREAS the Municipal Government Act R.S.A. 2000, as amended, requires the Council of the municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality; and

WHEREAS the Council of the Town of Legal deems it desirable, expedient and in the best interest of the Town of Legal to adopt a new land use bylaw.


NOW THEREFORE, the Council of the Town of Legal, duly assembled, enacts as follows:

1. This new Bylaw may be cited as "The Town of Legal Land Use Bylaw".
2. The Land Use Bylaw of the Town of Legal attached hereto as Schedule "A" to this Bylaw is hereby adopted.
3. Bylaw No. 07-98, as amended, being the previous Land Use Bylaw of the Town of Legal, is hereby repealed.
4. This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act, R.S.A., 2000, as amended.

This Bylaw comes into effect upon the date of the third and final reading thereof.

DONE AND PASSED as a Bylaw of the Town of Legal, at the Town of Legal in the Province of Alberta, this 15 day of October A.D. 2013.

READ A FIRST TIME this 15 day of July A.D., 2013



Mayor



Chief Administrative Officer

READ A SECOND TIME this 15 day of October A.D., 2013




Mayor



Chief Administrative Officer

READ A THIRD AND FINAL TIME THIS 15 day of October A.D., 2013



Mayor



Chief Administrative Officer