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Town of Rocky Mountain House

# Land Use Bylaw

Bylaw # 2020/19 | January 2021

Amended by Bylaw 2022/02 & Bylaw 2024/13

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# 1 PURPOSE & AUTHORITY

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## 1.1 GENERAL PURPOSE

- 1.1.1 The purpose of this **Land Use Bylaw**, entitled the **Town of Rocky Mountain House Land Use Bylaw** and hereby known as “the Bylaw”, is to regulate the **use** and **development** of land and **buildings** in the Town of Rocky Mountain House pursuant to Part 17 of the **Act**. This Bylaw strives to enable sustainable **development** based on the principles of the Town of Rocky Mountain House **Municipal Development Plan**.

## 1.2 AUTHORITY

- 1.2.1 The action of the **Town**, in the adoption of this **Bylaw** is authorized under the **Act**.
- 1.2.2 No person shall commence any **development** within the town except in compliance with this **Bylaw**.
- 1.2.3 This **Bylaw** is implemented to advance the objectives and policies established in the **Town’s Municipal Development Plan**, the **Town’s Design Guidelines**, and any other applicable statutory or non-**statutory plan**.

## 1.3 APPLICABILITY

- 1.3.1 The provisions of this **Bylaw** apply to all lands and **buildings** within the boundaries of the town, pursuant to Part 17 of the **Act**.
- 1.3.2 A person complying with the requirements of this **Bylaw** is not exempt from complying with the requirements in any of the **Town’s statutory plans**.
- 1.3.3 Nothing in this **Bylaw** exempts a person from obtaining a **development permit** as required by this or any other Bylaw.
- 1.3.4 In addition to the requirements of this **Bylaw**, a person is required to comply with all federal, provincial, and other municipal legislation.
- 1.3.5 The provisions of this **Bylaw**, when in conflict, shall take precedence over those of other municipal bylaws.

## 1.4 TRANSITION

- 1.4.1 This **Bylaw** shall come into force and takes effect on the date of its third reading. At that time, the former Land Use Bylaw 11-11LU, and its amendments, are hereby repealed.
- 1.4.2 Applications for **subdivision** or **development** which were submitted prior to adoption of this **Bylaw** shall be evaluated under the provisions of Land Use Bylaw 11-11LU, and its amendments.

## 1.5 SEVERABILITY

- 1.5.1 If one or more provisions of this *Bylaw* are for any reason declared to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this *Bylaw*.



## 2 LAND USE MAP

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### 2.1 LAND USE DISTRICTS

2.1.1 For the purpose of this *Bylaw*, the town is divided into the following *districts*:

Rural Residential District	(RR)
Low Density Residential District	(RL)
Flexible Residential District	(RF)
Medium Density Residential District	(RM)
Manufactured Home District	(MH)
Core Commercial Mixed-Use District	(C)
Local Commercial District	(LC)
Highway Commercial District	(HC)
General Industrial District	(I)
Public District	(P)
Environmental Open Space District	(EO)
Future Development District	(FD)
Direct Control District	(DC)
Brownfield Redevelopment Overlay	(BR)

2.1.2 The boundaries of the *districts* listed in *subsections 2.1.1* are as delineated on the Land Use Map.

2.1.3 All *roads*, water courses, and lakes are excluded from the *districts*.

2.1.4 Where the location of a *district* boundary on the Land Use Map is not clearly understood, the following regulations shall apply:

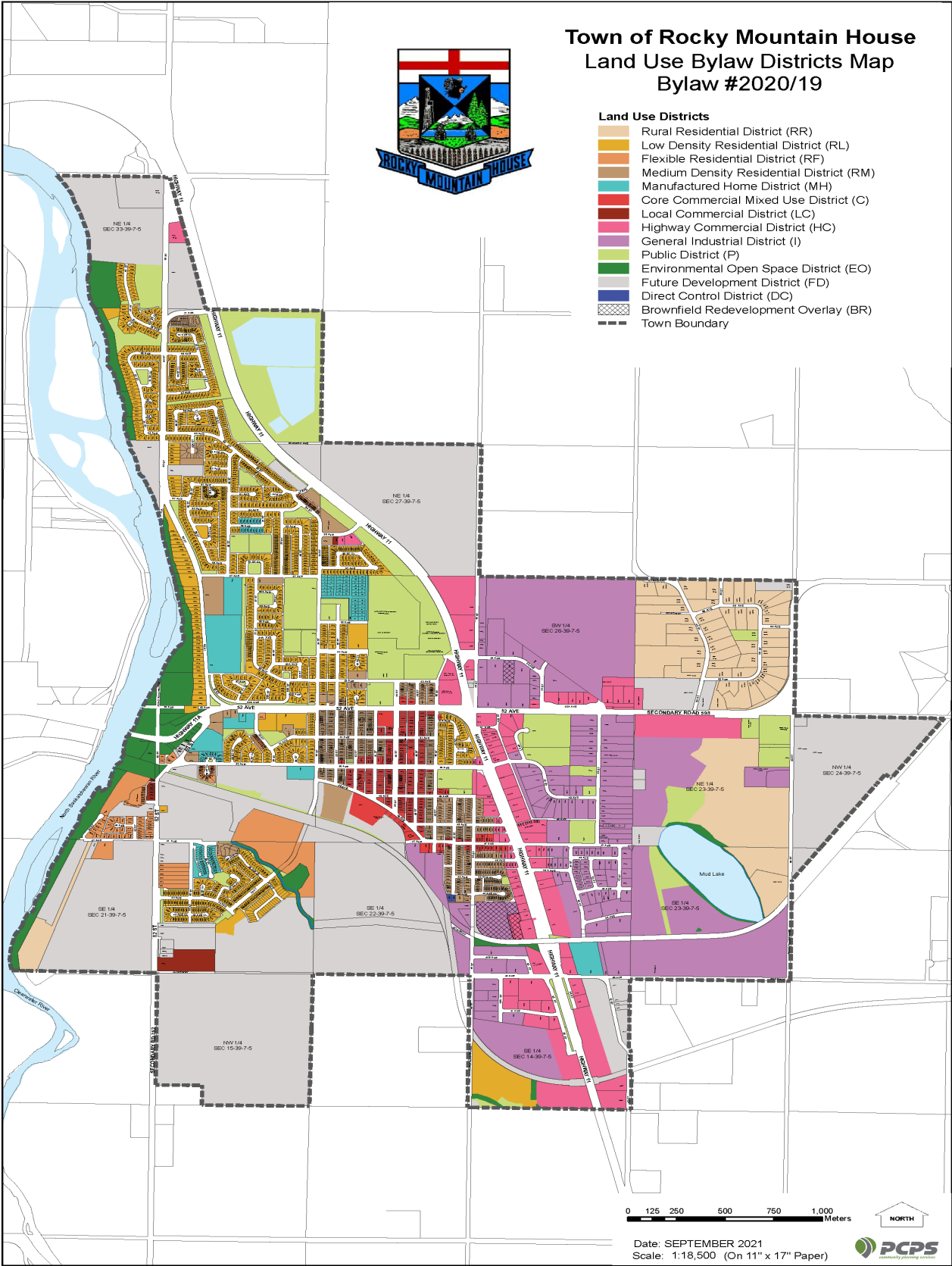
- (1) A boundary shown as approximately following a *parcel boundary* shall be deemed to follow the *parcel boundary*.
- (2) A boundary shown as following a *road, lane*, railway, or creek, shall be deemed to follow the centre line of the *road, lane*, railway, or creek, whichever is applicable.
- (3) *District* boundaries not referenced specifically in **subsections (1) and (2)** shall be determined on the basis of the scale of the Land Use Map.

- (4) A boundary location which cannot be resolved shall be referred to the ***Development Authority*** to decide thereon.

# Town of Rocky Mountain House Land Use Bylaw Districts Map Bylaw #2020/19



- Land Use Districts**
- Rural Residential District (RR)
  - Low Density Residential District (RL)
  - Flexible Residential District (RF)
  - Medium Density Residential District (RM)
  - Manufactured Home District (MH)
  - Core Commercial Mixed Use District (C)
  - Local Commercial District (LC)
  - Highway Commercial District (HC)
  - General Industrial District (I)
  - Public District (P)
  - Environmental Open Space District (EO)
  - Future Development District (FD)
  - Direct Control District (DC)
  - Brownfield Redevelopment Overlay (BR)
  - Town Boundary



0 125 250 500 750 1,000 Meters



Date: SEPTEMBER 2021  
Scale: 1:18,500 (On 11" x 17" Paper)



## 3 GENERAL REGULATIONS

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### 3.1 APPLICABILITY

3.1.1 The General Regulations apply to all land use *districts* under this *Bylaw*.

### 3.2 ACCESSORY BUILDINGS AND USES

#### 3.2.1 General Provisions

- (1) All **Accessory Buildings or Structures** must meet the provisions of the *Alberta Safety Codes Act*, R.S.A 2000, and related regulations.
- (2) Where an **Accessory Building or Structure** is attached to the *principal building* by an open or enclosed roofed **Structure**, it is to be considered a part of the *principal building* and not an **Accessory Building**.
- (3) An **Accessory Building** on an *interior parcel* shall be situated so that the exterior wall is at least 1.0 m (3.3 ft) from the *side* and *rear parcel boundaries*.
- (4) An **Accessory Building** serving two *abutting parcels* may be located within 0.0 m (0.0 ft) from the shared *parcel boundary* as long as a firewall is constructed.
- (5) An **Accessory Building** on a *corner parcel* shall not be situated closer to the *exterior side parcel boundary* than the *principal building*. An **Accessory Building** shall not be closer than 1.0 m (3.3 ft) to the *side parcel boundary* or the *rear parcel boundary*.
- (6) An **Accessory Building** shall not be used for human habitation except where a **Secondary Residence – Class 2** has been approved, in accordance with **Section 3.31**.
- (7) All types of *outdoor boilers* are prohibited.

#### 3.2.2 In Residential Districts

- (1) No **Accessory Building** or any portion of an **Accessory Building** shall be erected or placed within the *front yard* of a *parcel*.
- (2) No portion of an **Accessory Building or Structure** shall overhang onto an *adjacent parcel*.
- (3) Notwithstanding subsections **3.2.1.3** and **3.2.1.5**, an **Accessory Building** or any portion of an **Accessory Building** may be erected or placed on the *rear* or *side parcel boundary* common to two *parcels* provided the **Accessory Building** serves the two *abutting parcels*.  
\*\*Bylaw 2020/02
- (4) An **Accessory Building** shall not be more than 4.5 m (14.8 ft) in height and shall not exceed the height of the *principal building*, unless occupied by a **Secondary Residence – Class 2**, in accordance with **Section 3.31**.
- (5) An **Accessory Building** shall not exceed 70.0 m<sup>2</sup> (754.0 ft<sup>2</sup>), unless occupied by a **Secondary Residence – Class 2**, in accordance with **Section 3.31**.

- (6) Notwithstanding **subsection 3.2.2.5**, the total area of an **Accessory Building** located in the RR District may be increased to 143.0 m<sup>2</sup> (1,539 ft<sup>2</sup>).
- (7) Notwithstanding **subsection 3.2.2.5**, where a *parcel* in the Low Density Residential District (RL) has a *parcel area* larger than 700.0 m<sup>2</sup> (7,535 ft<sup>2</sup>), the maximum total area which can be developed for an **Accessory Building** may be increased to 110.0 m<sup>2</sup> (1,184 ft<sup>2</sup>), but the size of the **Accessory Building** shall not exceed the total area of the *principal building*.
- (8) A permanent playhouse, play equipment, or any combination of permanent playhouse, play equipment, and storage shall not be located within the *front yard* of a *parcel*.
- (9) No **Accessory Building** that can be rolled or folded is allowed to be erected in a Residential District.

### 3.2.3 In Non-Residential Districts

- (1) No **Accessory Building** or any portion of an **Accessory Building** shall be erected or placed within the *front yard* of a *parcel*, unless otherwise approved by the **Development Authority**.

## 3.3 NUMBER OF BUILDINGS ON A PARCEL

- 3.3.1 Not more than one *principal building* shall be erected, placed, or moved onto a *parcel* except where it is proposed to develop more than one *principal building* to form a single, unified group of *buildings*.

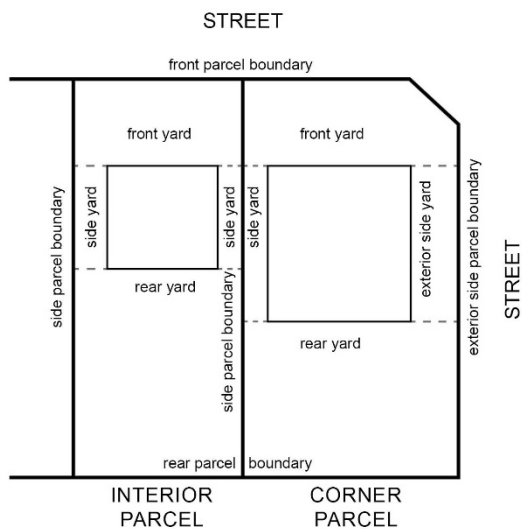
## 3.4 BUILDING ORIENTATION AND DESIGN

- 3.4.1 The design, character, and appearance of any *building* or *sign* must be acceptable to the **Development Authority** having due regard to:
  - (1) Daylight, sunlight, and privacy;
  - (2) Compatibility with the design and appearance of existing **development** in the vicinity, including, but not limited to, the facing materials, roof pitches, eave depth, building mass, and architectural detailing; and
  - (3) Impact on *adjacent parcels*.
- 3.4.2 The **Development Authority** may approve an application for a **development permit** for a *building* that is faced or finished with flexible sheeting capable of being rolled or folded if:
  - (1) The *building* is located in the General Industrial (I) District or, subject to **subsection 3.4.3** the Highway Commercial (HC) District; and
  - (2) The *building* is an **Accessory Building** on the *parcel* and is not erected or placed within the *front yard* of a *parcel*, unless otherwise approved by the **Development Authority**.

- 3.4.3 In the Highway Commercial (HC) District, a **building** that is faced or finished with flexible sheeting capable of being rolled or folded may be erected or placed on a **parcel** and must be removed after a maximum period of thirty (30) consecutive days from the date of its erection or placement except in the instance of a **Seasonal Greenhouse**.
- 3.4.4 In the Core Commercial Mixed Use (C) District, the only type of **building** that is faced or finished with flexible sheeting capable of being rolled or folded which may be erected or placed on a **parcel** is a **Seasonal Greenhouse**.

### 3.5 PROJECTIONS OVER YARDS

#### 3.5.1 Illustration of Yard Definitions:



- 3.5.2 Except as allowed in **subsections 3.5.3 and 3.5.4**, no portion of the **principal building** on a **site** shall project over or onto a required **front, side, or rear yard**.
- 3.5.3 In Residential Districts the portion of, and attachments to, a **principal** or **Accessory Building** which may project over or on a minimum **yard** are:
- (1) **Side Yards**
    - (a) Any projection, including unenclosed steps, eaves, balconies, sills, cornice or canopies, not exceeding one-half of the minimum **side yard** required for the **building**;
    - (b) A cantilevered wall section, bay or bow window, or chimney which projects into a **side yard** if the projection is not wider than 2.5 m (8.2 ft) and does not project more than 0.6 m (2.0 ft) over the required **side yard**, unless the **side yard** provides, or is required to provide, access to a detached **garage** or carport in a **rear yard** in which case no projection is allowed within 3.0 m (9.8 ft) of the **parcel boundary**.
  - (2) **Front Yards and Rear Yards**

- (a) Any eave, chimney, enclosed deck and steps, porch, or balcony, which projects not more than 1.5 m (4.9 ft) over or on the minimum **front yard**; or 3.0 m (9.8 ft) over or on the minimum **rear yard**;
- (b) Notwithstanding **subsection (2)(a)**, no projection over or on the minimum **front yard** shall be allowed within 3.0 m (9.8 ft) of the **front parcel boundary**.
- (c) Notwithstanding **subsection (2)(a)**, no projection shall be allowed over the **parcel boundary** or a utility **right of way**.
- (d) A cantilevered wall section, eave, or chimney, or combination of them that does not project more than 1.2m (3.9 ft) over the required **rear yard**.

3.5.4 In all other **districts**, the portion of and attachments to a **principal** or **Accessory Building** which may project over or on a minimum **setback** are:

- (1) Any projection not exceeding 1.5m (4.9 ft.) into a **front yard** or **rear yard**;
- (2) Any projection not exceeding 0.6 m (2.0 ft) into a **side yard**;
- (3) Any projection that is an exterior fire escape not exceeding 1.2m (3.9 ft) in width.

### 3.6 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

3.6.1 No person shall keep or permit in any part of the **parcel** in a Residential District:

- (1) Any dismantled or wrecked vehicle for more than fourteen (14) consecutive days;
- (2) Any vehicle weighing in excess of 4500 Kg gross vehicle weight (except **recreation vehicles**) for longer than is reasonably necessary to load or unload such a vehicle;
- (3) Any object or chattel which, in the opinion of the **Development Authority**, is unsightly, unsafe, or adversely affects the amenities of the **district**; or
- (4) Any excavation, storage, or piling up of materials required during the construction of a **development** unless all necessary safety measures are undertaken and the situation does not prevail longer than reasonably necessary to complete construction.

3.6.2 No person shall store, or permit to be stored, any **recreation vehicle** or other vehicles, including trailers, on a **soft landscaped** or **hard landscaped** area in a Residential District:

- (1) In a **front yard**; or
- (2) In an **exterior side yard** unless the yard is fence to the satisfaction of the development authority.

3.6.3 **Recreation vehicles** must be stored in a **driveway** and be set back at least 1.5 m (4.9 ft) from the interior edge of the sidewalk, or where no sidewalk exists, from the interior edge of the curb.

3.6.4 A **recreation vehicle** parked in a Residential District may be used for living and sleeping accommodation only by bona fide tourists for a maximum period of thirty (30) days per annum.

- 3.6.5 No **recreation vehicle** shall be used for living or sleeping accommodation in a non-residential **district**.
- 3.6.6 No person shall keep, or permit, on any part of the **parcel** in any Commercial or Industrial District, unless located and **screened** from view to the satisfaction of the **Development Authority**:
- (1) Any dismantled or wrecked vehicle for more than fourteen (14) consecutive days;
  - (2) Any object or chattel which, in the opinion of the **Development Authority**, is unsightly or tends to adversely affect the amenities of the **district**;
  - (3) Any excavation, storage, or piling up of materials required during the construction of a **development** unless all necessary safety measures are undertaken and the situation does not prevail longer than reasonably necessary to complete construction.

### 3.7 ZERO LOT LINES

- 3.7.1 Where a **subdivision** plan comprises at least five (5) **parcels** the **Subdivision Authority** may reduce the **side yard** to 0.0 m (0.0 ft) where:
- (1) The **owner** of the **adjacent site** grants a 1.5 m (4.9 ft) maintenance access plus a 0.6 m (2.0 ft) eave and footing encroachment easement on the adjoining **site** in perpetuity. The easements shall be to the satisfaction of the **Development Authority** and shall be registered against the Title of the said **site**.
  - (2) All roof drainage from any **building** shall be directed onto the **site** upon which such **building** is situated by means of eaves troughs and downspouts, or other suitable means.

### 3.8 DEVELOPMENT ON OR NEAR SLOPES

- 3.8.1 For the purposes of this section, “top of the bank” is as determined by the **Development Authority**.
- 3.8.2 Notwithstanding the **yard** requirements prescribed in the **districts**, no permanent residential **building** shall be permitted within 10.0 m (32.8 ft) of the top of the bank of any waterbody.
- 3.8.3 Notwithstanding the **yard** requirements prescribed in the **districts**, no **development** shall be permitted within 20.0 m (65.6 ft) of the top or bottom of a slope where the **grade** exceeds 15%.
- 3.8.4 The **Development Authority** may require a greater **setback** than is prescribed in **subsections 3.8.2** and **3.8.3**, above.
- 3.8.5 Where the application is for **development** on or near slopes the **Development Authority** may require:
- (1) An engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventative engineering and construction measures can be instituted to ensure suitability of the **development** on the **site**;



(2) That the **development site** and **buildings** be designed by a professional engineer registered in the Province of Alberta prepared by a qualified Geotechnical Engineer under seal and permit to practice stamp registered in the Province of Alberta.

3.8.6 Subject to **subsection 3.8.5**, the **Development Authority** may reduce the **setback** requirements if the **applicant** provides satisfactory proof of slope stability.

3.8.7 A **development permit** application for any open, enclosed, attached, or detached swimming and wading pool, any water fountain and/or water sculpture, any water reservoirs and water tanks, any ornamental ponds and lakes, and any water retaining excavation **structure** or vessel that could alter sub-soil adhesion characteristics on sites **abutting** or **adjacent** to the “top of bank” shall be accompanied by a report prepared by a qualified Geotechnical Engineer under seal and permit to practice stamp registered in the Province of Alberta detailing the structural components of the proposal which will mitigate risks to slope stability.

### 3.9 SETBACKS ALONG FUTURE MAJOR ROADWAYS

3.9.1 Where a **parcel abuts** a **street** for which additional **setback** is required (identified in the table below), the minimum requirement for the **yard abutting** the street shall be increased by the amount of the additional **setback** shown below:

Street	From	To	Additional Setback Required
42 Avenue	46 Street	Highway 11	5m where a 40m right-of-way is not present (based on existing 30m right-of-way)
42 Avenue	Highway 11	42 Street	10m where a 40m right-of-way is not present (based on existing 20m right-of-way)
42 Avenue	42 Street	East Boundary SE 23	20m where a 60m right-of-way is not present (based on existing 20m right-of-way)

3.9.2 Where a **parcel abuts** the future alignment for the extension of 42 Avenue, the minimum requirement for the **yard abutting** the future alignment may be increased by 60.0 m (196.9 ft) to accommodate the future extension of 42 Avenue described in the applicable **Area Structure Plan**.

3.9.3 Where a **parcel abuts** the future alignment for the Eastern Corridor/37 Street, the minimum requirement for the **yard abutting** the future alignment may be increased by the **Development Authority** by 60.0 m (196.9 ft) to accommodate the future **development** of the Eastern Corridor/37 Street described in the applicable **Area Structure Plan**.

### 3.10 YARDS ADJOINING RAILWAY PROPERTY

3.10.1 All **development** undertaken on **parcels abutting** railway property may be required to erect fencing to the satisfaction of the **Development Authority**.

### 3.11 GENERAL LANDSCAPING RULES

3.11.1 The following **landscaping** shall be required for all parts of a **parcel** not covered by **buildings**, **driveways**, parking, storage, and display areas:

- (1) Natural drainage courses, land subject to flooding by 1:100 year flood, and land with a natural gradient of 15% or greater shall be retained in their natural state as part of a **landscaped area**;
- (2) The retention of trees which exist prior to **development** should be retained to the extent possible. Any such trees which are retained following **development** may be considered in assessing fulfilment of the **landscaping** requirements provided construction activity has not, in the opinion of the **Development Authority**, impacted the ability of the existing trees to survive five (5) years beyond the date the **development** was completed.
- (3) The front yard shall have a minimum of one (1) tree or three (3) shrubs as a condition of a development permit for a new dwelling(s) on a parcel.
- (4) The provision of trees and shrubs shall be in accordance with the Town of Rocky Mountain House Design Guidelines.
- (5) Any parking area containing four (4) or more parking stalls that are visible from an **adjacent parcel** or **street** shall provide and maintain perimeter planting.
- (6) Any parking area containing ten (10) or more parking stalls should incorporate internal islands/planting areas.

### 3.12 LANDSCAPING RULES IN NON-RESIDENTIAL DISTRICTS

3.12.1 The following **landscaping** shall be required for **development** in non-Residential Districts:

- (1) The appropriate **screening** of **outside storage areas**, **parking facilities**, and **loading areas** from **adjacent buildings** and **roads**;
- (2) The **landscaping** of all boulevards adjoining the **parcel**;
- (3) The planting of additional trees and shrubs to provide:
  - (a) A minimum overall density of one (1) tree per 40.0 m<sup>2</sup> (430.6 ft<sup>2</sup>) of the required **landscaped area**;
  - (b) A minimum overall density of four (4) shrubs per 100.0 m<sup>2</sup> (1,076.4 ft<sup>2</sup>) of the required **landscaped area**;
  - (c) A minimum of 33% coniferous trees and shrubs;
  - (d) A minimum height of 2.0 m (6.6 ft) for small variety coniferous trees and a minimum height of 3.0 m (9.9 ft) for large variety coniferous trees;
  - (e) A minimum caliper width of 50.0 mm for small variety deciduous trees and a minimum caliper of 60.0 mm for large variety deciduous trees;

- (f) A minimum spread of 600.0 mm for coniferous shrubs; and
  - (g) A minimum height of 600.0 mm for deciduous shrubs.
- (4) A sufficient depth of topsoil to facilitate growth in the **soft landscaped areas**, with areas not planted to trees and shrubs being seeded to grass, sodded, cultivated as a garden, or left with its natural grass cover;
  - (5) Completion of the **landscaping** within one (1) year of the completion of construction or the commencement of the **use**, whichever occurs first;
  - (6) All parts of a **parcel** not covered by **buildings, driveways**, parking areas, pedestrian circulation facilities, storage and display areas, and not part of a minimum required **landscaped area** shall be seeded to grass, sodded, cultivated as a garden, **xeriscaped**, or left with its natural grass and vegetative cover; and
  - (7) Wherever possible **xeriscaping** shall be used, but a minimum of 50% of the required **landscaped area** in Commercial, Industrial and Public Districts is recommended as **xeriscaped**.
- 3.12.2 The **applicant** or property **owner** shall be responsible for **landscaping** and proper maintenance. If the required **landscaping** does not survive two (2) growing seasons, the **applicant** or property **owner** must replace it with a similar type of species and with a similar caliper width or height.
- 3.12.3 As a condition of a **development permit, security** shall be required up to the value of the estimated cost of the proposed **landscaping**, including labour, to ensure that such **landscaping** is carried out with reasonable diligence and shall be returned after two (2) growing seasons, provided the **landscaping** has been approved upon planting and withstands the two (2) growing seasons. If the **landscaping** is not completed in accordance with:
- (1) this **Bylaw**; and
  - (2) the **development permit** within one (1) growing season after the completion of the **development**,
- then the amount fixed shall be available to the **Town** for its **use** in installing the required **landscaping**.

### 3.13 DEFERRED LANDSCAPING AGREEMENT

- 3.13.1 If a boulevard **abutting** a **site** in a Commercial or Industrial District is not **landscaped**, the **Development Authority** may permit an extension of up to twelve (12) months.
- 3.13.2 The **Town** may require the **applicant** to enter into a written agreement to complete the boulevard **landscaping** and may register a caveat on Title.

### 3.14 GRADING AND DRAINAGE

- 3.14.1 The stormwater run-off of all **development** shall not cause any flows across a sidewalk and shall be in a manner acceptable to the **Development Authority**.
- 3.14.2 All roof drainage from a **building** shall be directed onto the **parcel** upon which the **building** is situated by means satisfactory to the **Development Authority**.

- 3.14.3 Any **landscaping** and/or re-contouring shall be done so that the finished **grade** does not direct surface drainage or cause the impounding of drainage onto an adjoining **site** unless otherwise approved in advance by the **Development Authority**.
- 3.14.4 Where the finished **grades** have been established through a **development agreement** or engineered drawings, the **Development Authority** shall require the **applicant** to provide a grading and location certificate indicating the final elevations of the corners of the property and the front and rear elevations and locations for all **buildings**.

### 3.15 RETAINING WALLS

- 3.15.1 The **Development Authority** may require the construction of an engineered retaining wall where the change in **grade** or elevation between two sites or around a **building** exceeds a slope of 1:3 (vertical:horizontal) and a height of 1.0 m (3.3 ft).
- 3.15.2 Where a retaining wall is required or proposed, the **Development Authority** may require the **applicant** to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

### 3.16 FENCES AND SCREENING

- 3.16.1 In any **district**, the maximum height of a fence, as measured from **grade**, shall be:
- (1) 2.0 m (6.6 ft) for that portion of the fence which does not extend beyond the front portion of the **principal building**; and
  - (2) 1.0 m (3.3 ft) for that portion of the fence which extends beyond the front portion of the **principal building**.
- 3.16.2 Notwithstanding **subsection 3.16.1** above, the **Development Authority** may approve a higher fence having regard to the height of fences in the surrounding area and the requirement for **screening**.
- 3.16.3 Barbed wire fences are not permitted in any Residential District.
- 3.16.4 Barbed wire fences are permitted on any **parcel** used primarily for agricultural purposes.
- 3.16.5 The **Development Authority** may approve barbed wire fences around areas of storage located in Commercial and Industrial Districts that meet the following requirements:
- (1) In the opinion of the **Development Authority**, the barbed wire fence is required for security purposes;
  - (2) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or a board fence with a minimum height of 2.4 meters (7.9 ft) measured below the lowest strand of barbed wire; and
  - (3) The entire fence and barbed wire are completely contained within the **boundaries** of the **parcel** being fenced.

- 3.16.6 Electrified fences are not permitted in any **district** unless they are contained within a non-electrified perimeter fence. Lands that are being solely used for agricultural purposes do not require a non-electrified perimeter fence provided adequate signage of the electrified fence is posted to the satisfaction of the **Development Authority**.
- 3.16.7 The **Development Authority** may require **screening** in the form of fences, hedges, **landscaped** berms, or other means along the **parcel boundaries** of all commercial and industrial **parcels** where such **parcel boundaries** are **abutting** a residential **parcel boundary** or are **adjacent to lanes** or **roads** that **abut** a residential **parcel**. The **screening** shall be at least 1.83 m (6.0 ft) in height.
- 3.16.8 For open storage **yards** that are located **adjacent** to a non-Industrial District, including but not limited to auto wrecking, lumber yards, pipe storage, and similar **uses**, and where because of the height of materials stored, **landscaping** would not be sufficient, a fence, earth berm, or combination of both, with sufficient height to substantially block the view of the stored materials to the satisfaction of the **Development Authority**, shall be required.
- 3.16.9 Temporary fences must only be used during open excavation or building construction with an approved **development permit**.

### 3.17 ADULT ENTERTAINMENT

3.17.1 **Adult Entertainment** facilities shall not:

- (1) Exceed 557.4 m<sup>2</sup> (6,000 sq.ft) in gross **floor area**;
- (2) Include exterior display of nudity or partial nudity in respect of any **Adult Entertainment** offered within the premises.

3.17.2 No person shall establish an **Adult Entertainment** facility within 100.0 m (328.1 ft) of an:

- (1) **Adult Entertainment** facility;
- (2) Residential District;
- (3) School;
- (4) **Culture and Recreation use**;
- (5) **Child Care Facility**;
- (6) Institutional **use**; or
- (7) **Park**.

### 3.18 BARE LAND CONDOMINIUM

3.18.1 A bare land condominium **development** must comply with all of the General Regulations of this **Bylaw** and the regulations of the applicable **district**.

### 3.19 BED AND BREAKFAST

- 3.19.1 A maximum of three (3) guest rooms shall be permitted in any **Bed and Breakfast** establishment.
- 3.19.2 One (1) off-street parking space for each guest room shall be provided in addition to the parking spaces required for a **Detached Dwelling**. Parking spaces shall not be tandem.
- 3.19.3 One (1) **sign** with a maximum size of 0.56 m<sup>2</sup> (6.0 ft<sup>2</sup>) and a maximum height of 1.2 m (3.9 ft) shall be permitted on the **site** of a **Bed and Breakfast**.
- 3.19.4 A **Bed and Breakfast** shall not be permitted on a **parcel** where a **Home Occupation – Class 2** or a **Secondary Residence** exists.

### 3.20 DANGEROUS GOODS

- 3.20.1 Prior to making any decision on a **development permit** application which involves **dangerous goods** or **development** on **adjacent** land or in close proximity to any **dangerous goods**, the **Development Authority** shall refer the application to the appropriate regulatory authority for comments.
- 3.20.2 Any on-**site** manufacture, storage, and handling of **dangerous goods** in excess of the quantities listed in **Schedule A – Small Quantity Exemptions for Dangerous Goods** is not allowed on a **parcel** where the **boundary** is within 50.0 m (164.0 ft) of the **boundary** of any **parcel** located in a Residential District.

### 3.21 DEVELOPMENT IN PROXIMITY TO SOUR GAS FACILITIES AND OIL AND GAS WELLS

- 3.21.1 A **development** in proximity to sour gas facilities and oil and gas wells must be in accordance with the *Subdivision and Development Regulation*.

### 3.22 DEVELOPMENT SETBACKS FROM WASTEWATER TREATMENT PLANTS

- 3.22.1 A **development** in proximity to wastewater treatment plants must be in accordance with the *Subdivision and Development Regulation*.

### 3.23 DEVELOPMENT SETBACKS FROM LANDFILLS AND WASTE SITES

- 3.23.1 A **development** in proximity to landfills and waste sites must be in accordance with the *Subdivision and Development Regulation*.

### 3.24 HOME OCCUPATION – CLASS 1

- 3.24.1 **Home Occupation – Class 1** shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

3.24.2 **Home Occupation – Class 1** shall be an incidental and subordinate *use* to the principal residential *use* and shall be contained within the *principal building*.

3.24.3 The operation of a **Home Occupation – Class 1** shall not:

- (1) Have outside storage of materials, goods, or equipment on the *site*;
- (2) Increase the need for parking or result in any traffic generation, electrical interruption, bright light, or any other *nuisance* which is detectable to normal sensory perception outside the *building* containing the **Home Occupation – Class 1**;
- (3) Display any form of advertising related to the **Home Occupation – Class 1** on the *site*;
- (4) Require alterations to the *principal building* unless the *Development Authority* approves the alterations;
- (5) Have any employees or business partners working on the *site* who are not residents of the **Dwelling Unit**;
- (6) Include the direct sale of goods;
- (7) Have more than 20% of the gross *floor area* of the **Dwelling Unit** or 30.0 m<sup>2</sup> (323.0 ft<sup>2</sup>), whichever is less, devoted to business usage; and
- (8) Advertise the address of the **Home Occupation** to the general public.

## 3.25 HOME OCCUPATION – CLASS 2

3.25.1 **Home Occupation – Class 2** shall not be permitted if, in the opinion of the *Development Authority*, it would be more appropriately located in a Commercial or Industrial District.

3.25.2 **Home Occupation – Class 2** require a *development permit* and shall be operated only by a resident of the **Dwelling Unit**.

3.25.3 A *development permit* may be revoked at any time if, in the opinion of the *Development Authority*, the operator of a **Home Occupation – Class 2** has violated any provisions of this *Bylaw* or the conditions of a *development permit*.

3.25.4 **Home Occupation – Class 2** may be considered by the *Development Authority* within a private *garage* provided that at least 50% of the *floor area* of the *garage* is available at all times for the parking of motor vehicles and the proposed *use* does not interfere with the provision of the *Bylaw* parking requirement.

3.25.5 Only residents of the **Dwelling Unit** and up to two (2) non-resident employees or business partners may be employed on *site* by the **Home Occupation – Class 2**. In addition to the parking spaces required for the dwelling, one (1) additional onsite parking space shall be provided for each non-resident employee or business partner.

3.25.6 **Home Occupation – Class 2** shall not be permitted on the same *site* as a **Bed and Breakfast**.

3.25.7 **Home Occupation – Class 2** shall erect exterior **Fascia Signage** no larger than 12 by 12 inches (30 cm by 30 cm) that reads “No idling of vehicles over 5 minutes permitted” if the **Home Occupation – Class 2** has customers that attend the residence of the **Home Occupation – Class 2** by appointment.

3.25.8 **Home Occupation – Class 2** are limited to one per **Dwelling Unit** and shall not:

- (1) Create a **nuisance** which is detectable to normal sensory perception outside the **building** containing the **Home Occupation – Class 2** or beyond the **parcel boundaries**;
- (2) Display any form of advertising related to the **Home Occupation – Class 2** on the **site** except in accordance with this **Bylaw**;
- (3) Require alterations to the **principal building** unless the **Development Authority** approves the alterations;
- (4) Include the direct sale of goods which are not produced on the premises;
- (5) Have more than one commercial motor vehicle associated with the business parked on-**site** or in the vicinity of the **site** at any time;
- (6) Have more than 20% of the gross **floor area** of the **Dwelling Unit** or 30.0 m<sup>2</sup> (323 ft<sup>2</sup>) whichever is less, devoted to business usage;
- (7) Have exterior signage, display, or advertising other than a business identification plaque or **sign** having maximum dimensions of 10 by 12 inches (25 by 30 cm) located within the window of the **building** or, at the discretion of the **Development Authority**, on the **building**;
- (8) Advertise the address of the **Home Occupation – Class 2** to the general public except in accordance with **subsection 7** above; and
- (9) Have outside storage of material, goods, or equipment on the **site**.

## 3.26 MAILBOXES

3.26.1 The **Development Authority** may require the provision of facilities for the efficient delivery of mail to a single point on **parcels** occupied by more than two households or businesses.

## 3.27 MANUFACTURED HOMES

3.27.1 The external appearance of a **Manufactured Home** shall be acceptable to the **Development Authority**, having regard to compatibility with other **buildings** in the vicinity. \*\*Bylaw 2022/02

3.27.2 A **Manufactured Home** in all Districts, excepting thereout a Manufactured Home District or Future Development District, must have: \*\*Bylaw 2022/02

- (1) A minimum roof pitch of 4:12 (rise:run);
- (2) A roof surface of wood or asphalt shingles, clay or concrete tiles, slates, or wood shakes;
- (3) A minimum roof overhang or eaves of 0.40 m (1.3 ft) from each external wall;
- (4) A maximum length to width ratio of 2.5:1;
- (5) A minimum width of 6.09 m (20.0 ft) measured from external wall surface to external wall surface; and
- (6) A permanent foundation consisting of a **basement**, crawl space, or slab on **grade**.



### 3.28 OUTDOOR HOT TUBS AND WHIRLPOOLS

- 3.28.1 Every outdoor hot tub or whirlpool shall be secured against entry by the public other than **owners**, tenants, or their guests.
- 3.28.2 With the exception of the Manufactured Home (MH) District, outdoor hot tubs and whirlpools shall not be located within any **front setback** or **side setback** area.

### 3.29 OUTDOOR SWIMMING POOLS

- 3.29.1 Every outdoor swimming pool shall be secured against entry by the public other than **owners**, tenants, or their guests.
- 3.29.2 No outdoor swimming pool shall be constructed unless fenced, except that a wall of a **building** may be considered to provide adequate protection for its length when substituted for any portion of the fence.
- 3.29.3 Every fence enclosing an outdoor swimming pool shall be at least 1.7 m (5.6 ft) in height above the level of **grade** outside the enclosure and shall be of a design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock located on the inside of the gate.
- 3.29.4 With the exception of the Manufactured Home (MH) District, outdoor swimming pools shall not be located within any **front setback** or **side setback** area.
- 3.29.5 Every outdoor swimming pool shall be developed in accordance with **subsection 3.8.7**.

### 3.30 SATELLITE DISH ANTENNAE

- 3.30.1 A satellite dish antenna with a dish diameter of 1.0 m (3.3 ft) or more shall:
- (1) Only be located in a **rear setback** area or a **side setback** area which does not **abut a street**;
  - (2) On an **interior parcel**, be situated so that no part of it is closer than 1.0 m (3.3 ft) from the **side parcel** or **rear parcel boundaries**;
  - (3) On a **corner parcel**, be situated so that no part of it is closer to the **street** than the **principal building**, or closer than 1.0 m (3.3 ft) from the other **side parcel boundary** or the **rear parcel boundary**;
  - (4) Display no other advertising than the manufacturer's name/logo; and
  - (5) Require a **development permit**.

### 3.31 SECONDARY RESIDENCES

- 3.31.1 The gross **floor area** of a **Secondary Residence** shall be a maximum of 90.0 m<sup>2</sup> (968.8 ft<sup>2</sup>).
- 3.31.2 An **Accessory Building** that is a **Secondary Residence – Class 2** shall be situated so the exterior walls are at least:
- (1) 1.25 m (4.1 ft) from the **side parcel boundaries** and, on a **corner parcel**, no closer to the **street** than the **principal building**;

- (2) 1.5 m (4.9 ft) from the **rear parcel boundary** when there is a blank wall facing the **boundary**;
  - (3) 3.0 m (9.8 ft) from the **rear parcel boundary** when there is a window or doorway opening in the wall facing that **boundary**; and
  - (4) 2.5 m (8.2 ft) from the **principal building** and any **Accessory Buildings** on the **parcel**.
- 3.31.3 An **Accessory Building** that is a **Secondary Residence – Class 2** has a maximum **building height** of 7.5 m (24.6 ft).
- 3.31.4 A **Secondary Residence – Class 2** developed on a second floor integral to a detached **garage** shall not be more than 7.5 m (24.6 ft) in height and shall not exceed the height of the **principal building**.
- 3.31.5 Parking shall be provided in accordance with the provisions of **Part 4**.
- 3.31.6 Separate municipal utility services or means of suspending service to the **Secondary Residence** without disrupting service to the **principal building** may be required at the discretion of the **Development Authority**.
- 3.31.7 The appearance and design of a **Secondary Residence** developed as a separate **building** or addition to the **principal building** shall be compatible with the appearance and design of the **principal building** to the satisfaction of the **Development Authority**.

### 3.32 ALTERNATIVE ENERGY COLLECTING AND STORING DEVICES

- 3.32.1 A **Solar Energy Device** attached to a principal or **Accessory Building** shall:
- (1) Not extend beyond the outermost edge of the roof or wall to which it is mounted.
- 3.32.2 **Solar Energy Devices** not attached to a **building** shall:
- (1) Be located in a **side yard** or **rear yard** only; and
  - (2) Not exceed 2.5 m (8.2 ft) in height above **grade**.
- 3.32.3 **Wind Energy Devices** shall:
- (1) Be located in a **side yard** or **rear yard** only;
  - (2) Be subject to the **district** requirements for **building height** on the **parcel** which they are located;
  - (3) Be sized appropriately to the **district** in which they are located; and
  - (4) Comply with any other municipal, provincial, federal, or other jurisdictional requirements.
- 3.32.4 The **Development Authority** may require provision of a visual and noise impact assessment including steps proposed to mitigate such impacts.

### 3.33 FLAG POLES

- 3.33.1 Flag poles or other poles exceeding 6.0 m (20.0 ft) in any **district** shall meet the following requirements:

- (1) A flag pole shall not conflict with, dominate, or detract from the general character of the surrounding streetscape or the architecture of any **building** on the **parcel** on which it is located;
- (2) Where a flag is attached to a **building**, no projecting flag shall be lower than 2.5 m (8.2 ft) above **grade**;
- (3) Where a flag is attached to a **building**, no projecting flag shall project more than 0.4 m (1.3 ft) over a **street** or public property;
- (4) Where a flag is attached to a **building**, no projecting flag on a **building** two (2) or more storeys in height shall be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall, unless approved by the **Development Authority**; and
- (5) Where a flag is attached to a **building**, only one projecting flag may be erected on each **street** frontage of a **building**, unless otherwise approved by the **Development Authority**.

### 3.34 KENNELS

3.34.1 **Kennels** must be set back a minimum distance of 150.0 m (492.1 ft) from a Residential District, which must be measured from the **building** containing the **use** to the nearest **parcel boundary** of a **parcel** designated as a Residential District.

3.34.2 A **Kennel** containing dogs shall meet the following minimum space requirements:

Minimum Space Requirements for a Dog			
Weight (kg)	Floor Area (m <sup>2</sup> )	Minimum Height (m)	Puppies up to 7 weeks old
<12	1.1	1	Add 10% per puppy
12-30	1.86	2	Add 10% per puppy
>30	2.2	2	Add 10% per puppy

Minimum Space Requirements for Puppies 7 – 16 weeks		
Weight (kg)	Floor Area (m <sup>2</sup> )	Minimum Height (m)
<3	0.5	0.5
3-11	0.5	0.6
>11	0.6	0.6

3.34.3 In addition to **subsection 3.35.2** exercise areas (runs) shall include:

- (1) A minimum area of 4.6 m<sup>2</sup> (49.5 ft<sup>2</sup>) per dog for breeds weighing 18.14 kgs or less and, are enclosed with an acceptable secure fence (ie. chain link or similar fence, to the satisfaction of the **Development Authority**), with a minimum height of 1.2 m (6.6 ft); or
- (2) A minimum area of 9.3 m<sup>2</sup> (100.1 ft<sup>2</sup>) per dog for breeds weighing more than 18.14 kgs and, are enclosed with an acceptable secure fence (ie. chain link or similar fence, to the satisfaction of the **Development Authority**), with a minimum height of 1.8 m (5.9 ft).

### 3.35 SEA CANS

- 3.35.1 **Sea Cans** shall only be used as an **Accessory Use** for storage on a temporary basis. The regulations in **Section 3.2 – Accessory Buildings and Uses** apply to **Sea Cans**.
- 3.35.2 In Residential Districts, **Sea Cans** require a **development permit** and shall only be allowed temporarily for the purposes of construction on the **parcel** (e.g. storage of construction tools/materials required during proposed new construction or renovations). Once occupancy is permitted for the new construction or renovations on the **parcel**, the **Sea Can** must be removed from the **parcel**.
- 3.35.3 In all other **districts** where listed as a **use**, a **development permit for a Sea Can** shall only be issued for a maximum of three (3) years. A property **owner** may apply for a new **development permit** for a **Sea Can** on the same **parcel** if the previous **development permit** has expired and the **Sea Can** has been removed for a period of time not less than one (1) month.
- 3.35.4 If a **Sea Can** is required for longer than three (3) years then both a **development permit** and a **building** permit is required.
- 3.35.5 The **applicant** shall specify on the **development permit** application the start and end date for the **Sea Can**. Any **development permit** granted by the **Development Authority** for a **Sea Can** shall specify within the condition(s) the start and end date for the location of the **Sea Can** on a **parcel**. If a **Sea Can** exists past the end date stated within the conditions of the **development permit**, the **Development Authority** may undertake enforcement action to remove the **Sea Can** from the subject **parcel**.

### 3.36 CANNABIS RETAIL AND CANNABIS LOUNGES

- 3.36.1 No person shall establish a **Cannabis Retail** or **Cannabis Lounge** within 100.0 m (328.1 ft) of a:
- (1) **Park**;
  - (2) Provincial **Health Care Facility**, as defined by AGLC regulations;
  - (3) **Culture and Recreation use**;
  - (4) School; or
  - (5) Library.
- 3.36.2 The separation distance established in **subsection 3.37.1** shall be measured from the closest point of the **parcel** on which the proposed **Cannabis Retail** or **Cannabis Lounge use** is located to the closest point of the **parcel boundary** upon which the other **use** is located. The separation distance shall not be measured from **district** boundaries or walls of **buildings**.
- 3.36.3 The hours of operation are 10:00 AM – 2:00 AM, 7 days per week for **Cannabis Retail** and **Cannabis Lounge**.

### 3.37 CANNABIS PRODUCTION AND DISTRIBUTION

- 3.37.1 **Cannabis Production and Distribution** must have a licence issued by Health Canada.

3.37.2 The following regulations apply to **Cannabis Production and Distribution**:

- (1) An **Accessory Building or structure** used for security purposes may be located on the *parcel* containing the *use*;
- (2) Facilities must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system; and
- (3) Facilities must not be within 100.0 m (328.1 ft) of a Residential District measured from the *building* containing the *use* to the nearest *parcel boundary* of a *parcel* designated as a Residential District.

3.37.3 The **Development Authority** may require, as a condition of a **development permit**, reports to be completed by a qualified professional, to provide details on, but not limited to:

- (1) The incineration of waste products and air borne emissions, including odour;
- (2) The quantity and characteristics of liquid and waste material; and
- (3) The method and location of collection and disposal of liquid and waste material.

3.37.4 The operator of a **Cannabis Production and Distribution** must ensure that **nuisances**, including odour, are addressed to the satisfaction of the **Development Authority**.

### 3.38 TEMPORARY KIOSKS

3.38.1 **Temporary Kiosks** shall:

- (1) Be limited to a maximum of one (1) per *parcel*;
- (2) Have a maximum **floor area** of 10.0 m<sup>2</sup> (107.6 ft<sup>2</sup>);
- (3) Have a maximum height of 4.5 m (14.8 ft);
- (4) Have a minimum separation of 3.65 m (12.0 ft) from the exterior wall of the *principal building* on the same *parcel* or a *building* on an *abutting parcel*;
- (5) Be placed on a *parcel* in a manner that allows for high visibility of and access into the **Temporary Kiosk** without complete obstruction of the visibility of or access into the *principal building*; and
- (6) Have a highly attractive architectural appearance as determined at the sole discretion of the **Development Authority** with the minimum expectations consisting of:
  - (i) Steep pitched roof with a minimum pitch of 10:12 (rise:run)
  - (ii) At least three different colours used for each major architectural feature such as the roof surface, wall surfaces, and window and door trims;
  - (iii) Large windows accounting for at least 30% of the total wall surface area comprising all sides of the *structure* below the eaveline of the roof;
  - (iv) Use of high-quality exterior cladding materials such as wood siding, textured or coloured metal panelling, or fibre-cement board siding; and

- (v) Use of gables, gable end treatments, corner accents and wide banding or trim around windows and doors to add visual interest;
- (7) Use signage being only **Sign, Fascia** and/or **Sign, Projecting** where, in addition to the requirements of **Part 5**, the number of **signs** is limited to three (3) and the maximum size for any single **sign** shall not exceed 1.49 m<sup>2</sup> (16.0 ft<sup>2</sup>);
- (8) Have a maximum outdoor area or amenity area such as a deck or seating areas of 20.0 m<sup>2</sup> (215.0 ft<sup>2</sup>);
- (9) Provide receptacles for solid waste collection that are secured from tampering or the effects of high winds to the satisfaction of the **Development Authority**;
- (10) Maintain a clean and uncluttered appearance at all times and have no **outdoor storage** of equipment or items such as movable chairs when the business is not open;
- (11) Not be used for any activity associated with the repair and maintenance of motor vehicle engines or tires, sale of alcohol or **cannabis**, sale of pharmaceuticals, or sale of tobacco or vapour inhalant products;
- (12) Be approved for a maximum period of five (5) years after which a new **development permit** is required and with any subsequent approvals being limited to a five (5) year duration;
- (13) Provide **hard surfacing** for all portions of the **site** around the **Temporary Kiosk** that is accessed by pedestrians including **hard surface** connections to the nearest public sidewalks. For the purposes of this regulation, **hard surfacing** shall consist of pavement, concrete, patio stones or a wooden deck surface; and
- (14) Where an onsite portable toilet is provided, the portable toilet must be **screened** from view by a three-sided wooden enclosure and must be physically secured in a manner that prevents the portable toilet from being tipped over.

## 4 PARKING AND LOADING FACILITIES

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### 4.1 PARKING

4.1.1 **Uses** in the following **districts** are exempt from minimum off-street parking requirements:

- (1) Core Commercial Mixed Use District (C)
- (2) Local Commercial District (LC)
- (3) General Industrial District (I)

4.1.2 **Uses** in **districts** not explicitly identified in **subsection 4.1.1** shall provide off-street parking in accordance with the following:

- (1) For **uses** listed in the Residential Group of **Schedule B – Groups of Uses**:
  - (a) 1 parking stall per **Dwelling Unit**; and
  - (b) 0.1 visitor parking stalls per **Dwelling Unit** in an **Apartment**.
- (2) For all other **uses** parking may be required in accordance with the following:

<u>Uses</u>	<u>Parking Spaces Required</u>
<b>Office</b>	2.0/100m <sup>2</sup> (1,076.4 ft <sup>2</sup> )
<b>Retail Sales Establishment</b>	2.0/100m <sup>2</sup> (1,076.4 ft <sup>2</sup> )
<b>Personal Services</b>	2.0/100m <sup>2</sup> (1,076.4 ft <sup>2</sup> )
<b>Light Repair Services</b>	2.0/100m <sup>2</sup> (1,076.4 ft <sup>2</sup> )
<b>Vehicle and Equipment Sales</b>	2.0/100m <sup>2</sup> (1,076.4 ft <sup>2</sup> )
<b>Restaurants and Drinking Establishments</b>	2.0/100m <sup>2</sup> (1,076.4 ft <sup>2</sup> )
<b>Hotels and Motels</b>	1.0/guest room
<b>Child Care Facility</b>	1.0 space per employee and 1.0 space per twelve (12) children

4.1.3 **Uses** not explicitly referenced in **subsection 4.1.2** must provide parking as required by the **Development Authority**.

4.1.4 The **Development Authority** may relax the regulations contained in **Section 4.1** of this **Bylaw** upon the **applicant** providing suitable evidence of sufficient parking for the **use**.

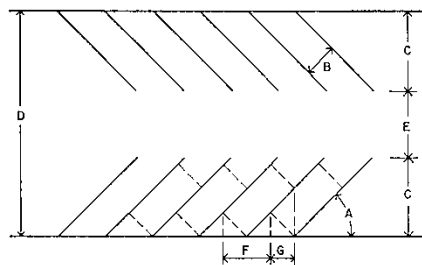
4.1.5 Required off-street parking shall be provided in accordance with municipal standards, as determined by the **Development Authority**.

## 4.2 OFF-STREET PARKING DESIGN REQUIREMENTS

4.2.1 Each parking space shall have dimensions of not less than 2.75 m (9.0 ft) by 5.5 m (18.0 ft).

4.2.2 The dimensions of parking areas shall be as set out in the following diagram and table:

A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Manoeuvring Space	F Curb Length	G Row End Length
0	2.75 m (9.0 ft.)	2.75 m (9.0 ft.)	9.00 m (29.5 ft.)	3.50 m (11.5 ft.)	6.70 m (22.0 ft.)	0.00 m
30	2.75 m (9.0 ft.)	5.0 m (16.4 ft.)	13.50 m (44.3 ft.)	3.50 m (11.5 ft.)	5.45 m (17.9 ft.)	0.85 m (2.8 ft.)
45	2.75 m (9.0 ft.)	5.70 m (18.7 ft.)	15.40 m (50.5 ft.)	4.00 m (13.1 ft.)	3.85 m (12.6 ft.)	2.05 m (6.7 ft.)
60	2.75 m (9.0 ft.)	6.00 m (19.7 ft.)	17.50 m (57.4 ft.)	5.50 m (18.0 ft.)	3.20 m (10.5 ft.)	2.00 m (6.7 ft.)
90	2.75 m (9.0 ft.)	5.50 m (18.0 ft.)	18.00 m (59.1 ft.)	7.00 m (23.0 ft.)	2.75 m (9.0 ft.)	0.00 m



- 4.2.3 Parking areas shall be **screened** from residential **development** on **adjacent parcels**. Any **screening** shall be a minimum of 1.0 m (3.0 ft) in height and any berm used as **screening** shall be **landscaped** in accordance with **Sections 3.11 and 3.12**.
- 4.2.4 Parking spaces shall be located on the same **parcel** as the **building** for which they are being provided.
- 4.2.5 Notwithstanding **subsection 4.2.4**, at the discretion of the **Development Authority**, parking may be located on another **parcel** within 125.0 m (410.1 ft), provided that a restrictive covenant, ensuring the **use** of the **parcel** for the required number of parking spaces, is registered against the Title.
- 4.2.6 Every off-street parking space provided, and access thereto, may be required to be **hard surfaced** if the access is from a **street** or **lane** which is **hard surfaced**.
- 4.2.7 Parking areas for **Apartment, Adult Care Housing, Education Institutions, Culture and Recreation, and Health Care Facility** shall be **hard surfaced** in accordance with the standards of the **Town**.
- 4.2.8 Parking areas for commercial and industrial **uses** located within **front yards** and **side yards abutting a street** shall be **hard surfaced**.
- 4.2.9 The **Development Authority** may allow parking areas for commercial and industrial **uses** located within **rear yards** and **side yards** that do not **abut** a **street** to be gravelled.
- 4.2.10 Vehicle access to commercial and industrial **parcels** shall consist of a **hard surfaced** apron measuring the width of the access to a minimum depth of 7.5 m (25.0 ft) if access is from a **street** or **lane** which is **hard surfaced**.
- 4.2.11 Parking areas for **Apartments, Education Institutions, Culture and Recreation, Health Care Facility** and all commercial, and industrial **uses** may require overhead illumination for safety purposes, at the discretion of the **Development Authority**.



- 4.2.12 As a condition of a **development permit, security** may be required up to the value of the estimated cost of the proposed paving and parking to ensure that such paving and parking is carried out with reasonable diligence. If the paving and parking is not completed in accordance with:
- (a) this **Bylaw**; and
  - (b) the **development permit** within one (1) construction season after the completion of the **development**,
  - (c) any deficiencies must be rectified with **Town** approval prior to the release of the **security**,
- then the amount fixed shall be available to the **Town** for its **use** in installing the required paving/parking.

### 4.3 COMMUNAL OFF-SITE PARKING FACILITIES

- 4.3.1 Notwithstanding **subsection 4.2.4**, parking may be provided on a **site** other than the **site** of the **principal building**, provided that it is in accordance with the following regulations:
- (1) For non-residential **development** and subject to approval of the **Development Authority**, an **owner** of land or a group of such **owners** may pool the required off-street parking stalls within one or more communal **parking facilities** and may thereby collectively fulfill the requirements of **Section 4.2**.
  - (2) Where a group of **uses** or **buildings** is served by a communal **parking facility**, the requirement for such facility shall be the sum of the off-street parking requirements for each of the **uses** served by the **parking facility**.
  - (3) Where two or more **owners** of land agree to combine parking as required under **Section 4.2**, a joint parking agreement, to be registered against Title is required.
  - (4) Where two or more **owners** of land agree to combine parking as required under **Section 4.2** with joint access, a joint access agreement, to be registered against Title is required.

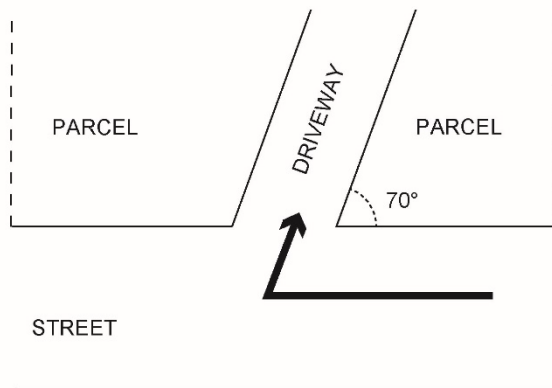
### 4.4 LOADING SPACES

- 4.4.1 **Loading spaces** may be required, at the discretion of the **Development Authority**.
- 4.4.2 Where required, **loading spaces** shall be located to the side or rear of a **building** and, at the discretion of the **Development Authority**, may have to be paved.
- 4.4.3 Standard **loading space** dimensions are 3.5 m by 9.0 m (11.5 ft by 29.5 ft) with overhead clearance of at least 4.6 m (15.1 ft).
- 4.4.4 Despite **subsection 4.4.5**, **loading space** dimensions shall be determined at the discretion of the **Development Authority**.

## 4.5 VEHICLE ACCESS TO SITES

- 4.5.1 All access locations and curb crossings shall be designed and constructed in accordance with the *Town of Rocky Mountain House Design Guidelines* and require approval of the **Development Authority**.
- 4.5.2 At **street** intersections, **driveways** shall be set back from the **parcel boundaries** which form the intersection not less than:
- (1) 6.0 m (19.7 ft) where the **driveway** serves not more than four **Dwelling Units**; or
  - (2) 15.0 m (49.2 ft) for all other **uses**.
- 4.5.3 The minimum distance between **driveways** shall be:
- (1) 0.0 m (0.0 ft) where the **driveways** serve single **Dwelling Units**; and
  - (2) 6.0 m (19.7 ft) where the **driveway** serves any other **use**.
- 4.5.4 Notwithstanding **subsections 4.5.2 and 4.5.3**, the **Development Authority** may require a greater **driveway setback** distance where traffic volumes indicate that this is required to improve or maintain traffic safety and efficiency.
- 4.5.5 The maximum width of a **driveway** shall be 10.0 m (32.8 ft).
- 4.5.6 No vehicle parked in a **driveway** shall project beyond the **parcel boundary**.
- 4.5.7 The minimum angle for a **driveway** to a **use** which generates high traffic volumes, as determined by the **Development Authority**, shall be seventy degrees (70°). (See diagram below)

DRIVEWAY ANGLE



- 4.5.8 To ensure that the movement of traffic is both safe and efficient, **driveways** are not allowed on the following **streets**:
- (1) Highway 11
  - (2) Highway 11A
  - (3) 52 Avenue
  - (4) 46 Street

- (5) 36 Street
- (6) 42 Avenue

- (7) 62 Street / Highway 752

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

4.5.10 For vehicle-oriented **uses** in which patrons generally remain in their vehicles, queuing space shall be provided as follows:

- (1) For drive-in food services and other **development** having a service window, a minimum of five (5) inbound and one (1) outbound queuing spaces shall be provided for each service window.
- (2) For all other drive-through vehicle services, a minimum of five (5) inbound and two (2) outbound queuing spaces shall be provided prior to exiting onto a public roadway.

4.5.11 Each queuing space shall be a minimum of 5.5 m (18.0 ft) long and 3.1 m (10.0 ft) wide.

4.5.12 Queuing **lanes** shall provide sufficient space for turning and maneuvering.

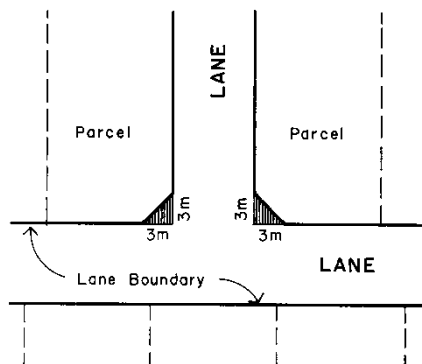
## 4.6 DEFERRED PAVING AGREEMENT

4.6.1 If the **applicant** does not pave a **street** or **lane** providing access to a **site** in a Commercial or Industrial District within 12 months of the date of issuance of the **development permit**, the **Development Authority** may permit a one-time extension of up to twelve (12) months for the **applicant** to complete the paving.

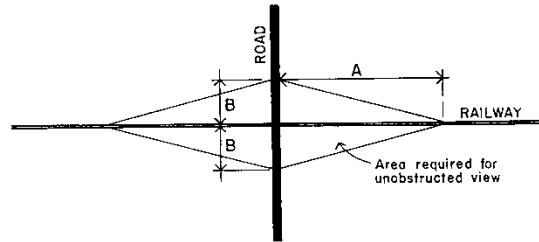
4.6.2 The **Town** may require the **applicant** to enter into a written agreement to complete such works and may register a caveat on Title.

## 4.7 SIGHT LINES AT INTERSECTIONS

4.7.1 At the intersection of **lanes**, a 3.0 m (9.8 ft) **sight triangle** shall be provided (see diagram below).



4.7.2 At the intersection of **roads** and railways which are unprotected by automatic warning signals, **sight triangles** shall be determined using the diagram and table below:



Maximum Train Speed		Sight Distance A from Crossing		Maximum Vehicle Speed		Sight Distance B From Crossing			
km/h	(mph)	m	(ft.)	km/h	(mph)	m	(ft.)*	m	(ft.)**
32.19	(20)	91.44	(300)	32.19	(20)	32.00	(105)	18.29	(60)
48.28	(30)	137.16	(450)	48.28	(30)	53.34	(175)	28.96	(95)
64.37	(40)	182.88	(600)	64.37	(40)	79.25	(260)	44.20	(145)
80.47	(50)	228.6	(750)	80.47	(50)	112.78	(370)	64.01	(210)
96.56	(60)	274.32	(900)	96.56	(60)	150.88	(495)	85.34	(280)
112.65	(70)	320.04	(1,050)	112.65	(70)	192.02	(630)	111.25	(365)
128.74	(80)	365.76	(1,200)						
144.84	(90)	411.48	(1,350)						
160.93	(100)	457.20	(1,500)						

4.7.3 At the intersection of **roads** and the intersection of **roads** and railways which are protected by automatic warning signals, the **Development Authority** may require the calculation of **sight triangles** where:

- (1) One or more rights-of-way is less than 15.0 m (49.2 ft);
- (2) Regulated vehicle speed exceeds 50 km/h;
- (3) Either the **road** or the railway is not centred in its right-of-way;
- (4) An intersection leg is curved or skewed;
- (5) An intersection leg is sloped at 2% or greater.

4.7.4 **Sight triangle** calculations shall be in accordance with the recommended methods of the *Roads and Transportation Association of Canada* regarding crossing sight distances for **roads**, with the provision that distance between the nearest rail and the front of a stopping motor vehicle are between 5.0 m (16.4 ft) and 15.0 m (49.2 ft) as required by the **Traffic Safety Act**.

## 5 SIGNS

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### 5.1 GENERAL REQUIREMENTS FOR SIGNS

- 5.1.1 A **sign** shall not conflict with or dominate or detract from the general character of the surrounding streetscape or the architecture of any **building** on the **parcel** on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape.
- 5.1.2 A **sign** constructed of canvas, plastic, or vinyl shall only be allowed for a period of up to ninety (90) days, unless otherwise approved by the **Development Authority**.
- 5.1.3 Where a **sign** projects over public property, a minimum clearance of 2.5 m (8.2 ft) above **grade** shall be maintained. An **encroachment agreement** with the **Town** shall be completed prior to the erection of such **signs**.
- 5.1.4 Notwithstanding **subsection 5.1.1**, where a **sign** is located in, or projects into or over, a **driveway** or other area of vehicle movement, a minimum clearance of 4.6 m (15.1 ft) above **grade** shall be maintained.
- 5.1.5 A **sign** shall not obstruct the view of, or be liable to be confused with, an official traffic **sign**, signal, or device or otherwise pose a potential hazard to traffic.
- 5.1.6 A **sign** shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance, or other emergency vehicles.
- 5.1.7 All **signs** must be erected on or directly in front of the **site** to which they relate.
- 5.1.8 The **Development Authority** may approve a **sign**, on a temporary basis, for a maximum of one week prior to the event whether or not it conforms to the rules established in **Part 5**, if the **sign** is used to advertise a special event that is held at a public facility.

### 5.2 FASCIA AND PROJECTING SIGNS

- 5.2.1 No **Fascia** or **Projecting Sign** shall be lower than 2.5 m (8.2 ft) above **grade**, except in the case of **signs** intended solely for the information of pedestrians where the height shall be determined by the **Development Authority** having regard, amongst other things, to clarity and safety.
- 5.2.2 No **Fascia Sign** shall project more than 0.4 m (1.3 ft) over a **street** or public property.
- 5.2.3 No **Projecting Sign** shall project more than 1.0 m (3.3 ft) over a **street** or public property.
- 5.2.4 No **Fascia** or **Projecting Sign** on a **building** two or more storeys in height shall be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall, unless approved by the **Development Authority**.
- 5.2.5 The maximum size for **Projecting Signs** shall be 1.9 m<sup>2</sup> (20.5 ft<sup>2</sup>).

- 5.2.6 Only one **Projecting Sign** may be erected on each **street** frontage of a commercial **use**, unless otherwise approved by the **Development Authority**.

### 5.3 FREESTANDING SIGNS AND BILLBOARDS

- 5.3.1 No **Freestanding Sign** shall extend beyond 6.0 m (19.7 ft) above **grade** or be larger than 4.5 m<sup>2</sup> (48.4 ft<sup>2</sup>) except in the:
- (1) Highway Commercial (HC) District, where the maximum shall be 11.0 m (36.1 ft) in height, 3.5 m (11.5 ft) in width, and 22.75 m<sup>2</sup> (244.9 ft<sup>2</sup>) in area; and
  - (2) General Industrial (I) District, where the maximum shall be 9.0 m (29.5 ft) in height, 3.5 m (11.5 ft) in width, and 9.0 m<sup>2</sup> (96.9 ft<sup>2</sup>) in area.
- 5.3.2 Notwithstanding **subsection 5.3.1** above and **subsections 5.3.4** and **5.3.7** below, if a **Freestanding Sign** is located in a **Neighbourhood Shopping Centre** or **District Shopping Centre**, or intended to serve a commercial area planned as a unit, more than one **Freestanding Sign** may be permitted and the total area may be increased to a maximum of 27.3 m<sup>2</sup> (293.9 ft<sup>2</sup>) and the maximum height shall be 11.0 m (36.1 ft).
- 5.3.3 A **Freestanding Sign**, excluding its supporting **structure**, shall be a minimum of 2.5 m (8.2 ft) above **grade** level.
- 5.3.4 Only one (1) **Freestanding Sign** may be erected on each of a **parcel's boundaries** with a **street**.
- 5.3.5 No **Freestanding Sign** shall be erected in such proximity to a Public (P) District or Environmental Open Space (EO) District such that it would detract from the natural aesthetics of that **district**, unless at the discretion of the **Development Authority**.
- 5.3.6 **Freestanding Signs** shall be separated by a minimum distance of 15.0 m (49.2 ft) from each other.
- 5.3.7 **Freestanding Signs** shall only be erected on sites to which their display relates, except in the case of:
- (1) Advance directional and informational signs which may be approved by the **Development Authority** in locations where it considers that the free and safe flow of traffic may be enhanced; or
  - (2) **Signs** used solely by community organizations.
- 5.3.8 **Billboard Signs** shall not be allowed.
- 5.3.9 A member in good standing of the Association of Professional Engineers, Geoscientists of Alberta shall design or approve the design of the **sign**.

### 5.4 PORTABLE SIGNS

- 5.4.1 Only one (1) **Portable Sign** may be on a **parcel**.

- 5.4.2 A **Portable Sign** shall be a minimum of 2.0 m (6.6 ft) from any *parcel boundary* and shall not be placed on any *road* or land owned or managed by the **Town**.
- 5.4.3 No **Portable Sign** shall be higher than 2.0 m (6.6 ft) above *grade* or larger than 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>).
- 5.4.4 **Portable Signs** shall only be erected on sites to which their display relates unless otherwise approved by the **Development Authority**.

## 5.5 AWNING SIGNS

- 5.5.1 **Awning Signs** shall only be permitted if the awning is a minimum of 2.5 m (8.2 ft) above *grade*.
- 5.5.2 Any **Awning Sign** that encroaches over any *road* or land owned by the **Town** shall have an awning *encroachment agreement*.
- 5.5.3 No **Awning Sign** shall project more than 1.0 m (3.3 ft) over a *street* or public property.
- 5.5.4 A member in good standing of the Association of Professional Engineers and Geoscientists of Alberta shall design or approve the design of the *sign*.

## 5.6 ROOF TOP SIGNS

- 5.6.1 **Roof Top Signs** will only be allowed if:
- (1) Located in a Commercial or Industrial District;
  - (2) The *message* of the *sign* is limited to the *buildings* on or the *use* of the *parcel* on which the *sign* is situated;
  - (3) The maximum *sign* area shall be 9.0 m<sup>2</sup> (96.9 ft<sup>2</sup>). *Sign* area shall be exclusive of pylons, supports, and structural members if such pylons, supports, and structural members are free of any *message* and are constructed such that they do not form part of the *message*;
  - (4) The *sign* shall not project more than 2.4 m (8.0 ft) vertically above the roof line, and no portion of the *sign* shall project horizontally beyond the roof line. These measurements of projection shall include pylons, supports, and structural members whether or not they contain any *message* or are constructed such that they form part of the *message*;
  - (5) Structural support elements shall be designed or concealed such that they are not visible; and
  - (6) An architect who is a member in good standing with the Alberta Association of Architects or a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta shall design or approve the design of the *sign*.

## 5.7 A-BOARD SIGNS ON TOWN SIDEWALKS

- 5.7.1 **A-Board Signs** shall only be placed on sidewalks in the Core Commercial Mixed Use (C) District or Local Commercial (LC) District subject to the following:

- (1) **Signs** shall be a maximum of 0.6 m (2.0 ft) wide and 0.9 m (3.0 ft) high;
- (2) **Signs** shall be placed on the sidewalk in a location that allows at least 1.2 m (3.9 ft) minimum width for pedestrian traffic;
- (3) **Signs** shall not impede the views of pedestrians or **street** traffic;
- (4) **Signs** shall be placed against the **building**;
- (5) **Signs** shall only be allowed on sidewalks during hours when the business to which the **sign** relates is open to the public;
- (6) **Signs** shall be limited to one (1) **sign** per business to be placed directly in front of the **building** in which the business is located;
- (7) **Signs** cannot be placed on centre medians; and
- (8) **Signs** must be constructed of a material such that a rigid frame is provided.

## 5.8 SIGN REMOVAL

- 5.8.1 Where a **sign** contravenes this **Bylaw**, and the **Development Authority** has directed the removal of such a **sign**, the lawful **owner** of the **sign**, or where applicable, **owner**, shall:
- (1) Remove such a **sign** and all related structural components within two (2) days from the date of receipt of such a removal notice;
  - (2) Restore the immediate area around the **sign** to the satisfaction of the **Town**; and
  - (3) Bear all costs related to such removal, restoration, and storage.
- 5.8.2 Where a **sign** that contravenes this **Bylaw** is not removed within the specified time limit in 5.8.1(1), the **Town** has the authority to remove the **sign** and store it as per the signage impound fee.



## 6 RESIDENTIAL DISTRICTS

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### 6.1 RURAL RESIDENTIAL DISTRICT (RR)

**6.1.1 General Intent:** To provide areas for low density residential *development* and complementary *uses* in a semi-rural setting which may be without the full range of *Town* infrastructure.

#### 6.1.2 *Uses:*

##### *Permitted Uses:*

Accessory Building *or* Structure  
Detached Dwelling  
Group Home  
Home Occupation – Class 1  
Park  
Public Utility  
Secondary Residence – Class 1  
Solar Energy Device

##### *Discretionary Uses:*

Agriculture, Urban  
Bed and Breakfast  
Child Care Facility  
Culture and Recreation  
Education Institution  
Government Services  
Health Care Facility  
Home Occupation – Class 2  
Manufactured Home  
Religious Assembly  
Sea Can  
Seasonal Greenhouse  
Secondary Residence – Class 2  
Show Home  
Sign, Fascia  
Sign, Freestanding  
Sign, Projecting  
Social Care Housing

### 6.1.3 Development Regulations:

#### 6.1.3.1 Minimum *Parcel Area*:

- (i) Parcels intended to be served by a sewage collection system or by a water distribution system shall have a minimum **parcel area** of 8,096.7 m<sup>2</sup> (2.0 ac).
- (ii) Parcels intended to be served by a water distribution system or by a sewage collection system or by both shall have minimum **parcel area** of 2,023.5 m<sup>2</sup> (0.5 ac).

#### 6.1.3.2 Minimum *Parcel Width*:

<b>Parcels</b> greater than 8,096.7m <sup>2</sup> (2.0ac):	30.0 m (98.4 ft)
<b>Parcels</b> equal to or less than 8,096.7m <sup>2</sup> (2.0ac):	15.0 m (49.2 ft)

#### 6.1.3.3 *Setbacks*:

- (i) Unless otherwise referenced, the minimum **setbacks** are:

<b>Exterior Side Setback:</b>	3.0 m (9.8 ft)
<b>Front Setback:</b>	10.0 m (32.8 ft)
<b>Rear Setback:</b>	10.0 m (32.8 ft)
<b>Side Setback:</b>	3.0 m (9.8 ft)

**6.1.3.4 Maximum *Building Height*:** 12.0 m (39.4 ft)

**6.1.3.5 Maximum *Parcel Coverage*:** 20%

#### 6.1.3.6 Minimum *Floor Area*:

- (i) The minimum **floor area** for a **Detached Dwelling** is 100.0 m<sup>2</sup> (1,076.4 ft<sup>2</sup>)

## 6.2 LOW DENSITY RESIDENTIAL DISTRICT (RL)

**6.2.1 General Intent:** To provide areas for ground-oriented residential *development* and complementary *uses* on a variety of *parcel* sizes and configurations.

### 6.2.2 Uses

#### *Permitted Uses:*

Accessory Building *or* Structure

Detached Dwelling

Duplex

Essential Public Service

Home Occupation – Class 1

Park

Public Utility

Secondary Residence – Class 1

Solar Energy Device

#### *Discretionary Uses:*

Adult Care Housing

Agriculture, Urban

Bed and Breakfast

Child Care Facility

Culture and Recreation

Education Institution

Government Services

Group Home

Health Care Facility

Home Occupation – Class 2

Manufactured Home

Religious Assembly

Sea Can

Secondary Residence – Class 2

Show Home

Sign, Fascia

Sign, Freestanding

Sign, Projecting

Social Care Housing

### 6.2.3 Development Regulations:

**6.2.3.1 Minimum Parcel Area:**

(i) Unless otherwise referenced in **subsection (ii)**, the minimum *parcel area* is:

**Interior parcel:** 380 m<sup>2</sup> (4,090.3 ft<sup>2</sup>)

**Corner Parcel:** 420 m<sup>2</sup> (4,520.1 ft<sup>2</sup>)

(ii) The minimum *parcel area* for a *parcel* containing a **Duplex** is:

**Interior parcel:** 250 m<sup>2</sup> (2,691.0 ft<sup>2</sup>)

**Corner Parcel:** 300 m<sup>2</sup> (3,229.2 ft<sup>2</sup>)

**6.2.3.2 Minimum Parcel Width:**

(i) Unless otherwise reference in **subsection (ii)**, the minimum *parcel width* is:

**Interior parcel:** 10.5 m (34.5 ft)

**Corner Parcel:** 11.5 m (37.7 ft)

(ii) The minimum *parcel width* for a *parcel* containing a **Duplex** is:

**Interior parcel:** 7.5 m (24.6 ft)

**Corner Parcel:** 9.0 m (29.5 ft)

**6.2.3.3 Setbacks:**

(i) The minimum *setbacks* are:

**Exterior Side Setback:** 3.0 m (9.8 ft)

**Front Setback:** **contextual setback** less 1.0 m (3.3 ft); or  
3.0 m (9.8 ft), whichever is greater.

For **corner parcels**, the minimum **front setback**  
is 4.0 m (13.1 ft).

**Rear Setback:** 7.5 m (24.6 ft)

**Side Setback:** 1.25 m (4.1 ft)

**6.2.3.4 Maximum Building Height:** 10.0 m (32.8 ft)

**6.2.3.5 Maximum Parcel Coverage:** 60%

**6.2.3.6 Minimum Floor Area:**

- (i) The minimum *floor area* for a **Detached Dwelling** is 84.0 m<sup>2</sup> (904.2 ft<sup>2</sup>)
- (ii) The minimum *floor area* for a **Duplex** is 65.0 m<sup>2</sup> (699.7 ft<sup>2</sup>)

## 6.3 FLEXIBLE RESIDENTIAL DISTRICT (RF)

**6.3.1 General Intent:** To provide areas for a variety of housing types, from **Detached Dwellings to Row House Buildings**, and complementary **uses** in new neighbourhoods.

### 6.3.2 Uses

***Permitted Uses:***

Accessory Building or Structure

Detached Dwelling

Duplex

Essential Public Service

Home Occupation – Class 1

Park

Public Utility

Secondary Residence – Class 1

Solar Energy Device

***Discretionary Uses:***

Adult Care Housing

Agriculture, Urban

Bed and Breakfast

Child Care Facility

Culture and Recreation

Education Institution

Fourplex

Government Services

Group Home

Health Care Facility

Home Occupation – Class 2

Manufactured Home

Religious Assembly

Row House Building

Sea Can

Secondary Residence – Class 2

Show Home

Sign, Fascia

Sign, Freestanding

Sign, Projecting

Social Care Housing

### 6.3.3 Development Regulations:

#### 6.3.3.1 Minimum *Parcel Width*:

(i) Unless otherwise referenced in **subsections (ii), (iii), or (iv)**, the minimum *parcel width* is:

***Interior parcel:*** 10.5 m (34.5 ft)

***Corner Parcel:*** 11.5 m (37.7 ft)

(ii) The minimum *parcel width* for a *parcel* containing a **Row House Building** is:

***Interior parcel:*** 6.0 m (19.7 ft) per **Dwelling Unit**

***Corner Parcel:*** 9.0 m (29.5 ft) per **Dwelling Unit**

(iii) The minimum *parcel width* for a *parcel* containing a **Duplex** is:

***Interior parcel:*** 7.5 m (24.6 ft)

***Corner Parcel:*** 9.0 m (29.5 ft)

(iv) The minimum *parcel width* for a *parcel* containing a **Fourplex** is 15.0 m (49.2 ft)

#### 6.3.3.2 *Setbacks*:

(i) Unless otherwise referenced, the minimum *setbacks* are:

***Exterior Side Setback:*** 3.0 m (9.8 ft)

***Front Setback:*** 3.0 m (9.8 ft)

***Rear Setback:*** 7.5 m (24.6 ft)

***Side Setback:*** 1.25 m (4.1 ft)

#### 6.3.3.3 Maximum *Building Height*:

(i) Unless otherwise referenced in **subsection (ii)**, the maximum *building height* is 10.0 m (32.8 ft).

(ii) The maximum *building height* for a **Row House Building** is 11.0 m (39.4 ft).

#### 6.3.3.4 Maximum *Parcel Coverage*:

(i) Unless otherwise referenced in **subsection (ii)**, the maximum *parcel coverage* is 60%.

(ii) The maximum *parcel coverage* for a **Row House Building** is 70%.

#### 6.3.3.5 Minimum *Floor Area*:

- (i) Unless otherwise referenced in **subsection (ii)**, the minimum **floor area** is 78.0 m<sup>2</sup> (839.6 ft<sup>2</sup>).
- (ii) The minimum **floor area** for a **Duplex** or a **Row House Building** is 60.0 m<sup>2</sup> (645.8 ft<sup>2</sup>) per unit.

## 6.4 MEDIUM DENSITY RESIDENTIAL DISTRICT (RM)

**6.4.1 General Intent:** To provide areas for medium density residential **development** with a mixture of housing types and complementary **uses**.

### 6.4.2 Uses

**Permitted Uses:**

Accessory Building *or* Structure

Detached Dwelling

Duplex

Essential Public Service

Home Occupation – Class 1

Park

Public Utility

Secondary Residence – Class 1

Solar Energy Device

**Discretionary Uses:**

Adult Care Housing

After Life Care

Agriculture, Urban

Apartment

Bed and Breakfast

Child Care Facility

Community Support Services

Culture and Recreation

Education Institution

Fourplex

Government Services

Group Home

Health Care Facility

Home Occupation – Class 2

Manufactured Home

Religious Assembly

Row House Building



Sea Can

Sign, Projecting

Secondary Residence – Class 2

Social Care Housing

Show Home

Sign, Fascia

Sign, Freestanding

#### 6.4.3 Development Regulations:

##### 6.4.3.1 Minimum *Parcel Width*:

(i) Unless otherwise referenced in **subsections (ii), (iii), or (iv)**, the minimum ***parcel width*** is:

***Interior parcel:*** 10.5 m (34.5 ft)

***Corner Parcel:*** 11.5 m (37.7 ft)

(ii) The minimum ***parcel width*** for a ***parcel*** containing a **Row House Building** is:

***Interior parcel:*** 6.0 m (19.7 ft)

***Corner Parcel:*** 9.0 m (29.5 ft)

(iii) The minimum ***parcel width*** for a ***parcel*** containing a **Duplex** is:

***Interior parcel:*** 7.5 m (24.6 ft)

***Corner Parcel:*** 9.0 m (29.5 ft)

(iv) The minimum ***parcel width*** for a ***parcel*** containing an **Apartment** or a **Fourplex** is 15.0 m (49.2 ft)

##### 6.4.3.2 *Setbacks*:

(i) Unless otherwise referenced in **subsection (ii)**, the minimum ***setbacks*** are:

***Exterior Side Setback:*** 3.0 m (9.8 ft)

***Front Setback:*** 3.0 m (9.8 ft)

***Rear Setback:*** 7.5 m (24.6 ft)

***Side Setback:*** 1.25 m (4.1 ft)

- (ii) Where an **Apartment** shares a **side parcel boundary** with a **Detached Dwelling, Duplex, Row House Building, or Fourplex**, the minimum **side setback** is 3.0 m (9.8 ft).

#### 6.4.3.3 Maximum Building Height:

- (i) Unless otherwise referenced in **subsection (ii)**, the maximum **building height** is 12.0 m (39.4 ft).
- (ii) The maximum **building height** for an **Apartment** is 20.0 m (65.6 ft).

#### 6.4.3.4 Maximum Parcel Coverage:

- (i) Unless otherwise referenced in **subsection (ii) or (iii)**, the maximum **parcel coverage** is 60%.
- (ii) The maximum **parcel coverage** for a **Row House Building** is 70%.
- (iii) There is no maximum **parcel coverage** for an **Apartment**.

#### 6.4.3.5 Minimum Floor Area:

- (i) Unless otherwise referenced in **subsection (ii)**, the minimum **floor area** is 78.0 m<sup>2</sup> (839.6 ft<sup>2</sup>).
- (ii) The minimum **floor area** for a **Duplex** or a **Row House Building** is 60.0 m<sup>2</sup> (645.8 ft<sup>2</sup>) per **Dwelling Unit**.

#### 6.4.3.6 Landscaped Area:

- (i) Where a **parcel** is occupied by an **Apartment** or a **Fourplex**, a minimum **landscaped area** of 3.0 m (9.8 ft) in perpendicular depth and 1.0 m (3.3 ft) on either side from all windows of living rooms, dining rooms, bedrooms, or family rooms in **basements** and ground floors shall be provided as part of the **landscaping plan**.

## 6.5 MANUFACTURED HOME DISTRICT (MH)

**6.5.1 General Intent:** To provide areas for low density residential *development* in the form of **Manufactured Homes, Detached Dwellings, Duplexes**, and complementary *uses*.

### 6.5.2 *Uses*

***Permitted Uses:***

Accessory Building *or* Structure

Detached Dwelling

Duplex

Essential Public Service

Home Occupation – Class 1

Manufactured Home

Park

Public Utility

Secondary Residence – Class 1

Solar Energy Device

***Discretionary Uses:***

Agriculture, Urban

Child Care Facility

Government Services

Home Occupation – Class 2

Manufactured Home Park

Sea Can

Secondary Residence – Class 2

Sign, Fascia

Sign, Freestanding

Sign, Projecting

Show Home

### 6.5.3 Development Regulations:

#### 6.5.3.1 Minimum Parcel Area:

(i) Unless otherwise referenced in **subsection (ii)**, the minimum **parcel area** is:

**Interior parcel:** 380 m<sup>2</sup> (4,090.3 ft<sup>2</sup>)

**Corner Parcel:** 420 m<sup>2</sup> (4,520.8 ft<sup>2</sup>)

(ii) The minimum **parcel area** for **parcel** containing a **Duplex** is:

**Interior parcel:** 250 m<sup>2</sup> (2,691.0 ft<sup>2</sup>)

**Corner Parcel:** 300 m<sup>2</sup> (3,229.2 ft<sup>2</sup>)

#### 6.5.3.2 Minimum Parcel Width:

(i) Unless otherwise referenced in **subsection (ii)**, the minimum **parcel width** is:

**Interior parcel:** 10.0 m (32.8 ft)

**Corner Parcel:** 11.5 m (37.7 ft)

(ii) The minimum **parcel width** for a **parcel** containing a **Duplex** is:

**Interior parcel:** 7.5 m (24.6 ft)

**Corner Parcel:** 9.0 m (29.5 ft)

#### 6.5.3.3 Setbacks:

(i) Unless otherwise referenced, the minimum **setbacks** are:

**Exterior Side Setback:** 3.0 m (9.8 ft)

**Front Setback:** 4.5 m (14.8 ft)

**Rear Setback:** 4.5 m (14.8 ft)

**Side Setback:** 1.25 m (4.1 ft)

#### 6.5.3.4 Maximum Building Height:

(i) Unless otherwise referenced, the maximum **building height** is 10.0 m (32.8 ft).

#### 6.5.3.5 Maximum Parcel Coverage:

(i) Unless otherwise referenced, the maximum *parcel coverage* is 60%.

**6.5.4 Development Regulations for Manufactured Home Parks:**

**6.5.4.1 Maximum *Density*:** 17 *Dwelling Units* per ha (7 per ac)

**6.5.4.2 Minimum Manufactured Home Park Area:** 2.0 ha

**6.5.4.3 Maximum Manufactured Home Park Area:** 4.0 ha

**6.5.4.4 Minimum Site Area for a Manufactured Home:** 325.0 m<sup>2</sup> (3,498 ft<sup>2</sup>)

**6.5.4.5 *Setbacks*:**

(i) Unless otherwise referenced, the minimum *setbacks* for a **Manufactured Home** in a **Manufactured Home Park** are:

4.5 m (14.8 ft) from another **Manufactured Home**

7.0 m (23.0 ft) from any *parcel boundary*

3.0 m (9.8 ft) from any internal *road* or common parking area

1.5 m (4.9 ft) from any side **Manufactured Home site** boundary

4.5 m (14.8 ft) from any rear **Manufactured Home site** boundary

**6.5.4.6 Minimum Manufactured Home *Floor Area*:** 55.0 m<sup>2</sup> (592.0 ft<sup>2</sup>)

**6.5.4.7 Maximum *Building Height*:** 10.0 m (32.8 ft)

**6.5.4.8 Maximum *Parcel Coverage*:** 60% including all covered *structures*

**6.5.4.9 *Landscaped Areas*:**

(i) A minimum of 5% of the total area of **Manufactured Home Park** shall be set aside for the recreational *use* and enjoyment of park residents.

- (ii) A **Manufactured Home Park** shall have on its perimeter a **landscaped area** not less than 2.5 m (8.2 ft) between every **Manufactured Home site** and the **parcel boundary** of the **Manufactured Home Park**.
- (iii) All areas of a **Manufactured Home Park** not developed or occupied by internal **roads**, **walkways**, **driveways**, parking aprons, **buildings**, or other developed facilities, including paved playgrounds, shall be **landscaped**.
- (iv) **Landscaped areas** shall be developed with recreation amenities, to the satisfaction of the **Development Authority**, and upon approval of the **development permit**, the **applicant** shall deliver **security** in the amount of 100% of the estimated cost of **landscaping** to ensure its completion.

#### 6.5.4.10 Circulation Areas:

- (i) All **Manufactured Home Park** internal **roads** shall have a minimum right-of-way width of 10.0 m (39.4 ft).
- (ii) All **Manufactured Home Park** internal **walkways** shall have a minimum width of 1.5 m (4.9 ft).

#### 6.5.4.11 Storage Areas:

- (i) Common storage areas, separate from the **Manufactured Home site** shall be provided for storage of seasonal recreational equipment and other equipment not capable of storage on the **Manufactured Home site**.
- (ii) Common storage areas shall be **screened** to the satisfaction of the **Development Authority** and shall have an area of not less than 20.0 m<sup>2</sup> (215.0 ft<sup>2</sup>) per **Manufactured Home site**.

#### 6.5.4.12 Utilities:

- (i) All utility services and all utility wires and conduits shall be installed underground and shall comply with existing regulations for underground installations.

#### 6.5.4.13 Fences and Site Boundaries:

- (i) Fences and hedges shall be allowed only if they are erected and maintained by the **Manufactured Home Park** operator to a uniform standard throughout the **Manufactured Home Park**.
- (ii) Each **Manufactured Home** must be located on a clearly defined **site** marked by permanent flush stakes or markers.
- (iii) Each **Manufactured Home** must be addressed with a number.

#### 6.5.4.14 Building Design

- (i) Skirting and any attached *structure* shall match the exterior finish of the **Manufactured Home**. The **Manufactured Home Park** operator shall ensure that each **Manufactured Home** is levelled, blocked, and skirted, and all equipment used in the transportation of the **Manufactured Home** removed within thirty (30) days of being placed on a *site*.

# 7 COMMERCIAL DISTRICTS

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## 7.1 CORE COMMERCIAL MIXED USE DISTRICT (C)

**7.1.1 General Intent:** To facilitate the *development* of a mixed-use, vibrant downtown core. This unique area includes a wide variety of commercial, institutional, cultural, and residential *development* intended to serve the town and surrounding region.

### 7.1.2 Uses

***Permitted Uses:***

Accessory Building or Structure

Convenience Retail Store

Financial Services

Government Services

Office

Park

Personal Service

Public Utility

Restaurant

Retail Sales Establishment

Solar Energy Device

***Discretionary Uses:***

Adult Care Housing

Adult Entertainment

After Life Care

Agriculture, Urban

Alcohol Retail

Animal Services

Apartment

Bus Depot

Cannabis Lounge

Cannabis Retail

Car Wash

Casino

Child Care Facility

Commercial Recreation and Entertainment

Community Support Services

Craft Brewery and Distillery

Culture and Recreation

Drinking Establishment

Drive-in Business

Dwelling Unit

Education Institution



**Essential Public Service**  
**Health Care Facility**  
**Home Occupation – Class 1**  
**Home Occupation – Class 2**  
**Hotel**  
**Light Equipment Assembly, Sales, and Service**  
**Light Repair Services**  
**Mobile Commercial Sales**  
**Motel**  
**Parking**  
**Private Club or Lodge**  
**Public Utility Building**  
**Religious Assembly**  
**Retail and Light Manufacturing**  
**Sea Can**  
**Seasonal Greenhouse**  
**Sign, A-Board**  
**Sign, Awning**  
**Sign, Fascia**  
**Sign, Freestanding**  
**Sign, Portable**  
**Sign, Projecting**  
**Temporary Kiosk**  
**Training Centre**

**7.1.3 Development Regulations:**

**7.1.3.1 Minimum *Parcel Width*:** 7.5 m (24.6 ft)

**7.1.3.2 *Setbacks*:**

- (i) Unless otherwise referenced in **subsections (ii) or (iii)**, there are no minimum **setbacks**.
- (ii) Where a **parcel** shares a **parcel boundary** with a Residential District, the minimum **setback** is 3.0 m (9.8 ft).
- (iii) Where a **parcel** shares a **side parcel boundary** with a **lane** that separates the **parcel** from a Residential District, the minimum **setback** is 1.5 m (4.9 ft).

#### **7.1.3.3 Maximum Building Height:**

- (i) Unless otherwise referenced in **subsections (ii)**, there is no maximum **building height**.
- (ii) Where a **parcel** shares a **parcel boundary** with a Residential District, the maximum **building height** is 20.0 m (65.6 ft).

#### **7.1.3.4 Minimum Building Height:**

- (i) Unless otherwise referenced in Section 7.1.3.3. subsection (ii), all new development on Main Street between Highway 11A and 48 Avenue must be a minimum of two storeys above grade or 9 metres. The second story may consist of a façade.

#### **7.1.3.4 Outdoor Storage/Display:**

- (i) All **outdoor storage** areas shall be located to the rear or sides of the **principal building** and **screened** from view from **adjacent parcels** and public **roads**.
- (ii) All **outdoor displays** shall be **screened** from Residential Districts.

#### **7.1.3.5 Garbage Storage:**

- (i) Garbage storage shall be provided, and **screened**, to the satisfaction of the **Development Authority**.

#### **7.1.3.6 Landscaped Areas:**

- (i) All areas of a **parcel** not covered by **buildings, driveways, parking, outdoor storage, and outdoor displays** must be **landscaped**, to the satisfaction of the **Development Authority**.

#### **7.1.3.7 Off-street Parking:**

- (i) Off-street parking shall not be provided between the **street** and the front façade of a **building**.

#### **7.1.3.8 Location of Uses within a Building:**

- (i) Where a **Dwelling Unit** or **Adult Care Housing** is located in the same **building** as a non-residential **use**, the **Dwelling Unit** or **Adult Care Housing** must:
- (a) Have an entrance that is separate and distinct from the entrance to a non-residential component of the **building**;
  - (b) Not be located below the second storey;
  - (c) Not be located on the same floor as a non-residential **use** unless there is a physical separation of **uses** and separate entrances to the satisfaction of the **Development Authority**.

## 7.2 LOCAL COMMERCIAL DISTRICT (LC)

**7.2.1 General Intent:** To allow for a limited range of moderate scale commercial **development** which provides for the sale of a variety of convenience goods and services close to residential areas. **Development** shall be encouraged to incorporate residential **uses** above commercial **uses** in **buildings** up to four (4) storeys.

### 7.2.2 Uses

#### **Permitted Uses:**

Accessory Building *or* Structure  
Convenience Retail Store  
Home Occupation – Class 1  
Home Occupation – Class 2  
Park  
Public Utility  
Solar Energy Device

#### **Discretionary Uses:**

Agriculture, Urban  
Alcohol Retail  
Animal Services  
Campground  
Cannabis Retail  
Car Wash  
Child Care Facility  
Commercial Recreation and Entertainment  
Community Support Services  
Craft Brewery and Distillery  
Culture and Recreation  
Drinking Establishment  
Drive-In Business  
Dwelling Unit  
Education Institution  
Gas Bar  
Government Services  
Health Care Facility  
Light Repair Services  
Mobile Commercial Sales

Office  
 Personal Service  
 Private Club or Lodge  
 Public Utility Building  
 Restaurant  
 Retail Sales Establishment  
 Sea Can  
 Seasonal Greenhouse  
 Sign, A-Board  
 Sign, Awning  
 Sign, Fascia  
 Sign, Freestanding  
 Sign, Projecting  
 Temporary Kiosk  
 Training Centre

Neighbourhood Shopping Centre

### 7.2.3 Development Regulations:

**7.2.3.1 Minimum Parcel Width:** 11.5 m (37.7 ft)

#### 7.2.3.2 Setbacks:

- (i) Unless otherwise referenced in **subsections (ii), (iii), or (iv)**, there are no minimum **setbacks**.
- (ii) Where a **parcel** shares a **side parcel boundary** with a Residential District, the minimum **front setback** is 3.0 m (9.8 ft).
- (iii) Where a **parcel** shares a **side parcel boundary** with a Residential District, the minimum **side setback** is 3.0 m (9.8 ft).
- (iv) Where a **parcel** shares a **side parcel boundary** with a **lane** that separates the **parcel** from a Residential District, the minimum **side setback** is 1.5 m (4.9 ft).

**7.2.3.3 Maximum Building Height:** 14.0 m (45.9 ft)

#### **7.2.3.4 Outdoor Storage/Display:**

- (i) All **outdoor storage** areas shall be located to the rear or sides of the **principal building** and **screened** from view from **adjacent parcels** and public **roads**.
- (ii) All **outdoor displays** shall be **screened** from Residential Districts.

#### **7.2.3.5 Garbage Storage:**

- (i) Garbage storage shall be provided, and **screened**, to the satisfaction of the **Development Authority**.

#### **7.2.3.6 Landscaped Areas:**

- (i) All areas of a **parcel** not covered by **buildings, driveways, parking, outdoor storage, and outdoor displays** must be **landscaped**, to the satisfaction of the **Development Authority**.
- (ii) Where a **parcel** shares a **parcel boundary** with a Residential District, a minimum 3.0 m (9.8 ft) wide area between the **principal building** and the **parcel boundary** must be **landscaped**, to the satisfaction of the **Development Authority**.

#### **7.2.3.7 Building Design:**

- (i) Any mechanical equipment on the roof of a **building** must be **screened** from **adjacent roads** and Residential Districts.

#### **7.2.3.8 Off-street Parking:**

- (i) Off-street parking shall not be provided between the **street** and the front façade of a **building**.

#### **7.2.3.9 Location of Uses within a Building**

- (i) Where a **Dwelling Unit** is located in the same **building** as a non-residential **use**, the **Dwelling Unit** must:
  - (a) Have an entrance that is separate and distinct from the entrance to a non-residential component of the **building**;
  - (b) Not be located below the second storey;

- (c) Not be located on the same floor as a non-residential **use** unless there is a physical separation of **uses** and separate entrances to the satisfaction of the **Development Authority**.

## 7.3 HIGHWAY COMMERCIAL DISTRICT (HC)

**7.3.1 General Intent:** To facilitate the *development* of commercial businesses along arterial *roads* and highways to minimize the intrusion of vehicular traffic into residential areas. The primary focus is on commercial land *uses* which are built at low densities and generally serve the town and surrounding region.

### 7.3.2 Uses

#### *Permitted Uses:*

Accessory Building or Structure

Convenience Retail Store

Park

Public Utility

Restaurant

Retail Sales Establishment

Solar Energy Device

#### *Discretionary Uses:*

Alcohol Retail

Animal Services

Bulk Fuel Sales and Storage

Bus Depot

Cannabis Lounge

Cannabis Retail

Caretaker Suite

Car Wash

Commercial Recreation and Entertainment

Community Support Services

Contractor Services without outside storage

Craft Brewery and Distillery

District Shopping Centre

Drinking Establishment

Drive-In Business

Dwelling Unit

Financial Services

Gas Bar

Government Services

Heavy Equipment Sales, Service, and Rental



**Hotel**

**Light Equipment Assembly, Sales and Service**

**Light Repair Services**

**Mobile Commercial Sales**

**Motel**

**Office**

**Parking Facility**

**Personal Service**

**Public Utility Building**

**Sea Can**

**Seasonal Greenhouse**

**Sign, A-Board**

**Sign, Awning**

**Sign, Fascia**

**Sign, Freestanding**

**Sign, Portable**

**Sign, Projecting**

**Sign, Roof Top**

**Temporary Kiosk**

**Vehicle Sales, Service, and Rental**

### 7.3.3 Development Regulations

**7.3.3.1 Minimum Parcel Width:** 15.0 m (49.2 ft)

#### 7.3.3.2 Setbacks:

(i) Unless otherwise referenced in **subsections (ii) or (iii)**, the minimum **setbacks** are:

**Exterior Side Setback:** 3.0 m (9.8 ft)

**Front Setback:** 3.0 m (9.8 ft)

**Rear Setback:** 6.0 m (19.7 ft)

**Side Setback:** 0.0 m (0.0 ft)

(ii) Where a **parcel** shares a **side parcel boundary** with a Residential District, the minimum **side setback** is 6.0 m (19.7 ft).

(iii) Where a **parcel** shares a **side parcel boundary** with a **lane** that separates the **parcel** from a Residential District, the minimum **side setback** is 3.0 m (9.8 ft).

#### 7.3.3.3 Maximum Building Height:

(i) Unless otherwise referenced in **subsection (ii)**, there is no maximum **building height**.

(ii) Where a **parcel** shares a **parcel boundary** with a Residential District, the maximum **building height** is 10.0 m (32.8 ft).

#### 7.3.3.4 Outdoor Storage/Display:

(i) All **outdoor storage** areas shall be located to the rear or sides of the **principal building** and **screened** from view from **adjacent parcels** and public **roads**.

(ii) All **outdoor displays** shall be **screened** from Residential Districts.

#### 7.3.3.5 Garbage Storage:

(i) Garbage storage shall be provided, and **screened**, to the satisfaction of the **Development Authority**.

#### 7.3.3.6 Landscaped Areas:

- (i) All areas of a **parcel** not covered by **buildings, driveways**, parking, **outdoor storage**, and display areas must be **landscaped**, to the satisfaction of the **Development Authority**.
- (ii) Where a **parcel** shares a **parcel boundary** with a Residential District or a **road**, a minimum 3.0 m (9.8 ft) wide area between the **principal building** and the **parcel boundary** must be **landscaped**, to the satisfaction of the **Development Authority**.

#### **7.3.3.7 Temporary Fences:**

- (i) Temporary fences must only be used during open excavation or **building** construction with an approved **development permit**.

#### **7.3.3.8 Location of Uses within a Building**

- (i) Where a **Dwelling Unit** is located in the same **building** as a non-residential **use**, the **Dwelling Unit** must:
  - (a) Have an entrance that is separate and distinct from the entrance to a non-residential component of the **building**;
  - (b) Not be located below the second storey;
  - (c) Not be located on the same floor as a non-residential **use** unless there is a physical separation of **uses** and separate entrances to the satisfaction of the **Development Authority**.

## 8 INDUSTRIAL DISTRICTS

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### 8.1 GENERAL INDUSTRIAL DISTRICT (I)

**8.1.1 General Intent:** To provide for a wide range of industrial businesses, supportive commercial *uses*, and related services whose activities may be incompatible in Commercial *districts*.

#### 8.1.2 Uses

***Permitted Uses:***

Accessory Building *or* Structure  
Contractor Services  
Municipal Shop and Storage Yard  
Park  
Public Utility  
Public Utility Building  
Solar Energy Device

***Discretionary Uses:***

Adult Entertainment  
After Life Care  
Alcohol Retail  
Training Centre  
Agriculture, Intensive  
Animal Hospital  
Animal Services  
Bulk Fuel Sales and Storage  
Cannabis Production and Distribution  
Cannabis Lounge  
Cannabis Retail  
Caretaker Suite  
Commercial Recreation and Entertainment  
Community Support Services  
Convenience Retail Store  
Craft Brewery and Distillery  
Dangerous Goods Occupancy  
Drinking Establishment  
Essential Public Service  
Freight and Transportation Depot  
Government Services  
Heavy Equipment Sales, Service, and Rental

**Kennel**  
**Light Equipment Assembly, Sales, and Service**  
**Light Repair Services**  
**Livestock Auction Market**  
**Manufacturing Industries**  
**Mobile Commercial Sales**  
**Office**  
**Open Storage Yard**  
**Parking Facility**  
**Private Club or Lodge**  
**Recreation Vehicle Storage**  
**Restaurant**  
**Retail and Light Manufacturing**  
**Retail Sales Establishment**  
**Sea Can**  
**Seed Cleaning Plant**  
**Sign, A-Board**  
**Sign, Awning**  
**Sign, Fascia**  
**Sign, Freestanding**  
**Sign, Portable**  
**Sign, Projecting**  
**Sign, Roof Top**  
**Slaughter House**  
**Temporary Kiosk**  
**Vehicle Sales, Service, and Rental**  
**Warehouse**  
**Wind Energy Device**

### 8.1.3 Development Regulations:

8.1.3.1 Minimum *Parcel Area*: 0.05 ha (0.12 ac)

8.1.3.2 Minimum *Parcel Width*: 15.0 m (49.2 ft)

#### 8.1.3.3 *Setbacks*:

(i) Unless otherwise referenced in **subsections (ii), (iii), or (iv)** the minimum ***setbacks*** are:

***Exterior Side Setback***: 6.0 m (19.7 ft)

***Front Setback***: 6.0 m (19.7 ft)

***Rear Setback***: 0.0 m (0.0 m)

***Side Setback***: 0.0 m (0.0 m)

(ii) Where a ***parcel*** shares a ***rear setback*** with a Residential District or a ***road***, the minimum ***rear setback*** is 6.0 m (19.7 ft).

(iii) Where a ***parcel*** shares a ***side setback*** with a Residential District or a ***road***, the minimum ***side setback*** is 6.0 m (19.7 ft)

(iv) Where a ***parcel*** does not share a ***rear parcel boundary*** or a ***side parcel boundary*** with a ***lane***, the minimum ***side setback*** is 6.0 m (19.7 ft) on one side.

#### 8.1.3.4 Maximum *Building Height*:

(i) Unless otherwise referenced in **subsection (ii)** the maximum ***building height*** is 20.0 m (65.6 ft).

(ii) Where a ***parcel*** shares a ***parcel boundary*** with a non-Industrial District or a ***lane*** that separates the ***parcel*** from a non-Industrial District, the maximum ***building height*** is the maximum ***building height*** established in the ***adjacent district***.

#### 8.1.3.5 Outdoor Storage/Display:

(i) All ***outdoor storage*** areas shall be located to the rear or sides of the ***principal building*** and ***screened*** from view from ***adjacent parcels*** and public ***roads***.

(ii) All ***outdoor displays*** shall be ***screened*** from Residential Districts.

#### **8.1.3.6 Garbage Storage:**

- (i) Garbage storage shall be provided, and **screened**, to the satisfaction of the **Development Authority**.

#### **8.1.3.7 Landscaped Areas:**

- (i) All areas of a **parcel** not covered by **buildings, driveways**, parking, **outdoor storage**, and display areas must be **landscaped**, to the satisfaction of the **Development Authority**.
- (ii) Where a **parcel** shares a **parcel boundary** with a Residential District, a minimum 6.0 m (19.7 ft) wide area between the **principal building** and the **parcel boundary** must be **landscaped**, to the satisfaction of the **Development Authority**.
- (iii) Where a **parcel** shares a **parcel boundary** with a **road**, a minimum 3.0 m (9.8 ft) wide area between the **principal building** and the **parcel boundary** must be **landscaped**, to the satisfaction of the **Development Authority**.

## 9 OTHER DISTRICTS

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### 9.1 PUBLIC DISTRICT (P)

**9.1.1 General Intent:** To provide areas for the *development* of facilities and *uses* intended for the general benefit and enjoyment of the public at large.

#### 9.1.2 Uses

**Permitted Uses:**

Accessory Building *or* Structure

Agriculture, Urban

Park

Public Utility

Solar Energy Device

**Discretionary Uses:**

Campground

Cemetery

Culture and Recreation

Education Institution

Government Services

Health Care Facility

Public Utility Building

Religious Assembly \*\*Bylaw 2022/02

Sea Can

Sign, Fascia

Sign, Freestanding

Sign, Projecting

#### 9.1.3 Development Regulations

**9.1.3.1** All *development* in this *district* shall be in accordance with the General Regulations established in Part 3.

**9.1.3.2** Development regulations in this *district* shall be at the discretion of the *Development Authority*.



## 9.2 ENVIRONMENTAL OPEN SPACE DISTRICT (EO)

**9.2.1 General Intent:** To protect environmentally sensitive areas by restricting *development* to minimal and environmentally compatible *uses*.

### 9.2.2 Uses

***Permitted Uses:***

Park

Natural Environment Area

***Discretionary Uses:***

Public Utility Building

Public Utility

### 9.2.3 Development Regulations

**9.2.3.1** All *development* in this *district* shall be in accordance with the General Regulations established in **Part 3**.

**9.2.3.2** Development regulations in this *district* shall be at the discretion of the ***Development Authority***.

### 9.3 FUTURE DEVELOPMENT DISTRICT (FD)

**9.3.1 General Intent:** To ensure that *development* on lands required for urban growth is restricted to enable future *development* to proceed in a well planned fashion, premature *subdivision* is avoided, and existing agricultural *uses* are accommodated until *development* of non-agricultural *uses* is imminent.

#### 9.3.2 Uses

**Permitted Uses:**

Agriculture, Urban

Solar Energy Device

*Uses* lawfully existing at the date of adoption of this *Bylaw* with an approved *development permit*.

Accessory Building or Structure

Accessory Use

Agriculture, General \*\*Bylaw 2022/02

Agriculture, Intensive

Manufactured Home \*\*Bylaw 2022/02

Public Utility Building

Religious Assembly \*\*Bylaw 2022/02

Sea Can

Secondary Manufactured Home (Over 80 Acres) \*\*Bylaw 2022/02

**Discretionary Uses:**

#### 9.3.3 Development Regulations

##### 9.3.3.1 Minimum Parcel Area:

- (i) The minimum *parcel area* is the total area of land contained on the certificate of title as of the date this *Bylaw* is passed.

##### 9.3.3.2 Setbacks:

- (i) Unless otherwise referenced, the minimum *setbacks* are:

**Front Setback:** 7.5 m (24.6 ft)

**Rear Setback:** 7.5 m (24.6 ft)

**Side Setback:** 7.5 m (24.6 ft)

##### 9.3.3.3 Building Height:

- (i) Unless otherwise referenced, the maximum *building height* is 9.5 m (31.2 ft).

##### 9.3.3.4 Manufactured Home and Secondary Manufactured Home

- (i) The foundation for a Manufactured Home or Secondary Manufactured Home in this district must be on a non-permanent foundation. \*\*Bylaw 2022/02

## 9.4 BROWNFIELD REDEVELOPMENT OVERLAY (BR)

**9.4.1 General Intent:** To ensure that redevelopment of identified sites occurs in a manner that is compatible with the overall direction of any applicable Risk Management Plan or Remedial Action Plan.

**9.4.2 Application:** This Overlay applies to sites which are the subject of, or impacted by, a Risk Management Plan or Remedial Action Plan. The regulations of this Overlay are in addition to the regulations of the underlying *district* and the General Regulations. Where there is a conflict between the Overlay and any *district*, General Regulations or Administrative provisions of this *Bylaw*, the regulations of this Overlay shall prevail.

### 9.4.3 Development Regulations

#### 9.4.3.1 Regulations for all sites:

- (i) Notwithstanding that a *use* may be listed as a *permitted use* in the underlying *district*, any *use* or *development* that is incompatible with the recommendations of an approved Risk Management Plan or Remedial Action Plan shall be processed as a *discretionary use*.
- (ii) In addition to the conditions listed in **Section 3.8** and **Section 3.9**, the *Development Authority* may impose conditions relating to the implementation of the approved Risk Management Plan or Remedial Action Plan.

#### 9.4.3.2 Regulations for Lot 9, Block 2, Plan 012 3256:

- (i) All *development* on the *site* shall be connected to the *Town's* municipal water and sanitary sewer systems.
- (ii) *Buildings* constructed or placed on the *site* shall not include a foundation that incorporates a *basement*.
- (iii) No *development* or changes to the *site* that would interfere with or prevent the implementation of the monitoring program prescribed in the Risk Management Plan, as amended, shall be allowed.
- (iv) *Development* on the *site*, including but not limited to excavation, shall be undertaken in a manner consistent with the recommendations and directions set out in the Risk Management Plan, as amended.

#### 9.4.3.3 Regulations for Lot D, Plan 5983 NY:

- (i) All *development* on the *site* shall be connected to the *Town's* municipal water and sanitary sewer systems.
- (ii) *Buildings* constructed or placed on the *site* shall not include a foundation that incorporates a *basement* or crawlspace.

- (iii) No **development** or changes to the **site** that would interfere with or prevent the implementation of the monitoring program prescribed in the Risk Management Plan, as amended, shall be allowed.
- (iv) **Development** on the **site**, including but not limited to excavation, shall be undertaken in a manner consistent with the recommendations and directions set out in the Risk Management Plan, as amended.
- (v) The **Town** shall not consider land use redesignation applications to Residential Districts or Public Districts.

## 9.5 DIRECT CONTROL DISTRICT 1 (DC-1)

**9.5.1 General Intent:** To provide for an **Open Storage Yard**, being only for the storage and *use* of **Sea Cans** to accommodate the expansion of the **adjacent Sea Cans** sales and rental business and the integrated operation of the two sites.

**9.5.2 Application:** This Direct Control District applies to the following *parcels*:

- (1) 4611 – 44 Avenue (Lot 4; Block 42; Plan 0324693)
- (2) 4615 – 44 Avenue (Lot 5; Block 42; Plan 0324693)

### 9.5.3 Uses

**Permitted Uses:**

**Open Storage Yard**  
(only for the storage, sale, and rental of **Sea Can**)

**Discretionary Uses:**

None

### 9.5.4 Development Regulations

#### 9.5.4.1 Minimum *Parcel Area*:

- (i) The minimum **parcel area** in this Direct Control District is all the land contained in the existing Certificates of Title.

#### 9.5.4.2 Access:

- (i) Access shall be provided through 4326 46 Street (C.N. Plan 475 C.L.)

#### 9.5.4.3 *Setbacks*:

- (i) Unless otherwise reference, the minimum **setbacks** are:

**Front Setback:** 3.0 m (9.8 ft)

**Rear Setback:** 0.0 m (0.0 ft)

**Side Setback:** 3.0 m (9.8 ft)

- (ii) The **side setback** may be reduced to 0.0 m (0.0 ft) along the west **parcel boundary**.

**9.5.4.4 Maximum *Building Height*:** 2.4 m (8.0 ft)

**9.5.4.5 Maximum Parcel Coverage:**

- (i) 85% (including all **Sea Can** and vehicle maneuvering areas)

**9.5.4.6 Fencing and Screening:**

- (i) A 2.0 m (6.6 ft) fence with visual **screening** shall be required along the **front setback** line and along the east **parcel boundary**, to the satisfaction of the **Development Authority**.
- (ii) A security fence shall be required along the west **parcel boundary**, to the satisfaction of the **Development Authority**.

**9.5.4.7 Landscaping:**

- (i) Bushes and/or trees that will grow to a minimum of 2.4 m (8.0 ft) shall be required within the required **front yard**, to the satisfaction of the **Development Authority**.
- (ii) A minimum density of one (1) tree per 40.0 m<sup>2</sup> (430.6 sq.ft) of the required **landscaped area** shall be required within the **side yard**, to the satisfaction of the **Development Authority**.

**9.5.4.8 Signs:**

- (i) No **signs** shall be permitted.

**9.5.4.9 Parking:**

- (i) Areas used for the maneuvering of vehicles to load and unload **Sea Cans** may be used for parking.

**9.5.4.10 Other Requirements:**

- (i) Adequate space for the maneuvering of vehicles to load and unload **Sea Cans**, to the satisfaction of the **Development Authority**.
- (ii) Access through Lot 1 PUL to provide vehicle access between the subject **parcels** and the **parcel** located at 4326 46 Street (C.N. Plan 475 C.L.), to the satisfaction of the Director of Engineering and Operations.
- (iii) Stormwater flows will be accommodated through Lot 1 PUL, to the satisfaction of the Director of Engineering and Operations.
- (iv) A Stormwater Drainage Plan, to the satisfaction of the Director of Engineering and Operations.

- (v) Protection of Lot 1 PUL by a fence, or other form of barricade, to the satisfaction of the **Development Authority** along the south **parcel boundary** of 4611 – 44 Avenue (Lot 4; Block 42; Plan 0324693) and 4615 – 44 Avenue (Lot 5; Block 42; Plan 0324693) and the north **parcel boundary** of 4326 – 46 Street (C.N. Plan 475 C.L.) except where vehicle access over the PUL is approved by the **Development Authority**.
- (vi) If the **adjacent Sea Can** sales and retail business on C.N. Plan 475 C.L. ceases to operate, the operation of **Sea Can** sales and retail on the subject **parcels** shall cease to operate.
- (vii) **Development** must comply with the regulations established in **Part 3**.
- (viii) If a conflict between the regulations established in **Part 3** and the regulations in this Direct Control District arises, the regulations in this Direct Control District shall prevail.

# 10 DEVELOPMENT AUTHORITY

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## 10.1 DEVELOPMENT AUTHORITY

10.1.1 The position of **Development Authority** is established by bylaw pursuant to the **Act**.

10.1.2 Subject to Section 623 of the **Act**, the **Development Authority** may include one or more of the following: **\*\*Bylaw 2024/13**

- (1) The Director of Planning and Community Development, as appointed by the **CAO**;
- (2) The **Development Officer(s)**, as appointed by the **CAO**; or
- (3) **Council** acting as the **Development Authority** in a Direct Control District;

and are authorized to exercise development powers and duties on behalf of the **Town** in accordance with the **Act** and **Regulations** and this **Bylaw**. **\*\*Bylaw 2024/13**

10.1.3 The **Development Authority** shall:

- (1) Exercise powers and duties on behalf of the **Town**;
- (2) Perform duties as established by **Council** to enforce this **Bylaw** in accordance with the **Act**, as amended; and
- (3) Receive, consider, and make decisions on applications for **development permits** and letters of compliance.

## 10.2 DEVELOPMENT OFFICER

10.2.1 The office of the **Development Officer** is hereby established.

10.2.2 The person or persons to fill the office of the **Development Officer** shall be appointed by the **CAO**.

10.2.3 The **Development Officer** shall:

- (1) Enforce the **Bylaw** and decisions of the **Development Authority**;
- (2) Receive and process all applications for **development permits**;
- (3) Review each **development permit** application to determine whether it is complete in accordance with information requirements of this **Bylaw**;
- (4) Review each **development permit** application to determine its appropriate **use** definition and, if necessary, require the **applicant** to apply for a permit for a different **use** definition;



- (5) Keep and maintain for inspection of the public during office hours, a copy of this **Bylaw** and all amendments and ensure that copies are available to the public;
- (6) Keep a register of all **development permit** applications including the decisions rendered and the reasons for the decisions;
- (7) Consider and decide on applications for **development permits** within forty (40) days of the receipt of the application in its complete and final form or within such time as may agreed to, in writing, by the **applicant**.
- (8) Issue decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **permitted uses** in the subject land use **district**;
- (9) Issue decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **discretionary uses** in the subject land use **district** where, in the opinion of the **Development Officer**, the proposed **development** meets all the standards of the **Bylaw** and is compatible with surrounding **uses**;
- (10) Provide notice of decisions on **development permit** applications in accordance with the notification requirements of this **Bylaw** and the **Act**, and in the event of a refusal, shall provide reasons for the decision.

10.2.4 The **Development Officer** may: **\*\*Bylaw 2024/13**

- (1) Refer to any addressing bylaws and may address **corner parcels** at their discretion.

### 10.3 SUBDIVISION AUTHORITY

10.3.1 Subject to section 623 of the **Act**, the **Subdivision Authority** may include one or both of the following:

- (1) The Director of Planning and Community Development, as appointed by the **CAO**;
- (2) The **Development Officer(s)**, as appointed by the **CAO**; **\*\*Bylaw 2024/13**

and are authorized to exercise **subdivision** powers and duties on behalf of the **Town** in accordance with the **Act** and **Regulations** and this **Bylaw**. **\*\*Bylaw 2024/13**

10.3.2 The **Subdivision Authority** shall perform duties that are specified in the **Act**, the **Subdivision and Development Regulation**, and the **Subdivision and Development Authority Bylaw**.

### 10.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

10.4.1 The **Subdivision and Development Appeal Board** shall perform the duties specified in the **Act**, the **Bylaw**, and the **Regional Intermunicipal Subdivision and Development Appeal Board Bylaw**.

# 11 DEVELOPMENT PERMITS

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## 11.1 CONTROL OF DEVELOPMENT

11.1.1 No *development* other than that designated in **Subsection 11.3** shall be undertaken within the *Town* unless a *development permit* has first been issued pursuant to this *Bylaw* and the *development* is in accordance with the terms and conditions of the *development permit*.

## 11.2 FEES

11.2.1 The fees to be charged by the *Town* on all applications and other matters arising under this *Bylaw* are set forth by *Council* resolution. *Council* may at any time by resolution revise any fee or specify a fee for any other matter arising under this *Bylaw*.

## 11.3 WHEN A DEVELOPMENT PERMIT IS NOT REQUIRED

11.3.1 A *development permit* is not required for the following *developments* provided they otherwise comply with all applicable regulations in this *Bylaw*:

- (1) The carrying out of works of improvement, maintenance, or renovation to any *building* provided that the work:
  - (a) Does not include *structural alterations*;
  - (b) Does not result in an increase in the number of *Dwelling Units*;
  - (c) Does not change the intensity or *use* of the *building*; and
  - (d) Is performed in accordance with relevant legislation and other government regulations;
- (2) The completion of any *development* which has lawfully commenced before the passage of this *Bylaw* or any amendment to this *Bylaw*, provided that the *development* is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within twelve (12) months of the date of commencement;
- (3) The *use* of any such *development* as is referred to in **subsection (2)** for the purpose of which *development* was commenced;
- (4) The erection or construction of gates, fences, walls, or other means of enclosure less than 1.0 m (3.3 ft) in height in *front yards* and less than 2.0 m (6.6 ft) in height in other yards, and the maintenance, improvement, and other alterations of any gates, fences, walls, or other means of enclosure;
- (5) The temporary erection, installation, or *use* of *structures* or *buildings* not to be used for residential purposes, which in the opinion of the *Development Authority* are incidental

to the erection or alteration of a permanent **development** for which a **development permit** has been issued under this **Bylaw**. This does not include a real estate sales office or similar facility;

- (6) The maintenance and repair of public works, services, or utilities carried out by or on behalf of federal, provincial, or municipal authorities;
- (7) Any **development** carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- (8) An **Accessory Building or Structure** with a maximum **floor area** of 9.5 m<sup>2</sup> (102.2 ft<sup>2</sup>) and a maximum height of 2.5 m (8.2 ft) on a **parcel** in a Residential District;
- (9) A temporary **use** of a **parcel** not exceeding seven (7) days for the sole purpose of **Mobile Commercial Sales** provided a **business license** is obtained from the **Town** and the location of the business is to the satisfaction of the **Development Authority**.
- (10) The erection of **Fascia, Projecting, and Awning Signs** provided that such **signs** comply with **Part 5**.
- (11) The **use** of a **building** as a temporary polling station, an election candidate's campaign office, or any other official temporary **use** in connection with a federal, provincial, or municipal election or referendum.
- (12) The temporary placement of campaign **signs** in connection with a federal, provincial, or municipal election or referendum.
- (13) The erection of a satellite dish antennae with a dish diameter of less than 1.0 m (3.3 ft).
- (14) The construction of retaining walls less than 1.0 m (3.3 ft) in height.
- (15) The installation of an outdoor hot tub or whirl pool provided such hot tub or whirl pool complies with **Section 3.28**.
- (16) **Portable Signs** provided such **signs** comply with **Section 5.4**.
- (17) **A-board Signs** provided such **signs** comply with **Section 5.7**.
- (18) The erection of a flag pole or other poles provided that such poles do not exceed 6.0 m (20.0 ft) in height.
- (19) Any **development** specified in Section 618 of the **Act**.

## 11.4 NON-CONFORMING BUILDINGS AND USES

- 11.4.1 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** shall conform to this **Bylaw**.
- 11.4.2 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 to it or in it.

- 11.4.3 A **non-conforming use** of part of a **parcel** shall not be extended or transferred in whole or in part to any other part of the **parcel** and no additional **buildings** may be constructed on the **parcel** while the **non-conforming use** continues.
- 11.4.4 A **non-conforming building** may continue to be used, but the **building** may not be enlarged, added to, rebuilt, or **structurally altered** except:
- (1) To make it a conforming **building**; and
  - (2) For the routine maintenance of the **building**, if the **Development Authority** considers it necessary.
- 11.4.5 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**.
- 11.4.6 The land **use** or the **use** of a **building** is not affected by a change of ownership or tenancy of the land or **building**.

## 11.5 APPLICATION FOR DEVELOPMENT PERMIT

- 11.5.1 An application for a **development permit** shall be made to the **Development Authority** in writing on the form prescribed by **Council** and shall be accompanied by:
- (1) Site plans drawn to scale, professionally produced or comparable to professionally produced at the discretion of the **Development Authority**, showing:
    - (a) The legal description and surveyed dimensions of the **parcel**, and the **front yard**, **rear yard**, and **side yards** of any existing and proposed **buildings**;
    - (b) A **landscaping plan**;
    - (c) The removal of existing trees and shrubs, if any;
    - (d) The location of existing and proposed wells, septic tanks, disposal fields, culverts, and crossings, if any;
    - (e) Provision for off-street loading and vehicle parking, if any;
    - (f) Existing and proposed access to and from the **site**;
    - (g) The location and dimensions of any easements or rights-of-way;
    - (h) Site drainage, finished **grades**, and the **grades** of the **roads**, streets, and utilities servicing the **site**;
    - (i) The municipal address and adjoining **roads**;
    - (j) The location of existing and proposed public utility lines, if any; and
    - (k) The location, design, and **screening** of garbage storage and recycling facilities;

- (2) Scaled floor plans, elevations clearly indicating the front, rear, and sides, and exterior finishing materials of any proposed **buildings**, and sections in duplicate;
- (3) Proposed **use** and occupancy for all parts of the land and **buildings**;
- (4) A copy of the Certificate of Title to the land and, if the **applicant** is not the **owner**, a statement of the **applicant's** interest in the land together with the written consent of the **owner** to the application.
- (5) The estimated commencement and completion dates;
- (6) Estimated construction value of the proposed work;
- (7) Any other plans, studies, or information necessary to evaluate the proposed **development**, to the satisfaction of the **Development Authority**.
- (8) A non-refundable processing fee, as established by **Council** resolution.

## 11.6 APPLICATION FOR DEMOLITION

11.6.1 An application to demolish a **building** shall include the following information, to the satisfaction of the **Development Authority**:

- (1) How the operation will be carried out so as to create a minimum of dust or other **nuisance**; and
- (2) The final reclamation of the **parcel**.

## 11.7 APPLICATION FOR RELOCATION

11.7.1 No person shall relocate a **building** or **structure**, or portion of a **building** or **structure**, onto a **site** without first obtaining a **development permit** for the moved-in **building** or **structure**. The relocated **building** or **structure** shall comply with the appropriate **district** regulations.

11.7.2 In addition to the **development permit** application requirements outlined in **Section 11.5**, the **Development Authority** may require:

- (1) Recent colour photographs showing all sides of the **building**;
- (2) A statement on the age, size and general condition of the **building**;
- (3) A statement prepared and signed by a qualified person on the structural condition of the **building**; and
- (4) A statement of proposed improvements to the **building**.

11.7.3 An application for a **development permit** may be approved by the **Development Authority** if the proposal meets all of the regulations specified under the appropriate land use **district** in which it is proposed to be located.

11.7.4 Where a **development permit** has been granted for the relocation of a **building** either on the same **parcel** or from another **parcel**, the **Development Authority** may require the **applicant** to provide a

**security** of such amount to ensure completion of any renovations set out as a condition of approval of a permit.

11.7.5 All structural and exterior renovations shall be completed within one year of the issuance of a **development permit**.

## 11.8 DECISION

11.8.1 The **Development Authority** may issue a **development permit** with any condition, generally defined in **Section 11.9**, deemed necessary to ensure that the **development** complies with the **Act**, this **Bylaw**, and any or all **Statutory Plans**.

11.8.2 When a person applies for a **development permit** in respect of a **development** provided for by this **Bylaw**, the **Development Authority** must, if the application otherwise conforms to the land use bylaw and is complete, issue a **development permit** with or without conditions as provided for in the **Bylaw**.

11.8.3 In making a decision on a **development permit** application for a **discretionary use**, the **Development Authority**:

- (1) May approve the application if it meets the requirements of this **Bylaw**, with or without conditions, based on the merits of the application including any approved Statutory Plan or approved policy affecting the **site**; or
- (2) May refuse the application even though it meets the requirements of this **Bylaw**.

11.8.4 In reviewing a **development permit** application for a **discretionary use**, the **Development Authority** shall have regard to the circumstances and merits of the application, including but not limited to:

- (1) The impact of such **nuisance** factors as smoke, airborne emissions, odours, and noise on properties in the vicinity;
- (2) The design, character, and appearance of the proposed **development** and in particular whether it is compatible with the surrounding properties;
- (3) The time of operation including hours of the day, days of the week, and parts of the year;
- (4) The number of patrons visiting the **site**;
- (5) The grading of the **site** or such other matters as are necessary to protect other developments from the **site**;
- (6) The servicing requirements for the proposed **development**;
- (7) The purpose and intent of any **Statutory Plan** adopted by the **Town**; and

(8) The purpose and intent of any non-**Statutory Plan** or pertinent policy adopted by the **Town**.

11.8.5 If a proposed **use** of land or a **building** is not listed as a **permitted use** or **discretionary use** in this **Bylaw.**, the **Development Authority** may determine that such a **use** is similar in character and purpose to a **use** listed in that land use **district** and may allow the **development** as a **discretionary use**.

## 11.9 DEVELOPMENT PERMIT CONDITIONS

11.9.1 As a condition of a **development permit**, the **Development Authority** may require that the **applicant** enter into a **development agreement** with the **Town**, which, in addition to other matters, may require the **applicant** to:

- (1) Make arrangements satisfactory to the **Development Authority** for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such facility by the **applicant**;
- (2) Make arrangements satisfactory to the **Development Authority** for vehicular and pedestrian access from public **roads** and trails, on-**site** vehicular and pedestrian circulation, parking, loading, **landscaping** or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the **applicant**;
- (3) Enter into a **development agreement** or an interim agreement, which shall form part of such **development permit** and may be required to be registered by caveat against Title to the **parcel** at the Land Titles Office, to do any or all of the following:
  - (a) Construct or pay for the construction of a **road** required to give access to the **development**;
  - (b) Construct, or pay for the construction of:
    - (i) A pedestrian **walkway** system to serve the **development**; or
    - (ii) Pedestrian **walkways** to connect the pedestrian **walkway** system serving the **development** with a pedestrian **walkway** system that serves or is proposed to serve an **adjacent development**, or both;
  - (c) Install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the **development**;
  - (d) Construct or pay for the construction of:
    - (i) Off-street or other **parking facilities**; and
    - (ii) Loading and unloading facilities;
- (4) Pay an **off-site levy** or **redevelopment levy** imposed by a bylaw adopted pursuant to the **Act**;

- (5) Repair or reinstate or pay, as per the Fees, Rates and Charges Bylaw, for the repair or reinstatement to the original condition of one or more of any **street** furniture, curbing, boulevard **landscaping**, **street** repair, or tree planting which may be damaged or destroyed or otherwise harmed by **development** or construction operations on the **site**;
- (6) Provide **security** to ensure compliance with one or more of this **Bylaw.**, a **development permit**, an agreement under this clause, or a **Statutory Plan**, which **security** may include, but is not limited to, an irrevocable letter of credit. **Security** shall be returned one (1) year from the date the repair is inspected by the **Town's** Engineering and Operations Department and approved in writing. Inspections may be requested between May 1<sup>st</sup> and October 31<sup>st</sup>, weather permitting, at the discretion of the **Development Authority** and provided snow cover, temperature, and other considerations do not prevent the ability to perform a thorough inspection. Prior to release of the **security**, the **Town's** Engineering and Operations Department will complete a final inspection and provide written consent to release the **security**.
- (7) Notwithstanding 11.9.1(6), curb cuts may be exempt from the one-year **security** return period.
- (8) Submit a **real property report** to the satisfaction of the **Development Authority**.

11.9.2 Subject to this **Bylaw.**, any **Statutory Plan**, and the **Act**, the **Development Authority** may attach whatever conditions it considers appropriate to a **development permit** for either a **discretionary use** or **permitted use**, including but not limited to the following:

- (1) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
- (2) Limiting the number of patrons;
- (3) Requiring attenuation or mitigation of noise or any other **nuisances** that may be generated by the proposed **development**;
- (4) Location, character, and appearances of **buildings**;
- (5) Grading of a **site** to protect **adjacent** properties; or
- (6) Establishing the period of time during which a **development** may continue.

## 11.10 VARIANCE AUTHORITY

11.10.1 The **Development Authority** may approve at their discretion, with or without conditions, an application for **development** that does not comply with this **Bylaw**, where:

- (1) The proposed **development**, with **variance**, would not unduly interfere with the amenities of the neighbourhood; or
- (2) The proposed **development**, with **variance**, would not materially interfere with or affect the **use**, enjoyment, or value of neighbouring properties;
- (3) The **use** proposed is allowed by this **Bylaw**; and



- (4) The **variance** does not exceed twenty-five (25) percent (%). Any application for development that has a variance that exceeds twenty-five (25) percent (%) shall be refused and the applicant shall have the option to appeal the decision to the **Subdivision and Development Appeal Board**. **\*\*Bylaw 2024/13**
- 11.10.2 The amount of an individual **variance** under twenty-five (25) percent (%), is at the sole discretion of the **Development Authority**. **\*\*Bylaw 2024/13**
- 11.10.3 In the event that a **variance** is granted, the **Development Authority** shall specify the nature of the approved **variance** in the **development permit** approval.
- 11.10.4 An applicant has submitted a letter with their **variance** application, providing justification for the proposed **variance**.
- 11.10.5 The required fee has been paid, as outlined under the Fees, Rates and Charges Bylaw, for the **variance** request.

## 11.11 NOTICE OF A DECISION

- 11.11.1 The **Development Authority** shall, within 20 days after receipt of an application for **development permit**:
- (1) Issue a written acknowledgement to the **applicant** advising that the application is complete; or
  - (2) Issue a written notice to the **applicant** advising that the application is incomplete, listing the documentation and information that is still required and setting a date by which the required documentation and information must be submitted.
- 11.11.2 A decision of the **Development Authority** on an application for a **development permit** must be given in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the **applicant** on the same day the written decision is given.
- 11.11.3 When the **Development Authority** refuses an application for a **development permit**, the decision shall contain reasons for the refusal.
- 11.11.4 When a **development permit** is issued with respect to a decision of the **Development Authority**, the **Development Officer** shall publicize a notice of the issuance of the permit, in any or all of the forms described as follows:
- (1) Mail a notice of the decision to all persons who in his/her opinion may be affected;
  - (2) Post a notice of the decision conspicuously on the property for which the application has been made;
  - (3) Publish notice of the decision in a local media circulating within the **Town**; or
  - (4) Post a notice of the decision on the **Town's** website.

- 11.11.5 On the same date a **development permit** is issued with respect to a decision by the **Development Authority**, the **Development Officer** shall display a notice of the issuance of the permit in a publicly accessible area of the **Town** office.

## 11.12 PERMIT VALIDITY

- 11.12.1 A **development permit** issued pursuant to this **Bylaw** does not come into effect until 21 days after the date on which notice of issuance of the permit is given.
- 11.12.2 The date of issue shall be the date after the twenty-one (21) day appeal period ends.
- 11.12.3 Where an appeal is made pursuant to the **Act**, a **development permit** which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- 11.12.4 Except where a **development permit** is specified as being valid for a specified time period, a **development permit** expires in twelve (12) months from its date of issuance unless **development** has been substantially started in a manner satisfactory to the **Development Authority**.
- 11.12.5 The **Development Authority** may grant an extension of the time the permit remains in effect for up to an additional twelve (12) months. The **Development Authority** shall only grant one extension.
- 11.12.6 In the case where an application for a **development permit** has been refused pursuant to this **Bylaw** or ultimately after appeal, the submission of another application for a permit on the same **parcel** and for the same or similar **use** of land by the same or any other **applicant** may not be accepted by the **Development Officer** for at least six (6) months after the date of the final decision, unless in the opinion of the **Development Officer** the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

## 11.13 APPEALING A DECISION

- 11.13.1 The **applicant** for a **development permit** may appeal to the **Subdivision and Development Appeal Board**, if the **Development Authority**:
- (1) Refuses a **development permit** application;
  - (2) Fails to make a decision on a **development permit** within forty (40) days of receipt of a completed application or the end of any extension period; or
  - (3) Issues a **development permit** subject to conditions.
- 11.13.2 In addition to the **applicant**, any person affected by a **development permit** or the decision on it, may appeal to the **Subdivision and Development Appeal Board**.
- 11.13.3 Notwithstanding subsections 11.13.1 and 11.13.2, 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.

11.13.4 An appeal must be commenced:

- (1) In the case of an **applicant**, within twenty-one (21) days of the notification of the decision, or, if no decision is made on the **development permit** application with forty (40) days of receipt of the completed application, the date the period of any extension expires.
- (2) In the case of a person affected, within twenty-one (21) days of the **Town** publishing notice of the **development permit** decision.

## 11.14 THE APPEAL PROCESS

11.14.1 The **Subdivision and Development Appeal Board** shall consider and make decisions on appeals pursuant to the provisions in the **Act**.

11.14.2 If a notice of appeal of a decision on a **development permit** application is served on the Secretary of the **Subdivision and Development Appeal Board**, the permit shall not be effective until:

- (1) The decision to approve the permit is upheld by the **Subdivision and Development Appeal Board**; or
- (2) The Secretary of the **Subdivision and Development Appeal Board** receives written notice from the appellant withdrawing the appeal.

11.14.3 If a decision to approve a **development permit** is reversed by the **Subdivision and Development Appeal Board**, the **development permit** shall be null and void.

11.14.4 If a decision to refuse a **development permit** application is reversed by the **Subdivision and Development Appeal Board**, the **Subdivision and Development Appeal Board** shall direct the **Development Officer** to issue a **development permit** in accordance with its decision.

11.14.5 If a decision to approve a **development permit** application is varied by the **Subdivision and Development Appeal Board**, the **Subdivision and Development Appeal Board** shall direct the **Development Officer** to issue a **development permit** in accordance with its decision.

11.14.6 The decision of the **Subdivision and Development Appeal Board** is binding except on a question of jurisdiction or law, in which case the appellant may appeal to the Court of Appeal as provided in the **Act**.

## 12 AMENDING THE BYLAW

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### 12.1 AMENDMENTS TO THIS BYLAW

12.1.1 **Council**, on its own initiative, may amend this **Bylaw.**, pursuant to the **Act**.

12.1.2 A person may make an application to the **Development Authority** to amend this **Bylaw.** The application shall include:

- (1) The prescribed application form, properly completed and signed;
- (2) A statement of the specific amendment requested;
- (3) The purpose and reasons for the application;
- (4) A statement of the **applicant's** interest in the lands; and
- (5) An application fee, as established by resolution of **Council**.

12.1.3 If the amendment is for redesignating land, the **Development Authority** may require:

- (1) Plan(s) showing the lands which are the subject of the amendment;
- (2) Written authorization from the registered **owner(s)** of the subject lands;
- (3) A current copy of the Certificate of Title for the subject lands;
- (4) An Outline Plan for the area to be redesignated, to the level of detail specified by the **Development Authority**; and
- (5) Payment of a fee to the **Town** equal to the costs incurred by the **Town** to review the proposed redesignation and related Outline Plan, or if necessary to prepare an Outline Plan.

12.1.4 The analysis by the **Development Authority** shall be based on the full **development** potential of the proposed amendment and not on the merits of any particular **development** proposal.

12.1.5 The analysis shall, among other things, consider the following impact criteria:

- (1) Relationship to and compliance with approved **Statutory Plans** and **Council** policies;
- (2) Relationship to and compliance with **Statutory Plans** or Outline Plans in preparation;
- (3) Compatibility with surrounding **development** in terms of land use function and scale of **development**;
- (4) Traffic impacts;
- (5) Relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
- (6) Relationship to municipal land, right-of-way, or easement requirements;

- (7) Effect on stability, retention, and rehabilitation of desirable existing **uses, buildings**, or both in the area;
  - (8) Necessity and appropriateness of the proposed amendment in view of the stated intentions of the **applicant**; and
  - (9) Relationship to the documented concerns and opinions of area residents regarding **development** implications.
- 12.1.6 Upon receipt of an application for amendment to this **Bylaw.**, the **Development Authority** shall determine when the application will be placed before **Council** and shall issue not less than seven (7) days' notice to the **applicant** advising that they may appear before **Council** at that time, and speak to the application. An application for amendment shall be placed before **Council** within sixty (60) days of its receipt by the **Development Authority**.
- 12.1.7 Following first reading of an amending bylaw, **Council** shall:
- (1) Establish the date, time, and place for a public hearing on the proposed bylaw;
  - (2) Outline the procedure to be followed by anyone wishing to be heard at the public hearing; and
  - (3) Outline the procedure by which the public hearing will be conducted.
- 12.1.8 Following first reading of an amending bylaw, the **Development Authority** must give notice of the public hearing by:
- (1) Publishing notice at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates; and,
  - (2) If the amending bylaw proposes to change the **district** designation of a **parcel** of land, mailing or delivering notice to every **owner** of **adjacent** land in and around the **parcel** or **parcels** to which the proposed bylaw relates.
- 12.1.9 A notice of public hearing must be advertised at least five (5) days before the public hearing occurs.
- 12.1.10 A notice must contain:
- (1) A statement of the general purpose of the proposed bylaw and public hearing;
  - (2) The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected;
  - (3) The date, place, and time where the public hearing will be held.
- 12.1.11 In the case of an amendment to change the **district** designation of a **parcel** of land, the **Development Authority** must, in addition to the requirements of **subsections 12.1.6 to 12.1.8**,
- (1) Include in the notice:
    - (a) The municipal address, if any, and the legal address of the **parcel** of land; and
    - (b) A map showing the location of the **parcel** of land.

- (2) Give written notice containing the information described in **subsections 12.1.8 and 12.1.10 (1)** to the **owner** of that **parcel** of land at the name and address shown on the assessment roll of the **Town**; and
- (3) Give written notice containing the information described in **subsections 12.1.8 and 12.1.10 (1)** to each **owner** of **adjacent** land at the name and address shown for each **owner** on the assessment roll of the **Town**.

12.1.12 In the public hearing, **Council**:

- (1) Must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by **Council**; and
- (2) May hear any other person who wishes to make representations and whom **Council** agrees to hear; and
- (3) Shall read or circulate to all those in attendance, any written representations received from any person, or group of persons, who have complied with the procedures outlined by **Council** and who are not in attendance at the hearing.

12.1.13 After considering the representations made to it about the proposed bylaw at the public hearing and after considering the **Statutory Plans** and any other matter it considers appropriate, **Council** may:

- (1) Refer it for further information or comment;
- (2) Pass the bylaw;
- (3) Make any amendment to the bylaw it considers necessary and proceed to pass it without advertisement or hearing; or
- (4) Defeat the bylaw.

12.1.14 The **Development Authority** shall not accept an application to amend this **Bylaw**, which is identical or similar to an application which was refused by **Council**, for a period of six (6) months after the date of the refusal unless, in the opinion of the **Development Authority**, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

# 13 CONTRAVENTION AND ENFORCEMENT

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## 13.1 CONTRAVENTION

- 13.1.1 No person shall contravene this **Bylaw** by commencing or undertaking a **development, use, or sign** that is not permitted under this **Bylaw**.
- 13.1.2 No person shall authorize or do any **development** that is at contrary to with the description, specifications, or plans that were the basis for issuing a **development permit** under this **Bylaw**.
- 13.1.3 No person shall contravene a condition of a **development permit** issued under this **Bylaw**.
- 13.1.4 The **Development Authority** may enforce the provisions of this **Bylaw**, the **Act** and its regulations, and the conditions of a **development permit** or **subdivision** approval.
- 13.1.5 Where the **Development Authority** believes that a person has contravened any provision of this Bylaw, the **Development Authority** may issue a violation ticket pursuant to the *Provincial Offences Procedures Act*.
- 13.1.6 Specified penalties for offences in relation to this **Bylaw** shall be set forth in the **Town** of Rocky Mountain House Fees and Rates Bylaw.
- 13.1.7 If a person is convicted twice of the same provision of this **Bylaw**, the specified penalty for the second conviction is twice the amount of the specified penalty for a first offence.
- 13.1.8 If a person is convicted three or more times of the same provision of this **Bylaw**, the specified penalty for the third and subsequent convictions is three times the amount of the specified penalty for a first offence.

## 13.2 STOP ORDER

- 13.2.1 Where the **Development Authority** finds that a **development, land use, or use** of a **building** is not in accordance with Part 17 of the **Act**, this **Bylaw**, the *Subdivision and Development Regulation*, a **development permit**, or **subdivision** approval, the **Development Authority** may issue a written stop order to the **owner**, the person in possession of the land or **building**, or other person responsible for the contravention, or all or any of them to:
  - (1) Stop the **development** or **use** of the land or **building** in whole or in part as directed by the notice;
  - (2) Demolish, remove, or replace the **development**;
  - (3) Carry out any other actions required by the notice so that the **development** or **use** of the land or **building** complies with Part 17 of the **Act**, the *Subdivision and Development Regulation*, this **Bylaw**, a **development permit** or **subdivision** approval, within the time set out in the notice.

- 13.2.2 A person may appeal a stop order to the **Subdivision and Development Appeal Board**.
- 13.2.3 If a person fails or refuses to comply with a stop order, the **Town** 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.
- 13.2.4 If the **Town** takes action to carry out a stop order, the **Town** shall cause the costs and expenses incurred in doing so to be placed on the tax roll of the property concerned.
- 13.2.5 The **Town** may register a caveat with respect to the stop order in the Land Titles Office.
- 13.2.6 If the **Town** takes action to carry out a stop order, the **Town** shall cause the costs and expenses incurred in doing so to be placed on the tax roll of the property concerned.

### 13.3 SIGN IMPOUNDMENT

- 13.3.1 If a **sign**, pursuant to **Part 5**, contravenes this **Bylaw**, the **Town** may, without notice, remove and impound the **sign** if it is located on lands under the control of the **Town** or the **Town** has the consent of the registered **owner** of the land on which the **sign** is located.
- 13.3.2 If a **sign** or poster is attached to a **street** light or a **structure** owned or operated by the **Town**, the **Town** may remove it without notice.
- 13.3.3 The **owner** of an impounded **sign** may claim it by paying an impoundment fee as set out in section 13.5.2(3).
- 13.3.4 If a **sign** is not claimed within thirty (30) days, the **Town** may dispose of the **sign**.
- 13.3.5 Where a **sign** no longer fulfills its function, pursuant to **Part 5**, the **Development Authority** may order the removal of the **sign**, and the **owner** of the **sign**, or the **owner** shall:
- (1) Remove the **sign** and all structural components within two (2) days;
  - (2) Restore the immediate area surrounding the **sign** to the satisfaction of the **Development Authority**; and
  - (3) Bear costs related to such removal and restoration.

### 13.4 OFFENCES AND PENALTIES

- 13.4.1 Any person is guilty of an offence who:
- (1) Contravenes or fails to comply with any provision of this **Bylaw** or any permit issued under this **Bylaw**;
  - (2) Erects or places a **sign** in contravention of this **Bylaw**;
  - (3) Obstructs or hinders any person in the performance of their duties under this **Bylaw**; or
  - (4) Fails to comply with any order of the **Development Authority**.



- 13.4.2 A person who is found guilty of an offence pursuant to **subsection 13.4.1** is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- 13.4.3 If a person is found guilty of an offence under the **Act** or this **Bylaw**, the court may, in addition to any other penalty imposed, order the person to comply with the **Act** or this **Bylaw** or a permit issued under this **Bylaw**.

## 13.5 VIOLATION TAGS

13.5.1 A **Peace Officer** is hereby authorized and empowered to issue a **violation tag** to any person who the **Peace Officer** has reasonable and probable grounds to believe:

- (1) Is conducting a **development** after the expiry of a temporary **development permit**;
- (2) Is conducting a temporary business without a **development permit**;
- (3) Is continuing **development** without a **development permit** or contrary to the conditions of a **development permit** when a stop order has been issued in accordance with the **Act**.
- (4) Has developed, is operating, or is allowing to exist a **Dwelling Unit** on a **site** which is in excess of the number of **Dwelling Units** allowed for by the **Bylaw** or approved as part of a **development permit**;
- (5) Has a vehicle or is allowing the presence of a vehicle within a Residential District which contravenes the regulations of **Section 3 – General Regulations**;
- (6) Is unlawfully occupying a premises; or
- (7) Has contravened any provision of **Section 3 – General Regulations**.

13.5.2 Where a **violation tag** is issued pursuant to this **Bylaw**, the person or company to whom the **violation tag** is issued may, in lieu of being prosecuted for the offence, pay to the **Town** the penalty specified on the **violation tag** as follows:

- (1) General offences related to **developments** conducted without **development permits**:
 

a. First offence within calendar year:	Minimum Penalty:	\$500
b. Second offence within calendar year:	Minimum Penalty:	\$1,000
c. Third and additional offences:	Minimum Penalty:	\$2,000
- (2) Offences related to vehicles, including **recreation vehicles** on residential properties:
 

a. First offence within calendar year:	Specified Penalty:	\$100
b. Second offence within calendar year:	Specified Penalty:	\$200
c. Third and additional offences:	Specified Penalty:	\$500
- (3) Offences relating to **signs**:
 

a. First offence within calendar year:	Specified Penalty:	\$50
b. Second offence within calendar year:	Specified Penalty:	\$100
c. Third and additional offences:	Specified Penalty:	\$250

d. Signage Impound Fee:

Specified Penalty: \$50

# 14 INTERPRETATION

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## 14.1 RULES OF INTERPRETATION

- 14.1.1 For interpretation of this **Bylaw**, the metric measurements prevail. Approximate imperial measurements are shown for convenience.
- 14.1.2 Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter.
- 14.1.3 Words that are italicized and bold denote terms defined in **Section 14.2**.
- 14.1.4 Words that are capitalized and bold denote **uses** defined in **Section 14.3**.
- 14.1.5 Words, phrases, and terms not defined in this **Bylaw** may be given their definition in existing legislation and regulations, such as the **Act** or the *Alberta Building Code*. Other words shall be given their usual and customary meaning.
- 14.1.6 The words “shall” and “must” require mandatory compliance.
- 14.1.7 Where a regulation involves two (2) or more conditions or provisions connected by a conjunction, the following shall apply:
  - (1) “and” means all the connected items shall apply in combination;
  - (2) “or” indicates that the connected items may apply singly; and
  - (3) “and/or” indicates the application of one or more of the items shall apply singly or in combination.

## 14.2 GENERAL DEFINITIONS

The following words, terms, and phrases, wherever they occur in this **Bylaw**, shall have the meanings assigned as follows:

<b>Abut or Abutting</b>	means immediately contiguous or sharing a <b>parcel boundary</b> with.
<b>Act</b>	means the <i>Municipal Government Act, RSA 2000 c M-26</i> as amended or replaced.
<b>Adjacent</b>	means land that is contiguous or would be contiguous if not for a public <b>road</b> , railway, reserve land, utility right-of-way, river, or stream.
<b>Applicant</b>	means the <b>owner</b> , or an agent, person, firm, or company acting on behalf of the <b>owner</b> , who submits an application under the provisions of this <b>Bylaw</b> .

<b>Area Redevelopment Plan</b>	means a <b>Statutory Plan</b> adopted by bylaw as an <b>Area Redevelopment Plan</b> pursuant to the <b>Act</b> .
<b>Area Structure Plan</b>	means a <b>Statutory Plan</b> adopted by bylaw as an <b>Area Structure Plan</b> pursuant to the <b>Act</b> .
<b>Basement</b>	means that portion of a <b>building</b> which is located partly or wholly below <b>grade</b> , with the finished level of the floor directly above it less than 1.85m above average finished <b>grade</b> .
<b>Building</b>	means any enclosed <b>structure</b> constructed or placed on, in, over, or under land, but does not include a highway or <b>road</b> or a bridge forming part of a highway or <b>road</b> .
<b>Building Height</b>	means the vertical distance between the average finished <b>grade</b> and the highest point on a <b>building</b> , other than any chimney, poles, vents or other things that, in the opinion of the Development <b>Authority</b> are similar and are not part of the <b>building structure</b> . <b>**Bylaw 2024/13</b>
<b>Building Separation</b>	means the minimum distance between two (2) <b>buildings</b> on adjoining <b>parcels</b> of land.
<b>Business License</b>	means a license issued by the Town of Rocky Mountain House.
<b>Cannabis</b>	means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the <b>Cannabis Act</b> (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
<b>CAO</b>	means the Chief Administrative Officer as appointed by <b>Council</b> .
<b>Contextual Setback</b>	means the average <b>front setback</b> of the two <b>adjacent buildings</b> .
<b>Corner Parcel</b>	means a <b>parcel</b> at the intersection of two public <b>roads</b> , excluding <b>lanes</b> .
<b>Council</b>	means the Council of the Town of Rocky Mountain House.
<b>Dangerous Goods</b>	means goods that are defined in the <b>Transportation of Dangerous Goods Control Act</b> .
<b>Density</b>	means the number of <b>Dwelling Units</b> allowed for each <b>parcel</b> either by a total number of <b>Dwelling Units</b> or by the number of <b>Dwelling Units</b> per hectare of land.
<b>Development</b>	means:

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

<b>Development Agreement</b>	means a written agreement between the <b>Town</b> and a developer which establishes particular circumstances and conditions under which a <b>development</b> may be carried out.
<b>Development Authority</b>	means the person or persons appointed pursuant to <b>section 10.1.2</b> that has been authorized to exercise <b>development</b> powers on behalf of the <b>Town</b> .
<b>Development Officer</b>	means a person appointed as a <b>Development Officer</b> pursuant to this <b>Bylaw</b> .
<b>Development Permit</b>	means a document authorizing a <b>development</b> issued pursuant to this <b>Bylaw</b> .
<b>Discretionary Use</b>	means a <b>use</b> of land, <b>buildings</b> , or <b>structures</b> for which a <b>development permit</b> may be issued only at the discretion of the <b>Development Authority</b> .
<b>District</b>	means a land <b>use district</b> established under this <b>Bylaw</b> as described in <b>Parts 6 through 9</b> .
<b>Driveway</b>	means a vehicle access route between a <b>road</b> and a <b>use</b> on a <b>parcel</b> .
<b>Encroachment Agreement</b>	means a written agreement between the <b>Town</b> and a property <b>owner</b> which establishes particular circumstances and conditions under which a <b>use</b> or <b>building</b> on the property may incorporate the <b>use</b> of adjoining land owned or controlled by the <b>Town</b> .
<b>Exterior Side Parcel Boundary</b>	means a <b>side parcel boundary</b> that forms the boundary of a <b>parcel</b> and a <b>road right-of-way</b> .

<b>Exterior Side Setback</b>	means the distance between any <b>development, building, or structure</b> and the <b>exterior side parcel boundary</b> .
<b>Floor Area</b>	means: <ul style="list-style-type: none"> <li>(a) for residential <b>buildings</b>, the total area of all floors in a <b>building</b> measured from the outside of exterior walls excluding attached <b>garages</b> and enclosed porches and decks;</li> <li>(b) for commercial <b>buildings</b>, the total area of all floors in a <b>building</b> measured from the outside of exterior walls including <b>basements</b> but excluding common hall areas.</li> </ul>
<b>Front Parcel Boundary</b>	means: <ul style="list-style-type: none"> <li>(a) in the case of an <b>interior parcel</b>, the boundary which <b>abuts a road</b>; and</li> <li>(b) in the case of a <b>corner parcel</b>, means the shorter of the two <b>parcel boundaries</b> which <b>abuts a road right-of-way</b>.</li> </ul>
<b>Front Setback</b>	means the distance between any <b>development, building, or structure</b> and the <b>front parcel boundary</b> .
<b>Front Yard</b>	means a <b>yard</b> extending across the full width of a <b>parcel</b> from the <b>front parcel boundary</b> of the <b>parcel</b> to the front wall of the <b>principal building</b> .
<b>Garage</b>	means an enclosed <b>Accessory Building</b> or portion of a <b>principal building</b> designated or used for the private parking or storage of motor vehicles.
<b>Grade</b>	means the ground elevation established for the purpose of regulating <b>building height</b> . <b>Grade</b> shall be the finished ground elevation adjacent to the walls of the <b>building</b> if the finished <b>grade</b> is level. If the ground is not entirely level the <b>grade</b> shall be determined by averaging the finished ground elevation for each face of the <b>building</b> .
<b>Hard Landscaped</b>	means the <b>use</b> of non-vegetative material, including but not limited to concrete, paving stone, asphalt, or gravel, as part of a <b>landscaped area</b> . This does not include parking areas or <b>driveways</b> .
<b>Hard Surfacing</b>	means asphalt, concrete, paving stone, or similar material satisfactory to the <b>Development Authority</b> that is used in the construction of a <b>driveway</b> or parking area.

<b>Interior Parcel</b>	means a <i>parcel</i> that <b>abuts parcels</b> at each <i>side parcel boundary</i> .
<b>Intermunicipal Development Plan</b>	means a <i>statutory plan</i> adopted by <b>Council</b> and the council of one or more other municipalities.
<b>Landscaped or Landscaping</b>	means the enhancement of a <i>parcel</i> by the addition of topsoil, trees, shrubs, turf, grass, other vegetative material, or non-vegetative material.
<b>Landscaped Area</b>	means an area of land planted or to be planted with trees, grass, shrubs, or other vegetation including the soil or bedding material areas associated with plantings. A <b>landscaped area</b> does not include the footprint of a <b>building</b> , decks, patio, sidewalk, <b>driveway</b> , parking lot, or other similar <b>hard landscaping</b> .
<b>Landscaping Plan</b>	means a scaled drawing illustrating a design for a <b>landscaped area</b> which specifies the number, species, height, and caliper of trees and shrubs, the size, colour, and texture of <b>hard landscaping</b> , areas of grass, edging details, cross sections, and details of any construction, and details of any other features or horticultural elements.
<b>Lane</b>	means a secondary access located to the side or rear of a <i>parcel</i> and provides access to service areas, parking, <b>Accessory Buildings or Structures</b> , and/or containing utility easements.
<b>Loading Space</b>	means a space provided on the same <i>parcel</i> as a <b>building</b> for the temporary parking of a commercial vehicle while goods and materials are being loaded or unloaded .
<b>Message</b>	means any image, <b>structure</b> , graphic, picture, logo, symbol, wording, representation, or letters used or intended to be used directly or indirectly for advertising or for calling attention to any business, product, service, person, matter, object, but does not include works or art which contain no commercial advertising.
<b>Municipal Development Plan</b>	means the <b>Town's Municipal Development Plan</b> and any associated amendments adopted by <b>Council</b> .
<b>Non-Conforming Building</b>	means a <b>building</b> : <ul style="list-style-type: none"> <li>(a) that is lawfully constructed or lawfully under construction at the date the <b>Land Use Bylaw</b> affecting the <b>building</b> or the land on which the <b>building</b> is situated becomes effective; and</li> <li>(b) that on the date a <b>Land Use Bylaw</b> becomes effective does not, or when constructed will not, comply with the <b>Land Use Bylaw</b>.</li> </ul>

**Non-Conforming Use**

means a lawful specific *use*:

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

**Nuisance**

means any activity or effect that is offensive to the senses, including smoke, airborne emissions, vapours, odours, noise, earthborne vibrations, glare, flashing light, heat, dust, unsightly or unsafe storage of materials, excessive traffic, or any other impact that may become hazardous to health and safety, or which adversely affects the amenities of the neighbourhood or interferes with the normal enjoyment of any land or **building**, whether public or private.

**Off-Site Levy**

means an **off-site levy** imposed pursuant to the **Act**.

**Outdoor Boiler**

means any type of solid fuel burning unit located separate from the **principal building** and/or **Accessory Buildings** or as a stand alone **building** used for the generation of space heating or water heating.

**Outdoor Display**

means the **use** of land for the purpose of showing merchandise for sale.

**Outdoor Storage**

means the **use** of land for the purpose of storing equipment, merchandise, and/or goods in the open air.

**Owner**

means the Registered Owner of a **parcel**.

**Parcel**

means:

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



<b>Parcel Area</b>	means the area contained within the boundaries of a <b>parcel</b> shown on a plan of <b>subdivision</b> or described in the Certificate of Title. <b>Parcel area</b> includes any area dedicated to an easement or a right-of-way.
<b>Parcel Boundary</b>	means the boundary that legally and geometrically demarcates a <b>parcel</b> , also known as a property line.
<b>Parcel Coverage</b>	means the portion of the <b>parcel area</b> covered by all <b>structures, driveways, Parking Facilities</b> , decks, landings, and <b>walkways</b> .
<b>Parcel Width</b>	means the distance between the <b>side parcel boundaries</b> of the <b>parcel</b> , measured at the <b>front parcel boundary</b> .
<b>Peace Officer</b>	means: <ul style="list-style-type: none"> <li>(a) a member of the Royal Canadian Mounted Police;</li> <li>(b) a Bylaw Officer as appointed by the <b>Town</b> to enforce Bylaws of the <b>Town</b>; or</li> <li>(c) a Community Peace Officer as appointed by the Solicitor General of Alberta and authorized by the <b>Town</b>.</li> </ul>
<b>Permitted Use</b>	means a <b>use</b> of land or a <b>building</b> that is provided for in this <b>Bylaw</b> for which the <b>Development Authority</b> shall issue or conditionally issue a <b>development permit</b> provided it conforms to this <b>Bylaw</b> .
<b>Principal Building</b>	means a <b>building</b> in which is conducted the <b>principal use</b> of the <b>parcel</b> on which it is erected.
<b>Principal Use</b>	means the principal purpose for which a <b>building</b> or <b>parcel</b> is used.
<b>Real Property Report</b>	means a plan showing the dimensions of the boundaries of a <b>parcel</b> and the location of the improvements prepared by a registered Alberta Land Surveyor and prepared according to the standards of the Alberta Land Surveyors' Association.
<b>Rear Parcel Boundary</b>	means the boundary of a <b>parcel</b> which is opposite the <b>front parcel boundary</b> .
<b>Rear Setback</b>	means the distance between any <b>development, building, or structure</b> and the <b>rear parcel boundary</b> .
<b>Rear Yard</b>	means a <b>yard</b> extending across the full width of a <b>parcel</b> from the rear wall of the <b>principal building</b> situated on the <b>parcel</b> to the <b>rear parcel boundary</b> of the <b>parcel</b> .
<b>Recreation Vehicle</b>	means a vehicle that provides temporary accommodation for recreational or travel purposes and includes, but is not limited to

motor homes, travel trailers, fifth wheel travel trailers, campers, tent trailers, boats, and a trailer used to transport any of the above. A **recreation vehicle** does not include **Manufactured Homes**.

**Redevelopment Levy**

means a levy imposed pursuant the **Act**.

**Right of Way**

means the total area of land reserved or dedicated as a thoroughfare, **lane**, pedestrian way, or utility line.

**Road**

means land:

- (a) shown as a **road** on a plan of survey that has been filed or registered in a Land Titles Office; or
- (b) used as a public **road**;

and includes a bridge forming part of a public **road** and any **structure** incidental to a public **road**.

**Screened or Screening**

means some combination of structural and/or **landscaping** features used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.

**Security**

means written obligation by an **applicant** for a **development permit** to pay a specified amount of money to the **Town**, usually in the form of a letter of credit, in the event of a failure to comply with particular conditions under which the **development permit** is issued.

**Setback**

means the minimum distance required between a **development** and a **parcel boundary** or any other features specified by this **Bylaw**.

**Side Parcel Boundary**

means the boundary of a **parcel** which connects the **front parcel boundary** with the **rear parcel boundary**.

**Side Setback**

means the distance between any part of a **development, building, or structure** and the **side parcel boundary**.

**Side Yard**

means a **yard** extending from the **front yard** to the **rear yard** situated between the **side parcel boundary** of the **parcel** and the wall of the **principal building**, not including projections.

**Sight Triangle**

means a triangle formed at the intersection of two **roads**, or a **road** and a railway, in which all **buildings**, fences, vegetation, **signs** (except **Freestanding Signs**), and finished ground elevations shall be less than 1.0 m (3.3 ft) in height above the average elevation of the **road(s)** or railway. The area is established by marking the point where the boundaries of the two rights-of-way intersect, measuring

back 4.57 m (15.0 ft) on each **street** front, and drawing a line connecting the two points.

<b>Sign</b>	means a visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event, or idea.
<b>Site</b>	means an area of land on which a <b>building</b> or <b>use</b> exists or for which an application for a <b>development permit</b> is made and can comprise more than one <b>parcel</b> .
<b>Soft Landscaped</b>	means the <b>use</b> of vegetative material as part of a <b>landscaped area</b> .
<b>Statutory Plan</b>	means a <b>Municipal Development Plan, Intermunicipal Development Plan, an Area Structure Plan, or an Area Redevelopment Plan</b> pursuant to the <b>Act</b> .
<b>Street</b>	means any category of <b>road</b> except a <b>lane</b> .
<b>Structural Alteration</b>	means altering the main <b>building</b> components that support a <b>building</b> , including but not limited to the roof, foundation, or exterior walls of a <b>structure</b> , that results in the expansion of the useable <b>floor area</b> of a <b>structure</b> or reduces existing <b>setback</b> distances.
<b>Structure</b>	means anything constructed or erected on the ground or attached to something located on the ground, not including pavement, curbs, <b>walkways</b> , open air surfaces, or movable vehicles.
<b>Subdivision</b>	means the division of a <b>parcel</b> into one or more smaller <b>parcels</b> by a plan of <b>subdivision</b> or other instrument.
<b>Subdivision Authority</b>	means the person appointed pursuant to the <b>Act</b> that have authorized to exercise <b>subdivision</b> powers on behalf of the <b>Town</b> .
<b>Subdivision and Development Appeal Board</b>	means the Regional Intermunicipal <b>Subdivision and Development Appeal Board</b> established pursuant to the <b>Act</b> .
<b>Traffic Safety Act</b>	means the <i>Traffic Safety Act, RSA 2000 c T-6</i> as amended or replaced.
<b>Town</b>	means the Town of Rocky Mountain House.
<b>Use</b>	means the purpose or activity for which a <b>parcel</b> or a <b>building</b> is designed, arranged, developed, or intended, or for which is occupied or maintained.

<b>Variance</b>	means an alteration or change to a regulation prescribed by the <b>Bylaw</b> that is exercised by the <b>Development Authority</b> , or the <b>Subdivision and Development Appeal Board</b> .
<b>Violation Tag</b>	means a document issued by the <b>Town</b> to a person or company who has committed an offence under <b>Section 13</b> of this <b>Bylaw</b> .
<b>Walkway</b>	means a <b>road</b> used for pedestrian circulation or non-motorized traffic, on which no motor vehicles are allowed.
<b>Xeriscaping</b>	means a creative, natural approach for constructing low maintenance, water efficient, and sustainable <b>landscapes</b> . It includes designing the <b>landscape</b> using native plants and drought-tolerant species which require less water and chemicals.
<b>Yard</b>	means an open space on the same <b>site</b> as a <b>building</b> and which is unoccupied and unobstructed from the ground upward except as otherwise provided for in this <b>Bylaw</b> .
<b>Zero Lot Line Placement</b>	means the placement of a <b>building</b> on a <b>parcel</b> where the <b>building abuts</b> one or more of the <b>parcel boundaries</b> .

### 14.3 USE DEFINITIONS

- Accessory Building or Structure** means a *building* or *structure* that is detached from and subordinate, incidental, and directly related to the *principal building* of the *site*. An **Accessory Building** or *structure* must be located on the same *site* as the *principal building* and shall not precede the *development* of the *principal building*.
- Accessory Use** means a *use* that is subordinate, incidental, and directly related to the *principal building, structure, or use* of the land and located on the same *site* as the *principal building*.
- Adult Care Housing** means a *development* providing long-term accommodation wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance.
- Adult Entertainment** means an establishment that sells or disseminates explicit sexual material, nude entertainment, and at which access to the public display of explicit sexual material is restricted by law to persons eighteen years of age or older. **Adult Entertainment** establishments may include alcohol sales for consumption on the premises, the preparation and sale of food for consumption on the premises, take-out food services, and the sale of alcoholic beverages for consumption away from the premises.
- After Life Care** means a *development* where the deceased are prepared for burial display and/or rituals before burial or cremation. This may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services. This *use* does not include **Cemetery**.
- Agriculture, General** means a *development* for the rural production of farm or agricultural products and includes the cultivation of land, and horticultural growing operations, but does not include the breeding and raising of livestock. This *use* does not include **Cannabis Production and Distribution**. \*\*Bylaw 2022/02
- Agriculture, Intensive** means a *development* for the growing of crops primarily within a *building* and / or *structure* for the purpose of commercial food production. This *use* does not include **Cannabis Production and Distribution**.
- Agriculture, Urban** means community oriented, small scale agriculture, including, but not limited to, community gardens, edible *landscaping*, and rooftop gardens but excludes **Cannabis Production and Distribution**.

<b>Alcohol Retail</b>	means a <b>development</b> that provides the retail sale of alcoholic beverages to the public for consumption off the premises.
<b>Animal Hospital</b>	means a facility used for the medical care and treatment of animals and includes provision for their accommodation and confinement.
<b>Animal Services</b>	means a commercial establishment for the medical treatment, examination, training, care, grooming, and/or sales of domestic animals and the retail sales of associated animal supplies conducted entirely within a <b>building</b> .
<b>Apartment</b>	means a <b>development</b> that contains 3 or more <b>Dwelling Units</b> , a common entrance for the dwellings to the exterior, and an internal hallway system.
<b>Bed and Breakfast</b>	means a <b>development</b> within a <b>Dwelling Unit</b> that is occupied by the property <b>owner</b> or manager and provides overnight accommodation for a fee in rooms with no in-room cooking facilities.
<b>Bulk Fuel Sales and Storage</b>	means a <b>development</b> for the bulk storage and handling of petroleum products in bulk quantities and includes retail fuel sales.
<b>Bus Depot</b>	means a <b>development</b> providing for the arrival and departure of passengers and freight carried by bus.
<b>Campground</b>	means a <b>development</b> whose <b>principal use</b> is seasonal short-term parking and occupancy of tents, <b>recreation vehicles</b> , and other similar Vehicles.
<b>Cannabis Lounge</b>	means a <b>development</b> where the primary purpose of the facility is the sale of <b>cannabis</b> to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This <b>use</b> does not include <b>Cannabis Production and Distribution</b> .
<b>Cannabis Retail</b>	means a <b>development</b> used for the retail sale of <b>cannabis</b> that is licensed by provincial or federal legislation within a permanent <b>building</b> . This <b>use</b> does not include <b>Cannabis Production and Distribution</b> .
<b>Cannabis Production and Distribution</b>	means a <b>development</b> used for the production, cultivation and growth of <b>cannabis</b> . This includes, processing of raw materials, the making, testing, manufacturing, assembly or in any way altering the chemical or physical properties of semi-finished or finished goods and products. This also includes the storage, transshipping, distribution and sales of materials, goods and products to <b>Cannabis Retail</b> sales stores.

<b>Caretaker Suite</b>	means a portion of the <b>principal building</b> used to provide accommodation for one individual that is employed by the business located in the <b>principal building</b> to provide maintenance and/or security functions. Only one <b>Caretaker's Suite</b> per property location shall be permitted. A <b>Caretaker's Suite</b> may consist of an office, sleeping area, kitchen and bathroom facilities, and for the purposes of this <b>Bylaw</b> shall not be considered a <b>Dwelling Unit</b> , and cannot be a business.
<b>Car Wash</b>	means a facility used for the purposes of washing motor vehicles.
<b>Casino</b>	means a facility licensed by Alberta Gaming, Liquor and Cannabis for patrons to participate in gaming and gambling opportunities as the <b>principal use</b> but does not include bingo halls.
<b>Cemetery</b>	means land or a <b>building</b> for the burial or interment of the deceased.
<b>Child Care Facility</b>	means a <b>development</b> that provides temporary care and supervision for seven (7) or more children and includes a day care centre, a kindergarten, or a nursery school.
<b>Commercial Recreation and Entertainment</b>	means a facility which provides for recreation or entertainment for a gain or a profit, including but not limited to movie theatres, live theatres, dancing, arcades, billiard or pool halls, bingo halls, bowling alleys, gymnasiums, racquet courts, simulated golf, and roller skating but does not include <b>Adult Entertainment, Casinos, or Campgrounds</b> .
<b>Community Support Services</b>	means a <b>development</b> that provides social, non-profit, or community services. This <b>use</b> may include food banks, shelters, or donation centre.
<b>Contractor Services with Outdoor Storage</b>	means a <b>development</b> used for the provision of <b>building</b> and construction services, including electrical, <b>landscape</b> , concrete, painting, heating, and plumbing contracting services, which includes onsite storage and warehouse space. Any sales or office service areas are accessory to the principal contractor services <b>use</b> .
<b>Contractor Services without Outdoor Storage</b>	means a <b>development</b> used for the provision of <b>building</b> and construction services, including electrical, <b>landscape</b> , concrete, painting, heating, and plumbing contracting services, which includes onsite storage and warehouse space. Any sales or office service areas are accessory to the principal contractor services <b>use</b> . This <b>use</b> must not include <b>outdoor storage</b> .
<b>Convenience Retail Store</b>	means a <b>development</b> used for the retail sale of goods required by area residents or employees on a day-to-day basis from premises

which do not exceed 280 m<sup>2</sup> (3,014 sq.ft) in gross **floor area**. This **use** does not include **Cannabis Retail**.

**Craft Brewery and Distillery**

means an establishment where beer, wine, or alcoholic spirits are produced on-**site** and are for retail sale. The facility must be appropriately licensed by the Alberta Liquor and Gaming Commission.

**Culture and Recreation**

means a **development** that includes but is not limited to services such as libraries, arenas, tennis courts, museums, art galleries, swimming pools, and other indoor and outdoor recreation facilities.

**Dangerous Goods Occupancy**

means any occupancy where **dangerous goods**, as defined in the Transportation of Dangerous Goods Act, are unloaded, loaded, stored, processed, or otherwise handled in quantities in excess of the amounts set forth in **Schedule A** on a permanent or ongoing basis.

**Detached Dwelling**

means a residential **building** containing one **Dwelling Unit**, which is physically separate from any other residential **building**, and does not include a **Manufactured Home**.

**District Shopping Centre**

means a group of commercial **uses**, listed in the Highway Commercial District as either permitted or discretionary, that are planned, owned, developed, and managed as a unit with off-street parking established on the same **site** and shall serve the needs of the urban centre and surrounding municipalities. Each establishment within a **District Shopping Centre** shall require their own, separately approved **development permit**.

**Drinking Establishment**

means an establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises and the secondary purposes may include entertainment, dancing, music, video lottery terminals (VLT's), the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises but does not include **Adult Entertainment**. This includes any premises in respect of which a "Class A" Liquor License has been issued and where minors are prohibited by the terms of the license.

**Drive-In Business**

means an establishment with facilities for on-**site** service to customers who generally remain in their motor vehicles, but does not include a drive-in theatre.

**Duplex**

means a residential **building** containing only two **Dwelling Units**, located side by side or one above the other, each having its own exterior entrances.



<b>Dwelling Unit</b>	means a single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
<b>Education Institution</b>	means a <b>development</b> of public and/or private places of learning for any age including elementary school, junior high school, high school, college, or university, but does not include <b>Training Centre</b> .
<b>Essential Public Service</b>	means a <b>development</b> that is necessary for the continued health, safety, or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations, and similar facilities.
<b>Financial Services</b>	means the provision of services related to financial matters, including the deposit or lending of money, the sale of financial investments, and the provision of financial planning services.
<b>Fourplex</b>	means a residential <b>building</b> , other than <b>Row House Building</b> , containing four <b>Dwelling Units</b> , located side by side or above one another, each having its own exterior entrances.
<b>Freight and Transportation Depot</b>	means a facility for the storage and distribution of freight shipped by air, rail, or <b>road</b> transportation and includes a facility for the parking, storage, and servicing of vehicles used in the transportation of freight or passengers for commercial purposes.
<b>Gas Bar</b>	means a premises for the sale of motor vehicle fuel and ancillary or convenience products.
<b>Government Services</b>	means a <b>development</b> providing municipal, provincial, or federal government services and includes but is not limited to a government office, postal service outlet, social service centre, and courthouse, but does not include elementary school, junior high school, or high school.
<b>Group Home</b>	means a <b>development</b> which is authorized, licensed, or certified by a provincial authority to provide room and board for, but not limited to, foster children or for physically, mentally, socially, developmentally, or behaviourally challenged persons and may include professional care, guidance, and supervision. A <b>Group Home</b> may incorporate accommodations for resident staff.
<b>Health Care Facility</b>	means a <b>development</b> providing medical and health care services on both an inpatient and an outpatient basis, or provincially licensed extended medical care. This <b>use</b> does not include <b>Cannabis Retail</b> or <b>Cannabis Lounge</b> .

<b>Heavy Equipment Sales, Service, and Rental</b>	means a <b>development</b> providing for the sales, rental, service and maintenance of heavy equipment, building supplies, farm supplies, or <b>Manufactured Homes</b> .
<b>Home Occupation</b>	means the incidental and subordinate <b>use</b> of a Residential District to conduct a business enterprise.
<b>Home Occupation – Class 1</b>	means an <b>Accessory Use</b> of a <b>Dwelling Unit</b> by a resident for a small-scale business which is incidental to the <b>principal use</b> as a residence, undetectable from outside the <b>Dwelling Unit</b> ; This <b>use</b> does not include <b>Cannabis Retail Sales</b> or <b>Cannabis Production and Distribution</b> .
<b>Home Occupation – Class 2</b>	means an <b>Accessory Use</b> of a <b>Dwelling Unit</b> or private <b>garage</b> by a resident for a small scale business which is incidental to the <b>principal use</b> as a residence. In accordance with the foregoing, <b>Home Occupation – Class 2 uses</b> may include such activities as music lessons, offices and indirect sales, but may not include such <b>uses</b> as medical clinics, veterinary clinics or retail sales; This <b>use</b> does not include <b>Cannabis Retail Sales</b> or <b>Cannabis Production and Distribution</b> .
<b>Hotel</b>	means a <b>building</b> in which rooms are provided for temporary sleeping accommodation where each room has access for a common interior corridor and in which food and beverage services are also available.
<b>Kennel</b>	means a house, shelter, room, or place where domestic animals are kept or boarded overnight or for periods greater than 24 hours but does not include premises used for the care and treatment of animals operated by a duly qualified veterinary surgeon.
<b>Light Equipment Assembly, Sales and Service</b>	means the assembly, sales, rental, and service of any light vehicle or equipment, small implements such as snow blowers, boats, snow machines, quads, or motorcycles.
<b>Light Repair Services</b>	means the repair and maintenance of small industrial and commercial equipment, vehicles, and personal or household items where there are no <b>nuisances</b> created or emitted which could cause adverse effects on the users of <b>adjacent</b> lands.
<b>Livestock Auction Market</b>	means a <b>development</b> where agricultural related items including cattle are bought and sold by public auction.
<b>Manufactured Home</b>	means a residential <b>building</b> containing one <b>Dwelling Unit</b> built in a factory environment in one or more sections and intended to be occupied in a place other than where it was manufactured.

<b>Manufactured Home Park</b>	means a <i>parcel</i> comprehensively designed, developed, operated, and maintained to provide sites and facilities for the placement and occupancy of <b>Manufactured Homes</b> on a long-term basis.
<b>Manufacturing Industries</b>	means the fabrication, processing, or assembly of materials, goods, and articles to produce items of enhanced value. This <i>use</i> definition does not include <b>Cannabis Production and Distribution</b> .
<b>Mobile Commercial Sales</b>	means the sale of items or provision of a service from a motor vehicle, or a trailer capable of being towed by a motor vehicle, or a cart or similar <i>structure</i> with attached wheels, or a portable marquee tent, any of which can be moved off a location in less than 4 hours.
<b>Motel</b>	means a <i>building</i> that provides temporary sleeping accommodation in rooms, each with a separate exterior access to the outdoors.
<b>Municipal Shop and Storage Yard</b>	means a <i>parcel</i> used by a federal, provincial, or municipal government for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment.
<b>Natural Environment Area</b>	means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor recreation facilities.
<b>Neighbourhood Shopping Centre</b>	means a <i>development</i> with a group of commercial establishments planned, owned, developed, and managed as a unit and shall serve the needs of the immediate neighbourhood.
<b>Office</b>	means a <i>development</i> for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public but excludes such <i>uses</i> as retail sales, personal services, financial institutions, places of amusement, or places of assembly.
<b>Open Storage Yard</b>	means a <i>parcel</i> which is used for the storage of products, goods, or equipment in open air which is not available for immediate sale.
<b>Park</b>	means a <i>development</i> whose <i>principal use</i> is the provision of outdoor open space for the general public for recreational activities.
<b>Parking Facility</b>	means an area or areas of land or a <i>building</i> or a part of land or a <i>building</i> which is provided for the parking of motor vehicles but does not include <i>recreation vehicle</i> storage.
<b>Personal Service</b>	means a <i>development</i> providing services related to personal care and appearance of the person, and includes the supplementary retail sale of associated products. This <i>use</i> includes but it is not limited to photographers, travel agents, beauty salons, and dry

cleaners but does not include health services or businesses which are primarily retail.

**Private Club or Lodge**

means a **development** used for the meeting, social, or recreational activities of members of non-profit, charitable, social service, athletic, business, or fraternal organizations.

**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**:

- (a) maintains its offices; or
- (b) maintains or houses equipment used in connection within the **Public Utility**.

**Recreation Vehicle Storage**

means a **development** providing for the long term storage of **recreation vehicles**, trailers, or motor homes that are not being used for overnight accommodation.

**Religious Assembly**

means a **development** for worship and related religious, charitable, or social activities including rectories, manses, classrooms, dormitories, and **Accessory Buildings**. Typical **uses** include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

**Restaurant**

means a **development** where food and beverages are prepared and served to the public, and may include supplementary alcoholic beverage service and on- or off-**site** catering services, but does not include **Drinking Establishment**.

**Retail and Light Manufacturing**

means a **development** that provides for retail as the **principal use** with a small degree of manufacturing of products or goods directly related to the **principal use** of the **site**, the process of which does not create a **nuisance**, as determined by the **Development Authority**.

**Retail Sales Establishment**

means a **development** providing a wide variety of consumer goods including, but not limited to groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationery. This **use** does not include **Cannabis Retail**.

**Row House Building**

means a **development** consisting of a group of three or more **Dwelling Units**, separated by common party walls extending from foundation to roof and having separate front and rear access to the outside. For the purpose of calculating **parcel width** where the **site**

containing the **Row House Building** is not subdivided, the term **parcel** refers to the individual unit.

**Sea Can**

means a prefabricated metal **structure** designed for **use** as an individual shipping container in accordance with international standards or a metal **structure** designed and built for **use** as an enclosed trailer in accordance with the Department of Transportation standards. **Sea Cans** are deemed to be an **Accessory Building or Structure**.

**Seasonal Greenhouse**

means a moveable commercial **building** that is placed or erected on a **parcel** and is used for a portion of the year for retail sale of such items as seeds, bedding plants, shrubs, and other related gardening or yard products.

**Secondary Manufactured Home**

means a second residential **building** on a parcel over 80 acres, containing one **Dwelling Unit** built in a factory environment in one or more sections and intended to be occupied in a place other than where it was manufactured. \*\*Bylaw2022/02

**Secondary Residence**

means an accessory self-contained **Dwelling Unit** within the same **building** or on the same **parcel** as the principal dwelling, and which is occupied on a permanent basis. Typical examples include **basement** suites, **garage** suites, garden suites, coach houses, and in-law suites.

**Secondary Residence – Class 1**

means a **Dwelling Unit** located within the **principal building**, when the **principal use** of the **parcel** is a **Detached Dwelling**.

**Secondary Residence – Class 2**

means a **Dwelling Unit** located in the **principal building** when the **principal use** of the **parcel** is a **Duplex** or **Row House Building**, or on a second storey integral to a detached **garage**, or as an **Accessory Building**, when the **principal use** of the **parcel** is a **Detached Dwelling, Duplex, or Row House Building**.

**Seed Cleaning Plant**

means a **building** for the storage and preparation of seed used in agriculture.

**Show Home**

means a **development** constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a **subdivision** or **development** area. **Show Homes** may contain **Offices** for the sale of other sites or dwellings in the area.

**Sign, A-Board**

means a self-supporting **sign** with no more than two (2) faces joined at the top of the **sign**, that is intended for temporary **use** during the hours of the business to which it applies, and that can be placed and moved manually without mechanical aid.

<b>Sign, Awning</b>	means a <b>sign</b> inscribed on or affixed flat upon the covering material of an awning.
<b>Sign, Billboard</b>	means a <b>sign</b> that advertises goods, products, services or facilities which directs persons to a different location from the <b>site</b> where the <b>sign</b> is located.
<b>Sign, Fascia</b>	means a <b>sign</b> attached to, marked, or inscribed on and parallel to the face of a <b>building</b> wall but does not include a <b>Sign, Billboard</b> .
<b>Sign, Freestanding</b>	means a <b>sign</b> that is supported independently of a <b>building</b> wall or <b>structure</b> but does not include a <b>Sign, Billboard</b> .
<b>Sign, Portable</b>	means a <b>sign</b> which is not in a permanently installed or affixed position.
<b>Sign, Projecting</b>	means a <b>sign</b> which projects from a <b>structure</b> or a <b>building</b> face.
<b>Sign, Roof Top</b>	means a <b>sign</b> affixed to or placed on a <b>building</b> and extending in whole or in part above the vertical walls or parapet of the <b>building</b> ; or the top of a canopy, awning, or other similar appurtenance of the <b>building</b> .
<b>Slaughter House</b>	means a <b>development</b> for the killing and processing of animals.
<b>Social Care Housing</b>	means a <b>building</b> where the occupants are living on a temporary, short-term, or limited-term basis and are provided with specialized care in the form of supervisory, nursing, medical, counselling, or homemaking services. For the purposes of this definition, ‘temporary’ means scheduled stays usually less than two weeks in duration and ‘short-term or limited-term’ means a finite term after which occupants move to other accommodation. This <b>use</b> may include <b>Offices</b> and/or <b>Dwelling Units</b> for staff as an <b>Accessory Use</b> .
<b>Solar Energy Device</b>	means <b>structures</b> and accessories designed to convert solar radiation into electrical or thermal energy.
<b>Temporary Kiosk</b>	means any temporary or non-permanent <b>structure</b> used for retail, food and/or beverage sales, and tourism related businesses that measures less than 107 ft <sup>2</sup> in total size and can be moved off of its location within a 24 hour period.
<b>Training Centre</b>	means a <b>development</b> primarily for the vocational education and general instruction of adults to enhance their employment skills and capabilities.

**Vehicle Sales, Service, and Rental**

means a ***development*** providing for the sale, rental, service, and maintenance of passenger vehicles, trucks, vans, motorcycles, snowmobiles, ***recreation vehicles*** and craft, and farm equipment.

**Warehouse**

means a ***development*** for the indoor storage of goods and merchandise.

**Wind Energy Device**

means a ***structure*** designed to convert wind energy into mechanical or electrical energy.

# 15 SCHEDULE A

## Small Quantity Exemptions for *Dangerous Goods*

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

Class	<i>Dangerous Goods</i>	Maximum Exempt Amount
1	<b>Explosives</b>	0
2	<b>Gasses:</b> Div.1 Flammable Div.2 Non-flammable Div.3 Poisonous Div.4 Corrosive	25kg 150kg 0kg 0kg
3	<b>Flammable Liquids and Combustible (1) Liquids</b>	0
4	<b>Flammable Solids:</b> Div.1 Flammable Solids Div.2 Subject to Spontaneous Ignition Div.3 Reactive with Water	100kg 50kg 50kg
5	<b>Oxidizing Substances:</b> Div.1 Oxidizers Div.2 Organic Peroxides	250 kg or 250 l 100kg or 100 l
6	<b>Poisonous and Infectious Substances:</b> Div.1 Poisonous Substances Packing Group 1(3) Packing Group II Packing Group III Div. 2 Infectious Substances	0 100kg or 100 l 1000kg or 1000 l 0
7	<b>Radioactive Materials:</b>	0
8	<b>Corrosives(4):</b> Packing Group I Packing Group II Packing Group III	500 kg or 500 l 1000 kg or 1000 l 2000 kg or 2000 l
9	<b>Miscellaneous:</b> Div.1 Miscellaneous Div. 2 Environmental Div.3 Specific Wastes	0 0 0



**Notes to Table:**

- (1) The Transportation of Dangerous Goods Regulations define “flammable liquids” as liquids having a flash point of 61° or below. The National fire Code (NFC) defines “combustible liquids” as liquids having a flash point between 37.5° C and 93.3° C.
- (2) See Article 5.3.1.2 Alberta Fire Code
- (3) The Transportation of Dangerous Goods Act defines “packing group” as “a level of hazard inherent to dangerous goods”. Packing Group I products are more hazardous than Packing Group III products.
- (4) The Transportation of Dangerous Goods *uses* the expression “corrosives” rather than corrosive substances.

# 16 SCHEDULE B

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## Groups of Uses

<u>Residential Group</u>	<u>Commercial Group</u>
<b>Adult Care Housing</b>	<b>Adult Entertainment</b>
<b>Apartment</b>	<b>Alcohol Retail</b>
<b>Caretaker Suite</b>	<b>Bed and Breakfast</b>
<b>Detached Dwelling</b>	<b>Bus Depot</b>
<b>Duplex</b>	<b>Cannabis Lounge</b>
<b>Dwelling Unit</b>	<b>Cannabis Retail</b>
<b>Fourplex</b>	<b>Car Wash</b>
<b>Group Home</b>	<b>Casino</b>
<b>Manufactured Home</b>	<b>Commercial Recreation and Entertainment</b>
<b>Manufactured Home Park</b>	<b>Convenience Retail Store</b>
<b>Row House Building</b>	<b>Craft Brewery and Distillery</b>
<b>Show Home</b>	<b>District Shopping Centre</b>
<b>Social Care Housing</b>	<b>Drinking Establishment</b>
	<b>Drive-in Business</b>
<u>Infrastructure Group</u>	<b>Financial Service</b>
<b>Parking Facility</b>	<b>Gas Bar</b>
<b>Public Utility</b>	<b>Hotel</b>
<b>Public Utility Building</b>	<b>Mobile Commercial Sales</b>
<b>Solar Energy Device</b>	<b>Motel</b>
<b>Wind Energy</b>	<b>Neighbourhood Shopping Centre</b>
	<b>Office</b>
	<b>Restaurant</b>
	<b>Retail and Light Manufacturing</b>
	<b>Retail Sales Establishment</b>
	<b>Seasonal Greenhouse</b>

Temporary Kiosk  
Vehicle Sales, Service, and Rental  
Industrial Group  
Agriculture, Intensive  
Bulk Fuel, Sales, and Storage  
Cannabis Production and Distribution  
Contractor Services  
Dangerous Goods Occupancy  
Freight and Transportation Depot  
Heavy Equipment Sales, Service, and Rental  
Light Equipment Assembly, Sales, and Service  
Light Repair Services  
Livestock Auction Market  
Manufacturing Industries  
Municipal Shop and Storage Yard  
Open Storage Yard  
Recreation Vehicle Storage  
Seed Cleaning Plant  
Slaughter House  
Warehouse  
  
Care and Health Group  
After Life Care  
Animal Hospital  
Animal Services  
Cemetery  
Child Care Facility

Essential Public Service  
Health Care Facility  
Kennel  
Personal Service  
  
Culture and Recreation Group  
Agriculture, Urban  
Campground  
Casino  
Culture and Recreation  
Natural Environment Area  
Park  
Private Club or Lodge  
  
Institutional Group  
Education Institution  
Government Services  
Religious Assembly  
Training Centre  
  
Subordinate Group  
Accessory Building *or* Structure  
Home Occupation  
Sea Can  
Secondary Manufactured Home \*\*Bylaw 2022/02  
Secondary Residence