

TABLE OF CONTENTS

Turner Valley Land Use Bylaw

		Page
PART 1 - GENERAL ADMINISTRATION AND DEFINITIONS		
1.0.0	GENERAL ADMINISTRATION	
8		
1.1.0	Short Title	
1.2.0	Repeal of Bylaw	
1.3.0	Districts	
1.4.0	Uses and Regulations	
1.5.0	Compliance with Other Legislation	
1.6.0	Interpretation	
1.7.0	Metric standards	
2.0.0	DEFINITIONS	
9-24		
PART II - THE DEVELOPMENT APPLICATION AND APPEAL PROCESS		
3.0.0	DEVELOPMENT PERMITS	
25		
3.1.0.	Development Requiring a Development Permit	25
3.2.0.	Development Not Requiring a Development Permit	25-27
3.3.0.	Development Agreement	27
4.0.0	APPLICATION FOR DEVELOPMENT PERMIT	
28		
4.1.0	Information required for a Development Permit Application . . .	28-29
5.0.0	DECISION PROCESS	
30		
5.1.0	Decisions on Permitted and Discretionary Uses	30
5.2.0	Variances	31
5.3.0	Issuance and Notification of Development Permit	32
5.4.0	Development Permit Re-Application	32-33
5.5.0	Expiry of a Development Permit	
33		

6.0.0 APPEALING A DECISION
34

6.1.0 Permit Deemed Refused 34

6.2.0 Right of Appeal 34-35

6.3.0 Appeal Process 35

6.4.0 Public Hearing 35-37

6.5.0 Court of Appeal 37

PART III - ADMINISTRATION

7.0.0 DUTIES AND RESPONSIBILITIES OF ADMINISTRATION AGENCIES. .38

7.1.0 Development Officer 38

7.2.0 Municipal Planning Commissions 38-39

7.3.0 Subdivision and Development Appeal Board 39

7.4.0 Development Referrals 39

8.0.0 FORMS, NOTICES AND FEES
40

9.0.0 ENFORCMENT
41

9.1.0 Right of Entry 41

9.2.0 Contravention 41

9.3.0 Offenses and Penalties 41

10.0.0 BYLAW AMENDMENT PROCESS
42

10.1.0 Application Amendment Process 42

10.2.0 Plans and Information Requirements 43

PART IV - GENERAL LAND USE REGULATIONS PROVISIONS

11.0.0 GENRAL LAND USE REGULATIONS AND PROVISIONS
44

11.1.0 Dwelling Units on Site 44

11.2.0 Site Dimensions 44

11.3.0 Special Setback Requirements 44-45

11.4.0	Setbacks and Development on Lands Subject to Flooding or near Slopes	45-46
11.5.0	Development in Vicinity of Primary & Secondary Highways . . .	47
11.6.0	Utilities	47
11.7.0	Accessory Buildings	47
11.8.0	Landscaping, Retaining Walls and Fencing	47
11.9.0	Outdoor Storage and Garbage Storage	48
11.9.0a	Temporary Camping	48
11.10.0	Relocation of Buildings	49
11.11.0	Non-Conforming Uses and Buildings	49-50
11.12.0	Drainage	50
11.13.0	Controlled Appearance	50
11.14.0	Demolition of Buildings	50-51
11.15.0	Application for Subdivision	51-53
11.16.0	Decisions on Subdivision Application	54-55
11.17.0	Appeals on Subdivision Decisions	56

PART V - LAND USE DISTRICTS 57

12.0.0 ESTABLISHMENT OF LAND USE DISTRICTS 57

12.1.0	Land Use Districts	57
12.2.0	Districts	57
12.3.0	Land Use Map	58

13.0.0 GENERAL RULES FOR RESIDENTIAL DISTRICTS 59

13.1.0	Special Requirements	59
13.2.0	Home Occupations	59-60
13.3.0	Bed & Breakfast	60-61
13.4.0	Objects Prohibited or Restricted in a Residential District	61
13.5.0	Manufactured Homes Special Requirements	61-62
13.6.0	Studio Suites	62-63
13.7.0	Group Homes	63

14.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) 64

14.1.0	Purpose and Intent	64
14.2.0	List of Permitted and Discretionary Uses	64

14.3.0	General Requirements	64
14.4.0	Minimum Requirements	64-66
14.5.0	Maximum Limits	66
14.6.0	Exceptions	66

15.0.0 RESIDENTIAL GENERAL SINGLE DETACHED DISTRICT(R-1X)
67

15.1.0	Purpose and Intent	67
15.2.0	List of Permitted and Discretionary uses	67
15.3.0	General Requirements	68
15.4.0	Minimum Requirements	68-69
15.5.0	Maximum Limits	69

16.0.0 RESIDENTIAL RESTRICTED SINGLE DETACHED DISTRICT (RR-1)
70

16.1.0	Purpose and Intent	70
16.2.0	List of Permitted and Discretionary Uses	70
16.3.0	General Requirements	70
16.4.0	Minimum Requirements	70-71
16.5.0	Maximum Limits	71-72
16.6.0	Exceptions	72

16a.0.0 RESIDENTIAL RESTRICTED SINGLE DETACHED DISTRICT (RR-2).
73

16a.1.0	Purpose and Intent	73
16a.2.0	List of Permitted and Discretionary Uses	73
16a.3.0	General Requirements	73
16a.4.0	Minimum Requirements	73-74
16a.5.0	Maximum Limits	75
16a.6.0	Exceptions	75

17.0.0 RESIDENTIAL SEMI-DETACHED DISTRICT (R-2)
76

17.1.0	Purpose and Intent	76
17.2.0	List of Permitted and Discretionary Uses	76
17.3.0	General Requirements	76
17.4.0	Minimum Requirements	76-78
17.5.0	Maximum Limits	78

18.0.0 RESIDENTIAL GENERAL DISTRICT (R-2X)	79	
18.1.0 Purpose and Intent	79	
18.2.0 List of Permitted and Discretionary Uses	79	
18.3.0 General Requirements	80	
18.4.0 Minimum Requirements	80	
18.5.0 Maximum Limits	80-82	
18.6.0 Special Requirements	82	
18.7.0 Exceptions	82	
18.8.0 Dwelling Group Requirements	83	
19.0.0 RESIDENTIAL MULTI-FAMILY DISTRICT (R-3)	84	
19.1.0 Purpose and Intent	84	
19.2.0 List of Permitted and Discretionary Uses	84	
19.3.0 General Requirements	84	
19.4.0 Minimum Requirements	84-86	
19.5.0 Maximum Limits	86-87	
19.6.0 Landscaping Requirements	87	
19.7.0 Controlled Appearance	87	
19.8.0 Dwelling Group Requirements	87	
20.0.0 GENERAL RULES FOR COMMERCIAL DISTRICTS	88	
20.1.0 Controlled Appearance	88	
20.2.0 Parking	88	
20.3.0 Screening	88	
20.4.0 Utilities	89	
20.5.0 Dwelling Accommodation	89	
20.6.0 Gas Bars and Service Stations	89	
20.7.0 Outdoor Storage	90	
20.8.0 Other Requirements	90	
21.0.0 CENTRAL BUSINESS DISTRICT (CB)	91	
21.1.0 Purpose and Intent	91	
21.2.0 List of Permitted and Discretionary Uses	91	

21.3.0	General Requirements	92
21.4.0	Minimum Requirements	92
21.5.0	Maximum Limits	92
21.6.0	Landscaping	92
21.7.0	Exceptions	92-93
22.0.0	HIGHWAY COMMERCIAL DISTRICT (C-HWY)	94
22.1.0	Purpose and Intent	94
22.2.0	List of Permitted and Discretionary Uses	94
22.3.0	General Requirements	95
22.4.0	Minimum Requirements	95
22.5.0	Maximum Requirements	95
22.6.0	Landscaping	95
22.7.0	Setbacks	95
23.0.0	GENERAL RULES FOR INDUSTRIAL DISTRICTS	96
23.1.0	Special Requirements	96
23.2.0	Signs	96
23.3.0	Vehicle Storage	96
23.4.0	Mini-Storage Warehouses	96-97
23.5.0	Other Requirements	97
24.0.0	LIGHT INDUSTRIAL DISTRICT (M-1)	98
24.1.0	Purpose and Intent	98
24.2.0	List of Permitted and Discretionary Uses	98
24.3.0	General Requirements	99
24.4.0	Minimum Requirements	99
24.5.0	Maximum Limits	99
25.0.0	GENERAL INDUSTRIAL DISTRICT (M-2)	100
25.1.0	Purpose and Intent	100

25.2.0	List of Permitted and Discretionary Uses	100
25.3.0	General Requirements	101
25.4.0	Minimum Requirements	101
25.5.0	Maximum Requirements	101
26.0.0	URBAN RESERVE DISTRICT (UR)	
	102	
26.1.0	Purpose and Intent	102
26.2.0	List of Permitted and Discretionary Uses	102
26.3.0	General Requirements	102
26.4.0	Minimum Requirements	102-
	103	
26.5.0	Maximum Limits	103
26.6.0	Exceptions	103-
	105	
26.7.0	Special Requirements	105
27.0.0	DIRECT CONTROL DISTRICT (DR)	
	106	
27.1.0	Purpose and Intent	106
27.2.0	List of Permitted and Discretionary Uses	106
27.3.0	General Requirements	106
27.4.0	General Procedures	106
27.5.0	Land Designated Direct Control	106-
	107	
28.0.0	PARKING AND SIGNAGE REGULATIONS	
	108	
28.1.0	Parking and Loading Facilities	108-
	112	
29.0.0	SIGN CONTROL	
	113-115	
30.0.0	EXISTING CONTROLS AND DATE OF COMMENCEMENT	
	116	

1.0.0 GENERAL ADMINISTRATION

1.1.0 Short Title

This Town of Turner Valley Land Use Bylaw shall be referred to hereafter as this Bylaw.

1.2.0 Repeal of Bylaw

Bylaw No. 97-753 and all amendments thereto are hereby repealed and shall cease to have effect on the day this Bylaw is adopted.

1.3.0 Districts

The Town is divided into districts and the boundaries of those districts are shown on the Land Use Map which is attached as Schedule "A" to this Bylaw.

1.4.0 Uses and Regulations

Except as otherwise permitted in this Bylaw, development and subdivision in each district shall be in accordance with the uses listed in the district for the site on which it is proposed and the regulations and guidelines of this Bylaw.

1.5.0 Compliance with Other Legislation

In addition to this Bylaw, an applicant is responsible for complying with any federal, provincial, or municipal legislation, including any Development Agreement or Development Permit. The applicant is also responsible for complying with the conditions of any easement or covenant which affects the development or subdivision.

1.6.0 Interpretation

Notwithstanding the terms provided within, the Municipal Government Act [MGA] and its amendments take precedence in case of dispute on the meanings of all terms or phrases.

1.7.0 Metric Standards

In this Bylaw approximate Imperial equivalents are indicated in brackets following the Metric requirements. The Imperial figures are provided for information only and in all cases the Metric figures shall govern.

2.0.0 DEFINITIONS

In this Bylaw, and any amendments made hereto, unless the content otherwise requires, the interpretation set out in the following subsections shall be used.

"**abattoir**" means the use of land, or building, in which animals are slaughtered and may include the packing, treating, storing and sale of the product.

"**accessory building**" means a building which does not accommodate the principal use of a site and which is not attached above grade to a principal building. This use class includes private garages and private tennis courts;

"**accessory use**" means a use which is subordinate or incidental to the principal use of the site;

"**agricultural related business**" means a development used for the retail sale, repair and maintenance of new or used agricultural equipment or other agricultural supply businesses;

"**antenna structure**" means equipment external or attached to the exterior of any building designed to transmit or receive electronic signals;

"**apartment**" means a building containing three or more dwelling units having common corridors and stairways and having shared exit and entrance facilities;

"**attached housing**" means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall with each unit having separate entrances from grade level. (For purposes of this Bylaw, Garden, Linked, Row and Townhouse units which meet these criteria are considered to be attached houses);

"**auto-body and paint shop**" means premises where the bodies, but not other parts, of motor vehicles are repaired and where motor vehicle bodies and other metal machine components or articles may be painted;

"**automotive specialty shop**" means an establishment for the servicing and repair of motor vehicles, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rust proofing shops, tire sales and service and car washes. This use class does not include service stations or auto body and paint shops;

"**balcony**" means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.61m (2.00 ft.) in width;

"**basement**" means that portion of a building between two floor levels which is partly underground and has not more than one half of its height from finished floor to finished ceiling above finished grade;

"bed and breakfast accommodation" means an accessory use in a dwelling in which rooms are provided with or without meals for pay, for the traveling or vacationing public.

"billboard" means a sign where advertising matter is set in view and which advertising does not apply to the premises upon the site that the sign is maintained. The advertisement copy is pasted, glued, painted or otherwise fastened to permit its periodic replacement;

"bottle depot" means a facility used to receive, warehouse and transport refundable beverage and other like containers for purposes of recycling;

"buffer" means a row of trees, shrubs, earth berm or fencing to provide visual screening and separation between sites and districts;

"building" includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway;

"building supply center" means a commercial retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage;

"bulk fuel storage and distribution facility" means a development for the purpose of storing natural gas and petroleum products for distribution to customers;

"business support services" means a use which provides support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office security; and the repair or servicing of office equipment and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and business equipment repair shops;

"canopy" means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theatre marquee and is to be considered part of the principal building and is considered part of the building to which it is attached;

"car washing establishment" means a facility for the washing, cleaning, or polishing of motor vehicles;

"child care facilities" means development licensed by the Province to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centres, day nurseries, kindergartens, nursery schools, play schools, and out of school care centres;

"community buildings and facilities" means buildings and facilities which are available for the use and enjoyment to the inhabitants of the Municipality and the rural area for the purposes of assembly, culture and recreational activity;

"completed" means that **all** components of the development including but not limited to:

- a) exterior finish materials including roofing (i.e. asphalt shingles), siding (i.e. vinyl siding, stucco etc.), soffit, fascia, eavestrough and parging,
- b) on site servicing,
- c) off-site improvements,
- d) parking, and
- e) landscaping

have been installed to a standard satisfactory to the Development Authority;

"convenience store" means the use of a building or portion thereof with a gross floor area of less than 465 square meters, for the sale of foodstuffs and convenience goods to serve the needs of residents in the immediate neighbourhood;

"corner" means the intersection of the side and front property lines;

"Council" means the Council of the Town of Turner Valley;

"deck" means an unenclosed flat-floored roofless area adjoining a principal building or built as a structural part of it with a floor surface more than 0.3m (1.00 ft.) above grade and is considered part of the building to which it is attached;

"development" means:

- a) an excavation or stockpile and the creation of either of them, or
- b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under 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;

"Development Authority" means the person or persons delegated by the authority to exercise development powers and duties on behalf of the Municipality pursuant to the MGA;

"**Development Officer**" means the official or officials of the Municipality appointed by council to act as a Development Authority with the responsibility of receiving, considering and deciding on applications for development under this Land Use Bylaw;

"**development permit**" means a certificate or document permitting a specified development and includes where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

"**discretionary use**" means a use of land or of a building which is listed in the Land Use Rules section for each district as "Discretionary Uses" and for which, subject to the provisions of this Bylaw, a development permit may be issued;

"**drinking establishment**" means an establishment, licensed by the Alberta Liquor Control Board, in which alcoholic beverages are served for consumption on the premises, and any preparation or serving of food is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant;

"**duplex**" means a building designed and built for and containing two side by side or one above the other dwelling units separated by a firewall;

"**dwelling accommodation**" means one or more dwelling units in a building or on a site which also contains non-residential uses;

"**dwelling group**" means two or more buildings each containing one or more dwelling units, located on a site or a number of adjoining sites where all buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development. A dwelling group continues to be considered a dwelling group for purposes of this Bylaw in the event the dwelling group is subdivided under either a bare land condominium, building condominium or both;

"**dwelling unit**" means a set or a suite of rooms used as a residence whether or not cooking or bathroom or toilet facilities are contained therein;

"**easement**" means a right to use land generally for access to other property or as a right-of-way for a public utility;

"**entrance**" means the main access point to a site or building that is generally oriented to the main street and serves a point of entry function;

"**environmental reserve**" means land specified to be environmental reserve or environmental reserve easement by the Subdivision Authority pursuant to the MGA;

"**existing**" means existing as of the date of adoption of this Bylaw;

"**extensive agricultural**" means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation;

"**fence**" means a vertical physical barrier constructed to provide visual screening or to prevent unauthorized access;

"**financial institution**" means a bank, trust company, credit union, or similar establishment;

"**flood fringe**" means the area in the flood risk area where floodwaters are shallower and move more slowly. Development in the flood fringe may be permitted provided that it is adequately flood-proofed;

"**flood risk area**" means the area which would be inundated by a 1 in 100 year flood, or which has a 1% chance of being equaled or exceeded in any year;

"**floodway**" means the area in the flood risk area with the greatest risk. Floodway waters are the deepest and most destructive. New structures and development prone to flood damage are not permitted;

"**floor area**" means the gross floor area defined by the outside dimensions of the building for each floor from the centre line of a firewall or walls in the case of a building bay;

"**four-plex**" means a single building comprised of four dwelling units with each unit having direct entrance from outside;

"**garage**" means a private accessory building designed and used for storage of motor vehicles and includes a carport;

"**gas bars**" means premises used or intended to be used for the sale of fuel, lubrication oils and associated automotive fluids only. This use class does not include service stations;

"**grade**"

- a) in residential districts means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls;
- b) in all other districts means the elevation, established by the Municipal Engineer, of the crown of the abutting street. In the event that two grades are involved, the average of the two shall be used as the grade for the site;

"**gross floor area**" means the total floor area of each floor of a building excluding the basement measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewall;

"**group home**" means a development consisting of the use of a building as a

facility which is authorized by a public authority to provide room and board for three residents or more, exclusive of staff or the receiving household, for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self help or professional care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include extended medical treatment services such as drug and alcohol addiction treatment centres' or correctional group homes used as custodial facilities.”

Bylaw Number 03-878-Jan 2004

"habitable floor area" means the total area used for habitation including kitchen, bathroom, hallway, bedrooms, living room, stairways and closets;

"height" means, when used with reference to a building or structure, the vertical distance measured from grade level to the highest point of a building or structure, excluding a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or parapet wall, a flag pole, antenna or similar device not structurally essential to the building. In the case of sites with varying grades, the average of the four corners of the building or building may be used to calculate building height;

"home occupation" means any occupation, trade, profession, or craft carried out by an occupant of a residential building as a use accessory to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such accessory use. A home occupation does not include the keeping of stock-in-trade unless otherwise approved by the Development Authority. Home occupations are divided into two categories:

- a) Minor - home occupations are those which do not employ any person outside of the home, nor generate traffic uncharacteristic of the area, nor extend beyond the confines of the residential unit, and
- b) Major - home occupations are those which may utilize accessory buildings, employ up to two persons and may not generate traffic uncharacteristic to the neighbourhood or visible outside storage;

"hotel" means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities; the building may also contain commercial or other uses and may or may not offer such additional services as party facilities, restaurant or dining room services, or public convention facilities;

"household service shop" means a development used for the provision of services to a household and includes services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include barber shops, beauty parlors, tailors, dressmakers, shoe repair shops, dry cleaning establishments, laundromats, pet grooming shops, photographic studios, small appliance repair and service shops and instructional classes and may include accessory retail sales.

Bylaw Number 03-875 Nov/03

"**industrial use**" means the use of land, or building for one or more of the following:

- a) carrying on of any process of manufacture, processing, fabrication or assembly of raw materials;
- b) dismantling and separating into parts of any article, machinery or vehicle;
- c) repairing and servicing of all vehicles, machinery and buildings;
- d) warehousing or bulk storage of goods and related accessory uses;
- e) equipment rental;

"**issue**" means the date a development permit or an order is dated and signed by the Development Officer in the course of his duties;

"**kennel**" means any person, group of persons or corporation harbouring more than two dogs and engaged in the business of breeding, buying, selling or boarding dogs;

"**landscaped area**" means an area designed, constructed and laid out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing, walks and may also be referred to as "landscaping";

"**lane**" means a public thoroughfare with a right-of-way width of not greater than 9m (29.53 ft.) and not less than 6m (19.68 ft.) which provides a secondary means of access to a site or sites;

"**loading space**" means a space for parking a commercial vehicle while being loaded or unloaded;

"**local authority**" means:

- a) a council; or
- b) a school authority; or
- c) a health authority; or
- d) the board of directors of an irrigation district; or
- e) the board of trustees of a drainage district; or
- f) when a joint committee is established pursuant to the MGA to construct, own, maintain or operate or do any other matter or thing with respect to a public utility, the joint committee;

"**lodging house**" means a building where accommodation is provided for remuneration with or without meals to four or more persons exclusive of the occupant and his immediate family, but does not include a special care facility;

"**lot**" means an area of land within a plan of subdivision registered at the Land Titles Office;

"**lumber yard**" means the use of land or buildings for the purpose of the sale or storage of lumber, this does not include a sawmill;

"**manufactured home**" means a single detached residential unit or structure that is manufactured or prefabricated and which is moved on to the site intact or in sections and which provides year round living accommodation for one or more persons and can be connected to utilities;

"**manufacturing plant**" means the use of land or buildings for the purpose of assembly, finishing or adapting for the sale of any goods, substance or service;

"**market garden**" means a development providing for the production and retail sale of agricultural products and is limited to market gardens, tree and flower nurseries and similar specialty agricultural uses;

"**medical clinic**" means a public or private medical, surgical, physiotherapeutic or other human health clinic regularly staffed by practicing physicians, dentist or other qualified medical practitioners;

"**MGA**" means the *Municipal Government Act*, and its amendments.

"**mini-storage warehouse**" means a development that provides walk in size cubicles for public rent for the storage of goods;

"**motel**" means a building or group of buildings on a site providing separate sleeping units complete with washing and sanitary facilities and with adjoining or conveniently located parking space designed or operated for the purpose of providing temporary accommodation for transient motorists;

"**Municipality**" means:

- a) the Municipal Corporation of the Town of Turner Valley; and
- b) where the context requires, means the area of land contained within the boundaries of the Municipality's corporate limits at the time of adoption of this Bylaw;

"**Municipal Planning Commission**" means the Development Authority established by Council to make decisions on discretionary uses and any other matter as referred by the Development Officer and/or Council;

"**municipal reserve parcel**" means the land specified to be municipal reserve by a subdivision approving authority pursuant to the MGA;

"non-conforming building" means a building:

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

"non-conforming use" means a lawful specific use:

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

"office" means a building or development primarily used for the provision of professional, management, administrative and consulting services. Typical uses include the offices of lawyers, accountants, engineers and architects; offices for real estate, telephone answering; catalogue, mail order or order sales offices where no stock or merchandise is retained or stored on the premises except as may be used for display or showroom purposes and similar other like uses;

"outside storage" means the storage of vehicles, personal property and other like items and must be accessory to the principal use on the site;

"parapet" means a low wall or railing to protect the edge of a roof;

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

"parking lot" means development providing public vehicular parking as the principal use;

"permanent residence" is a dwelling house which is permanently affixed to the property.

"permitted use" means the use of land or of a building which is listed in the Land Use Rules section for each district as "Permitted Uses" and for which, when it meets the applicable provisions of this Bylaw, a development permit shall be issued;

"personal service shops" means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This does not include health services;

"poultry farm" means any person, group of persons or corporation harboring poultry of any kind and engaged in the business of breeding, buying or selling poultry and/or its by-products;

"principal building" means a building, which in the opinion of the Development Authority:

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

"principal use" means the use of a site or of a building which, in the opinion of the Development Authority, constitutes the primary purpose for which the site is used;

"private club or lodge" means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic or fraternal organization without on-site residences. Private clubs may include rooms for eating, drinking and assembly;

"private recreational facilities" means any development providing amusement, active or passive recreation, and enjoyment for members, guests or customers of the site on which the development is situated. Typical developments would include, but not be limited to, athletic facilities such as swimming pools, squash, tennis and racquetball courts, golf courses, table or electronic games, bowling alleys, picnic areas or similar recreational activities;

"private swimming pool" means any outdoor pool having a depth of at least two feet and a water surface area of at least one hundred and fifty square feet, which is used or intended to be used, as a swimming or bathing pool in connection with a residence and available only to the family and private guests of the householder;

"public or quasi-public installation and facilities" means buildings including utility buildings or utilities owned or operated by or for the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the Municipality;

“public park” means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public park land, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features;

“public recreational facilities” means any development providing amusement, active or passive recreation and enjoyment, to the citizens of a Municipality and any such facility that is owned and operated by the Municipal, Provincial or Federal Government;

“public utility” means any municipal revenue-earning work or utility, and includes the municipal:

- a) telephone system;
- b) waterworks system;
- c) bus lines or other transportation system;
- d) irrigation system;
- e) systems for the distribution of gas, whether natural or artificial;
- f) heating systems; and
- g) sewage system, and the commodity supplied by any public utility;

“public utility building” means the building in which the proprietor of a public utility:

- a) maintains its office or offices; or
- b) maintains or houses any equipment used in connection with the public utility;

“recreational vehicle” means a vehicle which is, or was originally designed to travel or to be transported on a highway and constructed or equipped to be used as temporary living or sleeping quarters by travelers, or a vehicle designed as a recreational conveyance on or off the highway without limiting the generality of the foregoing includes a trailer, travel trailer, tent trailer, coach, camper, motor home but not a mobile home. This use class does not include manufactured homes;

“restricted livestock grazing” means the keeping and rearing of livestock and is restricted to not exceeding a grazing capacity of one animal unit per 1.2 ha (3 acres) of land. One animal unit means:

- a) one mature cow, bull or horse,

- b) one mature cow, and one calf,
- c) one mature mare and foal,
- d) two yearlings, or
- e) five sheep or goats (includes lambs and kids);

"**retail food store**" means the use of a building or a portion thereof with a gross floor area in excess of 465 square metres, for the sale of foodstuffs for consumption off premises and includes a supermarket, but does not include a convenience store;

"**retail store**" means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a convenience store or a retail food store;

"**restaurant**" means an establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building and as accessory use may be engaged in providing customers with take-out service of food and beverages for off-site consumption;

"**school, public or separate**" means a place of instruction operated with public funds pursuant to the (*School Act*);

"**screening**" means a fence, earth berm or hedge used to visually separate areas or functions, which in the opinion of the Development Authority, detract from the urban street or neighbouring land uses;

"**service station**" means an establishment for the sale of fuel, lubricating oils and associated automotive fluids, and may also include an accessory service and repair facility, sales of automotive parts, a car wash for the washing and cleaning of no more than one vehicle at a time, a towing service or a convenience store;

"**sign**" means anything that serves to indicate the presence or the existence of something, including but not limited to, a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to identify, to advertise or to give direction;

"**sign, advertising**" means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed;

"**sign, awning**" means a retractable, cloth-like, or lightweight metal shelter, projecting from a building;

"**sign, canopy**" means any sign attached to, or constructed in or on canopy;

“sign, community advertising” means a sign sponsored by a Turner Valley Community Business Group or Association for the purpose of identifying and promoting individual businesses, business groups or associations in a business directory format and may be incorporated into a community information sign.”

"sign, copy area" means the area of the smallest geometric figure which will enclose the actual copy of a sign;

"sign, directional" means a sign which contains no advertising, but is limited to the distance and direction to a place of business or other premises located on the sign;

"sign, fascia" means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached;

"sign, freestanding" means every sign supported independently of a building, wall or structure. It is supported by one or more columns, uprights or braces in or upon grade;

"sign, identification" means a sign which contains no advertising, but is limited to the name, address and number of a building, institution or the occupation of the person, and is placed on the premises which it identifies;

"sign, projecting" means a sign other than a canopy or awning sign which projects from a structure or a building face or wall, and includes a canopy sign;

"sign, roof" means any sign erected upon, against, or above a roof or a parapet of a building;

“sign, temporary” see “temporary sign”

"sign, window" means and includes any sign painted on, attached to, or placed inside a window for the purposes of viewing from outside the premises;

"similar use" means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Authority has determined to be similar in character and purpose to a use listed as a permitted or discretionary use in the district in which such use is proposed and where this Bylaw has expressly authorized the Development Authority to consider applications for "similar uses";

"single detached" means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building;

"site" means an area of land on which a building or use exists or for which an application for a development permit is made;

"site area" means the total horizontal area of a site;

"**site, corner**" means a site when the front and a side property line abut one or more street(s);

"**site, depth**" means the horizontal distance between the midpoints of the front and rear property lines of a site;

"**site plan**" means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;

"**site, width**" means the average horizontal distance between the side property boundaries;

"**sour gas**" means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;

"**sour gas facility**" means:

- a) any of the following, if it emits, or on failure or on being damaged may emit, sour gas:
 - i) a gas well as defined in the *Oil and Gas Conservation Regulations* (Alta. Reg. 151/71);
 - ii) a processing plant as defined in the (*Oil and Gas Conservation Act*);
 - iii) a pipeline as defined in the (*Pipeline Act*);

"**storage yard**" means a site on which the principal use is the outside storage of parts, materials, equipment, vehicles and other like items;

"**storey, first**" means the storey with its floor closest to grade and having its ceiling more than 2m (6.56 ft.) above finished grade;

"**storey, second**" means the storey located immediately above the first storey;

"**street**" means a public thoroughfare with a right-of-way width of not less than 15m (49.21 ft.) which provides a primary means of access to a site or sites;

"**street, collector**" means a public thoroughfare with a right-of-way width of 19.5m (63.98 ft.) or greater;

"**studio suite**" means a self-contained dwelling unit on a site that is accessory to the principal dwelling unit on the site;

"**subdivision and development appeal board**" means a Subdivision and Development Appeal Board appointed pursuant to the MGA and amendments thereto;

"**Subdivision Authority**" means the subdivision approving body appointed by Council and pursuant to the MGA and the Subdivision and Development Regulation;

"**temporary**" means a period of time up to one year;

"**temporary camping**" means a stay of no more than fourteen days on private property with a permanent residence that involves one recreational vehicle.

"**temporary sign**" means a sign intended only to be used on a temporary basis for a period of time not to exceed three months;

"**theater**" means a facility with fixed seating designed to show movies, plays, musicals or other similar entertainment activities;

"**truck terminal**" means a development used for the purpose of storing and dispatching trucks and tractor trailers for transporting goods;

"**utility**" means any one or more of the following:

- a) systems for the distribution of gas, whether artificial or natural;
- b) facilities for the storage, transmission, treatment, distribution or supply of water;
- c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- d) storm sewer drainage facilities;
- e) any other things that may be prescribed by the Lieutenant Governor in Council by regulation;

"**veterinary clinic**" means a facility for the medical care and treatment of small animals, for example, cats, dogs, rabbits and includes provisions for their overnight accommodation but does not include kennels, runs or enclosures;

"**veterinary clinic - large animals**" means a facility for the medical care and treatment of large animals for example horses, cattle, goats and includes provision for their overnight accommodation in indoor facilities on site.

"**woodworking**" means an establishment for the sale, fabrication and construction of products made from wood and shall include an on-site sales and/or display area. This does not include sawmills or lumber yards.

"**workshop**" means a building where manufacturing is performed by skilled tradesmen and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, welder's shop, or similar uses.

"**yard**" means an open space on-site, unoccupied and unobstructed;

"yard, front" means the yard which extends in width between the side property lines of a site and in depth from the front property line of the site to the front yard setback as prescribed in the district and is determined by the majority of sites fronting on a street;

"yard, rear" means the yard which extends in width between the side property line of a site and in depth from the rear property line to the rear setback as prescribed in the district;

"yard, side" means the yard which extends in depth from the front property line to the rear property line and in width from the side property line to the side yard setback as prescribed in the district.

3.0.0 DEVELOPMENT PERMITS

3.1.0 Development Requiring a Development Permit

3.1.1 Except as provided in Section 3.2.0 of this Bylaw, no person shall undertake any development unless:

3.1.2 A development permit has first been issued pursuant to this Bylaw; and

3.1.3 The development is proceeded with in accordance with the terms and conditions of a development permit issued in respect of the development; and

3.1.4 A building permit has been obtained when a building so requires.

3.2.0 Development Not Requiring a Development Permit

3.2.1 A development permit is not required in respect of the following developments but they shall otherwise comply with the provisions of this Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:

- a) works of maintenance, repair or alteration, on a structure, either internally or externally, if in the opinion of the Development Officer, such work does not include structural alterations or change the use or intensity of the use of the structure;
- b) additions to the principal building, these additions may include steps, porches, balconies, that are less than 80m² (861 sq. ft.) when they comply with the provisions of this Bylaw;
- c) the erection of accessory buildings in residential districts having an area less than 80m² (861 sq. ft.) except where it is located in the floodway;
- d) the completion of a building which was lawfully approved or under construction at the date this Bylaw comes into full force and effect, provided that:
 - i) the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
 - ii) the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect;
- e) the use of any building referred to in Section 3.2.1 (d) for the purpose for which construction was commenced;

-
- f) the erection, construction, or the maintenance of gates, fences, walls or other means of enclosure less than 2m (6.56 ft.) in height provided that the erection of such fence, wall or gate does not contravene any other provision of this Bylaw;
 - g) paper routes or babysitting services;
 - h) the erection or installation of machinery needed in connection with construction of a building for which a development permit has been issued, for the period of the construction;
 - i) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement but not to include a public utility building;
 - j) the use by the Municipality of land of which the Municipality is the legal or equitable owner for a purpose approved by a simple majority vote of Council in connection with any public utility carried out by the Municipality;
 - k) the use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election referendum or plebiscite;
 - l) an official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;
 - m) one temporary, on-site freestanding or fascia sign which does not exceed 1.5m² (16.14 sq. ft.) in area or 1.5m (4.92 ft.) in height and is intended for:
 - i) advertising the sale or lease of a building or property; or
 - ii) identifying a construction or demolition project for which a development permit has been issued for such a project; or
 - iii) identifying a political campaign: such a sign may be displayed for thirty days prior to an election or referendum and must be moved within seven days following the election or referendum; or
 - iv) advertising a campaign or drive which has been approved by Council: such a sign may be posted for a maximum period of fourteen days;
 - n) as a condition of a development agreement, one temporary free standing sign shall be permitted which is intended only for the sale of parcels and/or buildings within a comprehensively designed subdivision;
 - (o) the construction, maintenance and repair of retaining walls 0.3m (1.00 ft.) or less in height, private walkways, private pathways, private driveways, and similar works;

- (p) the stripping or stockpiling of soil, the construction of Municipal streets and lanes, the installation of utilities and the grading of the site when the site is subject of an approved land subdivision for which a development agreement has been duly executed, or Council has authorized the undertaking of street and land construction;
- (q) subject to application for business license and health regulations food peddlers shall be permitted in commercial districts.

3.3.0 Development Agreement

The Development Authority or the Subdivision and Development Appeal Board may require, as a condition of issuing a development permit, that the developer enter into a Developer's Agreement with the Council. In accordance with the MGA, the agreement may be caveated against the title of the affected parcel(s) and must be discharged when the agreement has been complied with.

4.0.0 APPLICATION FOR DEVELOPMENT PERMIT

4.1.0 Information Required for a Development Application

4.1.1 Where applicable, an application for a development permit shall be made by the owner or authorized agent of the site. The application form must be signed by both the owner and authorized agent and submitted to the Development Officer. The following information shall accompany the prescribed form.

- (a) site plans, drawn to scale showing:
 - i) legal description of the site;
 - ii) dimensions of the site;
 - iii) floor plans, elevations, and exterior finishing material;
 - iv) utilities, site drainage, existing and proposed site grades, the grades of the streets and sewer servicing the property including the elevations of top of curb or sidewalk and site corners;
 - v) the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls greater than 0.3m (1.00 ft.) in height, trees, landscaping, curbs, gutters, sidewalks and other physical features;
 - vi) on applications for multi-unit, commercial industrial, recreational and institutional uses:
- b) applications for dwellings and public facilities may be required to identify sour gas facilities that are located within 1.5 km (0.93 mi.) of the proposed development;
- c) loading and parking provisions and access locations to and from the site;
- d) garbage and storage areas and the fencing and screening proposed for same;
- e) location and approximate dimensions of all existing and proposed trees, shrubs, , play structures, and other private amenities;
- f) information describing any noxious, toxic, radioactive, flammable or explosive materials proposed:
 - i) where applicable, the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings;
 - ii) where applicable, the cutting down or removal of trees;

- g) on applications for signs, a replica of the proposed sign drawn to scale;
- h) a statement of ownership of the land and intent of the applicant therein;
- i) the estimated commencement and completion dates;
- j) development permit fee as prescribed by Resolution of Council;
- k) parking spaces for applications on single detached dwellings or duplexes;
- l) such additional information as the Development Officer may deem necessary;
- m) The Development Officer may require additional copies of the application or of plans and specifications.

5.0.0 DECISION PROCESS

5.1.0 Decisions on Permitted and Discretionary Uses

5.1.1 A development permit does not come into effect until fourteen days after the date the approval is publicized as described in Section 5.3.0.

5.1.2 In making decisions on development permit applications for "Permitted Use" the Development Officer shall approve an application for a development permit, with or without conditions, where:

- (a) the proposed use of the site is a permitted use in the district for which the site is designated; and
- (b) the proposed development conforms in every respect to the regulations of the district and this Bylaw, or within the variance provisions as described in Section 5.2.0;

and thereafter shall provide notice in accordance with Section 5.3.2.

5.1.3 In making a decision on an application for a development permit for a "Discretionary Use" or a variance to a regulation the Development Authority may:

- a) approve the application; or
- b) approve the application subject to conditions and restrictions considered appropriate or necessary; or
- c) refuse the application;

and thereafter shall provide notice in accordance with Section 5.3.2. The Development Authority may make additional notification for decisions on Discretionary Uses as described in Section 5.3.3.

5.1.4 The Development Authority shall refuse an application for a development permit which does not meet the requirements of this Bylaw, unless a variance is granted subject to Section 5.2.0.

5.1.5 When the Development Authority refuses an application for a development permit, the decision shall outline the specific reasons for the refusal, the time periods in which the applicant can make an appeal and to whom.

5.1.6 Where an appeal is made pursuant to Section 6.0.0 of this Bylaw, a development permit which has been granted shall not come into effect unless a decision has been made on the appeal by the Subdivision and Development Appeal Board.

5.1.7 Council shall consider the view of the Municipal Planning Commission in making its decision on an application for a development permit within a Direct Control

District.

5.1.8 The Development Authority shall not issue a permit for a development which is to be serviced by private sewer and water system until the systems have been approved by the appropriate Municipal and Provincial departments.

5.1.9 The Development Authority shall consider and decide on applications for development permits within forty days of the receipt of the application in its complete and final form.

5.2.0 Variances

5.2.1 The Development Officer or Municipal Planning Commission may approve an application for a development permit where the permitted or discretionary use does not meet the regulations of this Bylaw if, in the opinion of the Development Authority that:

- a) the proposed development would not unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment or, value of neighbouring properties; and
- b) The Development Authority may allow a minor variance for a total of 30% to any or all of the following requirements when considering development permits and requests for Certificates of Compliance where, in the Development Authority's discretion such variance does not unduly affect the amenities, use or enjoyment of the site or neighbouring properties:
 - i) front yard setback
 - ii) side yard setbacks
 - iii) rear yard setback
 - iv) height of building requirement

5.3.0 Issuance and Notification of Development Permit

5.3.1 A development permit issued pursuant to this Bylaw is not a building permit and, notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a building permit has been issued pursuant to applicable bylaws and regulations.

5.3.2 When an application for a development permit is approved for a permitted or discretionary use with or without conditions, the Notice of Decision shall be sent by ordinary mail to the applicant and a notice shall be posted conspicuously on the property for which the application has been made.

5.3.3 In addition to Section 5.3.2 and at the discretion of the Development Authority a notice of decision may be:

- a) sent by ordinary mail to all owners of land on record at the municipal office within 60m (196.85 ft.) of the site.
- b) published in a newspaper circulating in the Municipality. Such notice shall indicate the legal description, municipal address, the nature of the development, the right of appeal and to whom appeal should be served.

5.3.4 When an application for a development permit is refused, the Notice of Decision shall be sent by ordinary mail to the applicant.

5.3.5 For purposes of this Bylaw, Notice of Decision of the Development Authority on an application for a development permit is deemed to have been given and to have been received:

- (a) in the case of a decision of refusal on an application for a development permit, the date that Notice of Decision is sent by ordinary mail to the applicant;
- (b) in all other cases, when the Notice of Decision is posted on the property for which the application has been made.

5.3.6 A development permit shall not be issued until fourteen days after the Notice of Decision has been given pursuant to Section 5.3.2.

5.3.7 When an appeal is made pursuant to the MGA, a development permit which has been approved shall not be issued unless and until the decision of the Development Authority is upheld by the Subdivision and Development Appeal Board.

5.4.0 Development Permit Re-Application

5.4.1 When an application for a development permit has been refused pursuant to this

Bylaw or ultimately after appeal pursuant to the MGA, the submission of another application for development permit on the same site for the same or for a similar use of the land by the same or any other applicant may or may not be accepted at the discretion of the Development Authority for at least six (6) months after the date of refusal.

5.5.0 Expiry of a Development Permit

5.5.1 If the development authorized by a development permit is not commenced within twelve (12) months from the date of its issue, and completed (see definition for completed) within twenty-four months of issuance of the permit, the permit is deemed to be void unless the time for commencement or completion of the development is extended by the agency that made the decision. In the event that a permit is deemed void, the Municipality may take enforcement action in accordance with the MGA and this Bylaw to remedy any non-compliance with this Bylaw.

5.5.2 If all or portions of a development authorized by a development permit are not completed in accordance with the approval granted, the permit is deemed void. In the event that a permit is not completed in accordance with the approval granted, the Municipality may take enforcement action in accordance with the MGA and this Bylaw to remedy any non-compliance with this Bylaw and the approval granted.

6.0.0 APPEALING A DECISION

6.1.0 Permit Deemed Refused

6.1.1 As pursuant to the MGA an application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereof is not made within forty days after the receipt of the application in its complete and final form by the Development Authority, unless the applicant has entered into an agreement with the Development Authority to extend the forty day period, and the applicant may appeal in writing as provided in the MGA as though he had received a decision of refusal.

6.2.0 Right of Appeal

6.2.1 The person applying for the permit or affected by a order under the MGA may appeal to the Subdivision and Development Appeal Board, if a Development Authority:

- (a) refuses or fails to make a decision on a development permit within forty days of receipt of a completed application;
- (b) issues a development permit subject to conditions, or
- (c) issues a stop work order pursuant to the MGA.

-
- 6.2.2 Notwithstanding 6.2.1, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw are relaxed, varied or misinterpreted pursuant to the MGA.
- 6.2.3 The person who receives a written order to remedy pursuant to the MGA may request council to review the order by written notice within fourteen days of the date the order is received.
- 6.2.4 Pursuant to the MGA, if a decision on a Direct Control permit is made by a Council, there is no appeal to the Subdivision and Development Appeal Board.
- 6.2.5 If a decision on a Direct Control permit is made by the Development Authority, the appeal is limited to whether the Development Authority followed the direction of Council. If the Subdivision and Development Appeal Board finds that the Development Authority did not follow the direction made by Council, it may substitute its decision for that of the Development Authority.
- 6.3.0 Appeal Process
- 6.3.1 An appeal by an applicant may be commenced by filing a notice of the appeal containing specific reasons, with the Secretary of the Subdivision and Development Appeal Board within fourteen days after:
- (a) notification of the issuance of the development permit in writing by the Development Authority, or
 - (b) the forty day period has expired.
- 6.3.2 An appeal by an affected person may be commenced by filing a notice of the appeal containing reasons, with the Secretary of the Subdivision and Development Appeal Board, within fourteen days after the date on which the notice of issuance of the permit was posted in accordance with 5.3.2.
- 6.4.0 Public Hearing
- 6.4.1 Pursuant to the MGA, the Subdivision and Development Appeal Board must hold an appeal hearing within thirty days of the receipt of a notice of appeal.
- 6.4.2 The Subdivision and Development Appeal Board must give at least five (5) days notice in writing of the hearing:
- (a) to the appellant;
 - (b) to the Development Authority whose order, decision or development permit is the subject of the appeal; and

- (c) to those owner(s) required to be notified under this Bylaw and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.

6.4.3 The Subdivision and Development Appeal Board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including:

- (a) the application for the development permit, the decision rendered by the Subdivision or Development Authority and the notice of appeal; or
- (b) a stop work order(s) and or order(s) to remedy according to the MGA.

6.4.4 In 6.4.2 owner(s) refers to the person(s) shown as the registered owner of the land on the assessment roll.

6.4.5 At the hearing, the Subdivision and Development Appeal Board must hear:

- (a) the appellant or any person acting on behalf of the appellant;
- (b) The Development Authority from whose order, decision or development permit the appeal is made, or the person acting on his/her behalf,
- (c) any other person who claims to be affected and that the Subdivision and Development Appeal Board agrees to hear or someone acting on that persons behalf.

6.4.6 In determining an appeal, the Subdivision and Development Appeal Board:

- (a) must comply with the provincial land use policies, statutory plans and Section 6.4.6 (c);
- (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to it or may make or substitute an order, decision or permit of its own.
- (c) may make an order or decision or issue or confirm the issuance of a development permit even though the proposed development does not comply with this Bylaw if, in its opinion:
 - (i) the proposed development would not:
 - (a) unduly interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties,

- (ii) the proposed development conforms with the prescribed use for the land or building as defined in this Bylaw.

6.4.7 The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days of concluding the hearing.

6.5.0 COURT OF APPEAL

6.5.1 Pursuant to the MGA, an appeal lies to the Court of Appeal on a question of jurisdiction or law with respect to:

- (a) a decision of the Subdivision and Development Appeal Board, or
- (b) the Municipal Government Board on a decision of an appeal under Section 619 of the MGA, an inter-municipal dispute under Division 11 of the MGA or a subdivision appeal.

6.5.2 An application for leave to appeal pursuant to 6.5.1 must be made to a judge of the Court of Appeal within thirty days after the issue of the decision sought to be appealed, and notice of the application must be given to:

- (a) the Municipal Government Board or the Subdivision and Development Appeal Board, and
- b) any other person(s) that the judge directs.

7.0.0 DUTIES AND RESPONSIBILITIES OF ADMINISTRATIVE AGENCIES

7.1.0 Development Officer:

7.1.1 The Development Officer:

- a) shall keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge;
- b) shall keep a register of all applications for development, including the decisions thereon and the reasons therefore, and all orders for a minimum period of seven years;
- c) shall receive, consider and may decide on applications for a development permit;
- d) may refer development permit applications to the Municipal Planning Commission for a decision;
- e) shall advise the applicant of an application for a use which is not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated, of his option of applying to Council for an amendment to this Bylaw;
- f) shall sign and issue all approved development permits; and issue all decisions and notices;
- g) shall carry out duties as prescribed in the MGA with regard to appeals or designate a person to do the same;
- h) shall perform such duties as established by Council to enforce this Bylaw in conformance with the MGA;
- i) may initiate lawful action as described in Section 9.0.0 of this Bylaw necessary to ensure compliance with or prevent violation of this Bylaw;
- j) may in accordance with Division 4 of the MGA, enter onto the land or into a building for the purpose of ensuring compliance with this Bylaw.

7.2.0 Municipal Planning Commission

7.2.1 The Municipal Planning Commission shall:

- a) decide upon all development permit applications referred to it by the Development Officer;

- b) consider and decide on requests for a time extension to a development permit;
- c) not allow the permanent use of land or a building not listed as a "Permitted Use" in the district in which the building or land is situated. May consider uses similar in character and purpose to those listed under "Discretionary Use";
- d) perform such other duties as described or implied in this Bylaw or as may be assigned by Council.

7.3.0 Subdivision and Development Appeal Board

7.3.1 The Subdivision and Development Appeal Board is hereby established and shall hear all appeals in respect of decisions made pursuant to the MGA on development permits and applications for subdivision. Any decision of the Development Authority may be appealed to the Subdivision and Development Appeal Board in accordance with Section 6.0.0 of this Bylaw and any decision of the Subdivision and Development Appeal Board may be appealed to the Court of Appeal on a question of law or jurisdiction in accordance with the MGA.

7.4.0 Development Referrals

7.4.1 The Development Authority shall refer to any adjacent municipality for consideration and recommendation on any matter or any application for a development permit that if in their opinion, it is:

- a) in the interest of an adjacent municipality;
- b) subject to any inter-municipal agreements or plans.

7.4.2 The Development Authority may refer for comment any matter or any application for a development permit to any authority it deems necessary.

7.4.3 Having received a reply on a matter referred to any adjacent municipality, or any authority, the Development Authority shall give due consideration to the aforesaid recommendations.

7.4.4 After thirty days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.

8.0.0 Forms, Notices and Fees

- 8.1.0 For the purpose of administering the provisions of this Bylaw, Council may by resolution authorize the use of such forms and notices and the imposition of such fees as in its discretion it may deem necessary or desirable.
- 8.2.0 The forms, notices or fee schedules authorized by Council pursuant to this Bylaw may be posted, issued, mailed, served, or delivered in the course of the Development Officer's duties

9.0.0 Enforcement

9.1.0 Right of Entry

9.1.1 Pursuant to the MGA, an authorized person may enter into or upon any land or building within the municipal boundary for the purpose of ensuring compliance with the MGA, this Bylaw and approvals granted under this Bylaw.

9.1.2 The Development Officer and the Bylaw Enforcement Officer are designated as the "authorized persons" for purpose of Section 9.1.1.

9.2.0 Contravention

9.2.1 Any owner, lessee or occupant of land, or a building or a structure thereon, who contravenes any provisions of this Bylaw commits an offence.

9.2.2 Any contractor, worker or other person who undertakes development for which a development permit is required but has not been issued or is not subsisting under this Bylaw, or is in contravention of a condition of a development permit issued under this Bylaw, commits an offence.

9.2.3 Where the Council or a person appointed by it carried out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll and that amount shall be collected in the same manner as taxes on land.

9.2.4 When it appears to the Development Officer that a development permit has been obtained by fraud or misrepresentation, the Development Officer may suspend or cancel the development permit.

9.3.0 Offenses and Penalties

9.3.1 The MGA should be consulted with regard to the offenses and penalties of contravening regulations or orders.

9.3.2 Where a person is found guilty of an offence under Section 9.0.0, the court may, in addition to any other penalty imposed, order the person to comply with the MGA, the regulations, this Bylaw, a subdivision approval or a condition attached to a subdivision approval, as the case may be.

10.0.0 Bylaw Amendment Process

10.1.0 Application Amendment Process

10.1.1 Any amendment of this Bylaw shall be made by an amending by-law pursuant to the MGA, following a public hearing in accordance with the MGA. If the proposed amendment is at variance with adopted statutory plans, the Development Authority shall advise the applicant that the amendment must be made to the statutory plans prior to or concurrently with the amendment to this Bylaw.

10.1.2 An application for amendment may be made by an owner of a property, or his authorized agent or other person(s) having a legal interest in the property and shall be made to the Development Authority for processing and referred to the Council.

10.1.3 Council may initiate an amendment to this Bylaw by directing the Development Authority to prepare an application form.

10.1.4 An applicant may be required to submit an Area Structure Plan for approval by council prior to redistricting the land.

10.1.5 Where an amendment to change this Bylaw is refused another application with respect to the same site, for a change in land use designation may not be submitted until at least six (6) months after the date of refusal, unless otherwise directed by Council pursuant to the MGA.

10.1.6 The cost of advertising for the public hearing on the matter shall be borne by the applicant.

10.1.7 As required by the MGA, Council must include in the notice of amending bylaw, which is advertised in a newspaper circulating the in the Municipality:

- a) the municipal address, if any, and legal address of the parcel of land; and
- b) a map showing the location of a parcel of land.

10.2.0 Plans And Information Requirements

10.2.1 A statement of the reasons for the request to amend the Bylaw;

10.2.2 A properly dimensioned map of an appropriate scale indicating the property to be amended, its relationship to existing land uses within a 1 km (0.62 mi.) radius of the boundaries of the property and any prominent geographic or natural features;

10.2.3 The appropriate fee as amended from time to time by Council Resolution; and

10.2.4 Where the applicant is an agent acting for the owner, a letter from the owner(s) verifying the agent's authority to make the application.

11.0.0 GENERAL LAND USE REGULATIONS AND PROVISIONS

11.1.0 Dwelling Units on a Site

11.1.1 Unless otherwise stipulated in this Bylaw only one single detached residential dwelling shall be allowed on a site.

11.2.0 Site Dimensions

11.2.1 No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located. A site of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the Development Authority if all other requirements of this Bylaw and amendments hereto are observed.

11.2.2 Area, width and depth requirements specified in the districts do not apply to a municipal or an environmental reserve site or a site to be used for public utility purposes.

11.3.0 Special Setback Requirements

11.3.1 Sites other than corner sites which have frontages on two streets are recognized as having two front yards and the development shall comply with the setbacks for the respective district.

11.3.2 For discretionary uses, yards in excess of the minimum requirements may be required when deemed necessary by the Development Authority.

11.3.3 A freestanding sign must be located so as to comply with the front yard setback requirements applicable to the principal building unless otherwise provided.

11.3.4 The minimum distances required for yards do not apply to:

- a) construction wholly beneath the surface of the ground;
- b) unenclosed patios, decks, sidewalks when any portion does not rise above the finished ground elevation and are wholly within the site;
- c) eaves which project onto a yard, a distance not exceeding 0.61 m (2.00 ft); **Bylaw Number 05-914 Nov 05**
- d) balconies, fireplaces, sills, canopies, and cornices which project onto:
 - i) a front yard a distance not exceeding 0.61 m (2.00 ft);
 - ii) a rear yard a distance not exceeding 1.5 m (4.92 ft); and
 - iii) only one of two required 1.22 m (4.00 ft.) side yards a distance not exceeding 0.61 m (2.00 ft.); and

- iv) either required 1.5 m (4.92 ft) side yards a distance not exceeding 0.61 m (2.00 ft.) **Bylaw Number 05-914 Nov 05**
- e) steps which may encroach 1 m (3.28 ft.) into a side yard setback except into the unobstructed side yard of a laneless subdivision. **Bylaw Number 05-914 Nov 05**
- f) In residential districts utility / garden sheds may occupy yards to a maximum cumulative area of 20 m² (215 sq ft). These structure(s) shall not have a permanent foundation; eaves shall not encroach into an adjacent property, shall not exceed 10 m² (107.6 sq ft.) in area, shall not exceed 3 m. (9.84 ft) in height or cause an obstruction for emergency access to the rear yard, and may project over or onto a required minimum yard as follows:
 - i. rear yard – no limit **Bylaw Number 05-911 Oct/05**
 - ii. side yard – no limit

When the site is to be developed for duplexes or multi-unit housing, the following exceptions apply:

- (a) where each half of a duplex, no side yard shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit by means of a fire separation; and
- (b) where the dwelling units of a row house building, no side yard shall be required on either side in the case of an internal dwelling unit and no side yard shall be required on the interior side of the end dwelling unit.

11.4.0 Setback and Development on Lands Subject to Flooding or Near Slopes

11.4.1 Lands Subject to Floods

- a) all proposed buildings or structures shall be sited a distance of 30m (98.42 ft) from the Flood Risk Area, defined as the 1 in 100 year flood zone, of the Sheep River and established in the *Canada Alberta Flood Damage Reduction Program, Flood Risk Map, Edition 1, 1996* (See Schedule "B"). The approximate location of the Floodway and Flood Fringe areas in the Municipality are hereby established.
- b) Notwithstanding 11.4.1 (a) development in the 30m setback area as established above and/or the Flood Fringe area of the Sheep River may be permitted provided that adequate protection from flood damage is provided. Applicants must demonstrate to the satisfaction of the Development Authority that preventive engineering and construction measures can be instituted to make the site suitable for proposed development.
- c) It is the responsibility of the developer to provide adequate protection against flooding, settlement and slumping, and to engage such professional assistance as shall be necessary to protect the development.

- d) Subject to Alberta Environmental Protection, no development or use other than those listed below may be permitted in the Floodway of the Sheep River:
 - i) temporary structures for agricultural use;
 - ii) public parks;
 - iii) roads and parking (parking limited to parking associated with public parks);
 - iv) bike and ski trails;
 - v) flood control structures;
 - vi) natural areas;
 - vii) boat and canoe launch areas;
 - viii) extensive agriculture;
- e) Additions or enlargements made to existing buildings in the Flood Fringe area require flood proofing measures.
- f) No inside or outside storage of hazardous materials, such as chemicals, explosives, flammable liquids, toxic or waste materials that cannot be readily removed in the event of flood shall be allowed in the flood risk area.

11.4.2 Lands Adjacent to Slopes

- a) All proposed buildings or structures adjacent to an escarpment or a slope where the grade exceeds 15% shall be sited:
 - i) at least 30m (98.42 ft) from the top of the escarpment or slope as determined by Council; and
 - ii) at least 30m (98.42 ft) from the toe of the escarpment or slope as determined by Council.
- b) Notwithstanding the district regulations, no development shall be permitted 30m (98.42 ft) from the top or toe of an escarpment bank, or from any steep slope where the grade exceeds 15% unless the proposed development is proven to be safe through engineering studies. The Development Authority may at their discretion reduce the setback requirements if the applicant provides satisfactory study of bank stability, or approval from Alberta Environment.

-
- 11.5.0 Development in the Vicinity of Primary and Secondary Highways
- 11.5.1 No development permit shall be issued for development within 0.8 km (0.49 mi.) of the boundary of the right-of-way of a highway where the posted speed limit is 80 km per hour or over, until a permit under regulations made in accordance with the (*Public Highways Development Act*) has been issued by Alberta Transportation.
- 11.6.0 Utilities
- 11.6.1 Each dwelling unit in a duplex or attached housing complex shall be serviced individually and directly connected to the sewer, water and gas utility lines located within the public right-of-way.
- 11.7.0 Accessory Buildings
- 11.7.1 All accessory buildings shall be located at least 1.8m (5.90 ft.) from any principal building.
- 11.7.2 Notwithstanding Section 11.7.1 when a building used or proposed to be used as an accessory building is located or proposed to be located closer to a principal building than 1.8m (5.90 ft.) it shall be connected to that principal building by a structural element including for purposes of example but not limited to: common foundation, common roof, common wall.
- 11.7.3 For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, an accessory building shall be deemed to be part of the principal building if it is attached in accordance with Section 11.7.2.
- 11.7.4 When a site abuts a lane 6m (19.68 ft.) or less in width, the Development Authority may require a rear yard setback for accessory buildings greater than the prescribed minimum.
- 11.8.0 Landscaping, Retaining Walls and Fencing
- 11.8.1 Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof which enhance the appearance of the site and which complement the development thereon.
- 11.8.2 Where a development permit is granted, and landscaping is part of the development approval, the required landscaping must be completed within twenty four months of issuance of the permit. The Development Authority may require the applicant to provide a letter of credit or post a bond of such amount to ensure completion of any landscaping.
- 11.8.3 A person shall not construct a fence in a residential or commercial district which

is higher than:

- a) 1 metre (3.28 feet) in the front yard or in the case of a site in the Central Business District, within 3 metres of the front yard property line, or
- b) 2 metres (6.56 feet) in a side or rear yard

Bylaw 03-873-Nov/03

- 11.8.4 The height of a fence in an industrial or urban reserve shall be determined by the Development Authority.
- 11.8.5 With the exception of the Urban Reserve District no fence shall be of barbed wire construction below a height of 2m (6.56 ft.).
- 11.8.6 Electric fences shall be prohibited within the municipal boundaries.
- 11.8.7 Retaining walls greater than 1m (3.28 ft.) in height require an Engineers stamp of approval to the satisfaction of the Development Authority.
- 11.9.0 Outside Storage and Garbage Storage
- 11.9.1 Garbage shall be:
- a) stored in weatherproof and animal proof containers;
 - b) managed in accordance with the Town of Turner Valley Refuse Bylaw;
 - c) screened from adjacent sites and public thoroughfares; and
 - d) in a location easily accessible for pickup.
- 11.9.2 Outside storage where permitted shall be screened from adjacent sites and thoroughfares to the satisfaction of the Development Authority.
- 11.9.3 Outside storage of recreation vehicles will be allowed on properties where there is a permanent residence on the site in a residential or Urban Reserve District to a maximum of two.
- 11.9.0.A Temporary Camping
- 11.9.1.A No camping will be allowed on any properties unless there is a permanent residence on the site or unless a development permit has been issued for a campground.
- 11.10.0 Relocation of Buildings
- 11.10.1 Where a development permit is to be approved for the relocation of a building either on the site or from another site, the Development Authority shall require the

applicant to provide a performance bond or letter of credit in the minimum amount, as determined by the Development Authority to insure completion of any renovation set out as a condition of the approval of a permit and to cover costs in the event of any damages to public, quasi-public utilities as a result of a relocation.

- 11.10.2 All structural and exterior renovations to a relocated building are to be completed within one year of the issuance of the development permit.
- 11.10.3 Whenever a relocation is carried out, the person causing the same to be made shall at his own expense, protect from displacement, any wall, sidewalk or roadway liable to be affected by such relocation and shall sustain, protect and underpin the same so that they will remain in the same condition as before the relocation was commenced.
- 11.10.4 In order to determine that the building would meet the requirements of this Bylaw, the Development Officer may travel to inspect the building which is proposed to be moved in, or may request another qualified person to do so and to report back. In either case the expenses of such an inspection shall be paid by the applicant before any development permit is issued.
- 11.11.0 Non-Conforming Uses and Buildings
- 11.11.1 A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered, except:
- a) as may be necessary to make it a conforming building; or
 - b) as may be deemed necessary by the Development Officer for the routine maintenance of the building.
- 11.11.2 If a non-conforming building is damaged or destroyed by fire or other causes to an extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in conformity with the provisions of this Bylaw.
- 11.11.3 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, a future use shall conform to the provisions of this Bylaw.
- 11.11.4 The use of land or of a building is not affected by reason of a change of ownership, tenancy or occupancy of the land or building.
- 11.11.5 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, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

-
- 11.11.6 A non-conforming use of part of a site shall not be extended or transferred in whole or in part to any other part of the site and no additional buildings shall be erected upon the site while the non-conforming use continues.
- 11.11.7 No existing building or structure shall be deemed a non-conforming building because of non-compliance with a metric equivalent used in this Bylaw where it conformed to the imperial measurement used in the Zoning Bylaw 386 at the date of its repeal or Bylaw 98-753 at the date of its repeal.
- 11.11.8 When a building is a non-conforming building solely by reason of its encroachment into a required front, side or rear yard or inadequate parking, the Development Authority may allow an extension of or an addition to the building if such extension or such addition will not in itself constitute an encroachment into any required yard and if such extension or addition complies with the provisions of this Bylaw.
- 11.11.9 When a building is a non-conforming or a non-complying building on a site, a subdivision of the site may be allowed if the proposed new site to be created complies in all other respects to the provisions of the Bylaw.

11.12.0 Drainage

11.12.1 Any area requiring landscaping or topographic reconstruction shall be landscaped and/or reconstructed so that the finished surface contours do not direct surface drainage onto an adjoining site.

11.13.0 Controlled Appearance

11.13.1 The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any district, must be acceptable to the Development Authority having due regard to the amenities and the character of existing development in the district, as well as to its effect on adjacent districts.

11.14.0 Demolition of Buildings

11.14.1 Where a development permit is to be approved for the demolition of a building the Development Authority may require the applicant to provide a performance bond or a letter of credit in the minimum amount as determined by the Development Authority to cover costs of reclamation and damage to public, quasi-public utilities.

11.14.2 Whenever a demolition is carried out the person causing the same to be made, shall, at his own expense, protect from displacement any wall, sidewalk or roadway or other utility liable to be affected by such demolition and shall sustain, protect and underpin the same so that they will remain in the same condition as before the demolition was commenced and that adequate measures shall be taken by way of fencing and screening to ensure the general public safety.

11.14.3 Whenever a development permit is issued for the demolition of a building it shall be a condition of the permit that the site shall be properly cleaned, with all debris removed, and left in a graded condition.

11.15.0 Application for Subdivision

11.15.1 A subdivision application shall include the following information:

- a) a completed Subdivision Application form signed by the registered landowner;
- b) a current copy of the Certificate of Title, to be no more than two weeks old;
- c) the Plan of Subdivision or other instrument of subdivision;
- d) the application fee plus any additional fees for each lot being created.

-
- 11.15.2 The Subdivision Authority will not accept an incomplete subdivision application.
- 11.15.3 The Subdivision Authority may impose conditions of approval, including development agreements, as referred to in the MGA.
- 11.15.4 Subject to the provisions of the MGA, the Subdivision Authority may require land or cash in lieu for roads, public utilities, and municipal and school reserve.
- 11.15.5 A Subdivision Authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of:
- a) a swamp, gully, ravine, coulee or natural drainage course;
 - b) land that is subject to flooding or is, in the opinion of the Subdivision Authority, unstable, or
 - c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of:
 - i) preventing pollution, or
 - ii) providing public access to and beside the bed and shore.
- 11.15.6 If the owner of a parcel of land that is the subject of a proposed subdivision and the Municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement, a caveat may be registered against the land in favour of the Municipality at a Land Titles Office.
- 11.15.7 The environmental reserve easement must:
- a) identify which part of the parcel of land the easement applies to, and
 - b) require that land that is subject to the easement remain in a natural state as if it were owned by the Municipality.
- 11.15.8 The Plan of Subdivision shall:
- a) indicate the location, dimensions and boundaries of the land to be subdivided;
 - b) clearly outline the land which the applicant wishes to register in a Land Titles Office;
 - c) show the location, dimensions and boundaries of:
 - i) each new lot to be created;

-
- ii) the reserve land, if any;
 - iii) the right-of-way of each public utility;
 - iv) other right-of-ways; and
 - v) building envelopes for each lot based in the applicable district;
- d) show the location and dimensions of buildings on the land that is the subject of the application and specify whether the buildings are proposed to be demolished or moved, if any;
 - e) show the location of any existing or proposed railway lines or spur tracks.
- 11.15.9 The application may be made by means of an instrument other than Plan of Subdivision if:
- a) a parcel is to be subdivided into not more than two lots;
 - b) no public roadway or reserve land is required to be provided;
 - c) the Land Titles Registrar does not require a Plan of Subdivision.
- 11.15.10 Applications made by means of an instrument other than a proposed Plan of Subdivision shall include a sketch showing:
- a) the location, dimensions and boundaries of the land to be subdivided;
 - b) the location, dimensions and boundaries of each new lot to be created;
 - c) the location and dimensions of buildings on land that is the subject of the application and specify which buildings are proposed to be demolished or moved, if any.
- 11.15.11 The Subdivision Authority may also require an applicant to submit any or all of the following:
- a) a map of the land that is to be subdivided and shows topographic contours at not greater than 1.5m intervals and related to the geodetic datum, where practicable;
 - b) if the proposed subdivision is not to be served by a water distribution system, the provision, availability and suitability of potable water on the land to be subdivided shall be demonstrated by an engineering assessment;

- c) an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system;
- d) if the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood;
- e) if a proposed subdivision is not to be served by a wastewater collection system, the intended method of providing sewage disposal facilities to each lot in the proposed subdivision shall be demonstrated through an engineering assessment;
- f) information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land proposed to be subdivided;
- g) if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 kilometres of a sour gas facility, a map showing the location of the sour gas facility;
- h) a conceptual scheme that related the application to future subdivision and development of adjacent areas.

11.16.0 Decisions on Subdivision Applications

11.16.1 Processing

Once a subdivision application has been received, Section 5(3) of the Subdivision and Development Regulations specifies which agencies an application must be referred to. They may be circulated to the following:

- a) the school authority having jurisdiction over the land to be subdivided;
- b) the Deputy Minister of the Department of Environmental Protection;
- c) the owner of any public utility which services the land of the area being subdivided;
- d) the Deputy Minister of Transportation and Utilities;
- e) the Deputy Minister of the Minister responsible for administration of the (*Public Lands Act*);
- f) the Alberta Energy and Utilities Board;
- g) the Deputy Minister of the Minister charged with the administration of the (*Historical Resources Act*);

- h) if the land is situated within an irrigation district, the Board of Directors of the district;
- i) the Municipality within which the land is proposed to be subdivided if the Council or a designated officer is not a Subdivision Authority for that Municipality;
- j) each municipality that has a boundary adjacent to land that is subject to the application for subdivision unless otherwise provided for in the applicable inter-municipal development plan;
- k) any other person and local authorities that the Subdivision Authority considers necessary.

11.16.2 Notice

A notice of the subdivision application is mailed, by regular mail, to owners of the land adjacent to the land that is the subject of the application. The notice shall describe the nature of the application, the method of obtaining further information about the application, a map of the subdivision, the manner and time within which written submissions may be made to the Subdivision Authority, and the time and date a decision on the application will be made, per Section 653 of the MGA.

The Subdivision Authority shall consider the comments of those persons to whom an application for subdivision approval is referred, but is not bound by them.

11.16.3 Time Frame

Upon receiving a completed subdivision application, the Municipality must issue a decision within sixty days of the date received.

If a decision cannot be issued within the prescribed time, the MGA allows the Municipality to enter into a Time Extension Agreement with the applicant. If the applicant chooses not to enter into a Time Extension Agreement, they may file an appeal according to Section 8 of this policy, on the basis of a deemed refusal.

11.16.4 Decisions

Once a decision has been made on an application, the decision must be issued to the applicant. The decision is issued on a Decision Form along with an attached sketch. The notice of decision may be approved and may contain conditions of approval, or it may be refused and must provide reasons for the refusal. The decision is not considered valid until it is issued to the applicant in writing. The decision is valid for one year from the date of decision.

11.16.5 Endorsement and Conditions Met

Prior to registration of the subdivision at the Land Titles Office, the applicant must obtain the endorsement of their registerable instrument from the Subdivision Authority.

The Municipality is responsible to ensure that the final plan submitted complies with what was approved by the Subdivision Authority and that the applicant has met all the conditions of approval.

The applicant shall be required to notify the Municipality once conditions of subdivision approval have been met. The Municipality shall verify that conditions have been met and upon confirmation shall authorize the endorsement of the registerable instrument.

11.16.6 Registration

Upon receipt of an endorsed registerable instrument the applicant is responsible for submitting the document to the Land Titles Office for registration. The applicant has one year from the date of endorsement to register the subdivision.

If for some reason the applicant cannot finalize their subdivision within one year, he may apply to Council for an extension period of one year.

11.17.0 Appeals on Subdivision Decisions

11.17.1 The subdivision process allows for an appeal against a decision of the Subdivision Authority. Appeals are filed with either the Subdivision and Development Appeal Board or the Municipal Government Board in Edmonton, pursuant to the MGA.

11.17.2 The MGA specifies who may file an appeal:

- a) the applicant for subdivision;
- b) the local Municipality;
- c) the school authority, with respect to reserves.

11.17.3 An appeal filed by the applicant, Municipality, or school authority must be filed within thirty days of receipt of the written decision.

The relevant appeal board may approve, conditionally approve, or refuse the application and is not bound by the subdivision and development regulation.

12.0.0 ESTABLISHMENT OF LAND USE DISTRICTS

12.1.0 Land Use Districts

12.1.1 For the purposes of this Bylaw, the land within the boundaries of the Municipality shall be divided into one or more of the districts as established in Section 12.2.0.

12.1.2 Throughout this Bylaw and amendments thereto, a district may be referred to either by its full name or its abbreviation as set out in Section 12.2.0.

12.2.0 Districts

Residential Single Detached District (R-1)

Residential General Single Detached District (R-1X)

Residential Restricted Single Detached District (RR-1)

Residential Restricted Single Detached District (RR-2)

Residential Two Dwelling District (R-2)

Residential General District (R-2X)

Residential Multi-Unit District (R-3)

Central Business District (CB)

Highway Commercial District (C-HWY)

Light Industrial District (M-1)

General Industrial District (M-2)

Urban Reserve District (UR)

Direct Control District (DC)

12.3.0 Land Use Map

12.3.1 The Municipality is hereby divided into districts as provided in Section 12.2.0 and their boundaries are delineated on the map referred to in Section 12.3.2 which may be known as the Land Use Map.

12.3.2 The Land Use Map, as may be amended or replaced by bylaw from time to time, is Schedule “A” attached to and forming part of this Bylaw and among other things, bearing the following identification:

- a) Land Use Map;
- b) Section 12.3.0 of Bylaw;
- c) Adopted by Council this ___ day of ___, 200 AD;
- d) Signatures of the Mayor and Chief Administrative Officer.

12.3.3 In the event that a dispute should arise over the precise location of a boundary of any district as shown on the Land Use Map, the Council shall decide thereon.

13.0.0 GENERAL RULES FOR RESIDENTIAL DISTRICTS

13.1.0 Special Requirements

13.1.1 The Development Authority may specify such other requirement as he deems necessary or desirable having regard to the nature of the proposed development and the purpose of the district.

13.2.0 Home Occupations

Home occupations are divided into two categories, major and minor and are guided by the following general provisions.

13.2.1 Minor Home Occupations

- a) The home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located.
- b) The home occupation shall not employ any person who lives outside of the home.
- c) Home occupations shall not generate traffic uncharacteristic to the residential area.
- d) The home occupation may not extend beyond the confines of the primary residential dwelling. There shall be no outside storage of materials, goods or equipment on the site.
- e) There shall be no form of advertising relating to the home occupation discernable from outside the building.
- f) One on site parking stall shall be provided for each vehicle used by the home occupation, plus the requirements of the dwelling.

13.2.2 Major Home Occupations

- a) A major home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located.
- b) The home occupation may employ up to two persons who do not live on the site or within the primary residence.
- c) The home occupation may not generate traffic uncharacteristic to the area.

- d) One on site parking stall shall be provided for each employee and each vehicle used by the home occupation, plus those required for the residential use.
- e) There shall be no visible outside storage of materials, goods or equipment on the site, but the utilization of accessory buildings may be acceptable.
- f) Advertising relating to the home occupation and discernible from the outside of the building shall be limited to one non-illuminated sign which does not exceed 1,000 cm² (155 sq. in).

13.2.3 General Regulations Governing Home Occupations

- a) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference with radio or television reception.
- b) No commodity other than the product or service of the home occupation shall be sold on the premises.
- c) Any vehicles parked on-street or off-street as a result of the home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants or exceed 5,500 kg (12,125.22 lbs.).
- d) The home occupation shall not, in the opinion of the Development Authority, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of neighbouring properties, by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not commonly be found in the neighbourhood.
- e) If at any time any of the requirements for a home occupation have not, in the opinion of the Development Authority, been complied with, the Development Authority may suspend or cancel the development permit for the home occupation, pursuant to the provisions under the MGA.

13.3.0 Bed and Breakfast Accommodation

Bed and breakfast accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and breakfast accommodation shall be an incidental and subordinate use to the principal residential use, shall be restricted to the dwelling unit, and:

- a) advertising related to the accommodation discernible from the outside of the building shall be permitted in the form of a non-illuminating sign which does not exceed 1000 cm² (155 sq. in.) in area;

- b) the accommodation shall not require any alterations to the building and shall not change the principal character or external appearance of the dwelling involved;
- c) bed & breakfast operations are limited to those uses which are approved by the Development Authority for the dwelling where they are carried on for a period not exceeding one year at which time application may be made for the continuance of the use;
- d) employees working in the occupation shall be limited to the residents of the dwelling unit; and
- e) one parking stall shall be provided per rented room, plus the number required for the dwelling.

13.4.0 Objects Prohibited or Restricted in a Residential District

13.4.1 No person shall be allowed to keep or maintain on a site or street:

- a) the parking of commercial vehicles with a gross vehicle weight (GVW) rating in excess of 5,500 kg (12,125 lbs.) each;
- b) an industrial or construction vehicle except when such a vehicle is required pursuant to a development or building permit for that site;
- c) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district;
- d) mobile homes.

13.5.0 Manufactured Homes - Special Requirements

13.5.1 All manufactured homes are to be factory-built or equivalent, with suitable siding as required by the Development Authority.

13.5.2 All accessory structures, such as patios, porches, additions and skirting, shall be:

- a) factory prefabricated units or the equivalent hereof, and so designed and erected as to harmonize with the manufactured homes, and
- b) considered as part of the main building.

-
- 13.5.3 A manufactured home unit shall be skirted from the floor level to the ground level and the skirting shall match or be in harmony with the existing external finish of the manufactured home.
- 13.5.4 The floor area of porches and additions shall not exceed the floor area of the manufactured home unit.
- 13.5.5 Recreational vehicles are not considered to be manufactured homes.
- 13.5.6 A manufactured home shall be supported by and permanently affixed to piers located at strategic locations beneath the frame of the unit. The piers shall be poured concrete construction with a depth below frost level and shall be positioned in accordance with the requirements of the individual home manufacturer.
- 13.5.7 Width - 8.2 m (25 feet) minimum.
- 13.5.8 Roof Pitch – 3:12 minimum.
- 13.5.9 Roof Overhang - 1 foot minimum.
- 13.5.10 Exterior Materials shall be compatible with those used in the immediate vicinity.
- 13.5.11 Massing shall be compatible with adjacent development in terms of building envelope, proportion, height, and scale.
- 13.5.12 Street Facade shall be compatible with and sensitive to the surrounding streetscape.
- 13.5.13 Windows should utilize window forms, sizes, and styles which compliment those found on adjacent development.
- 13.5.14 Entrances should be located on the front elevation / facade of the unit.
- 13.5.15 Each manufactured home shall be located on a parcel registered in the Land Titles Office.
- 13.5.16 Utilities:
- Manufactured homes shall be connected to and serviced by the Municipality's sanitary and storm sewers, water supply, and underground electric power and telephone systems, and serviced with natural gas.

13.6.0 Studio Suites

13.6.1 A studio suite may be located within either:

- a) the basement portion of a principal building provided the basement has oversized windows;
- b) an accessory building intended to contain only a studio suite; or
- c) above an attached or detached garage.

13.6.2 A studio suite shall comply with all building code requirements including but not limited to fire wall separations, separate accesses to each dwelling unit and separate heating systems for each dwelling unit.

13.6.3 In no instance shall two separate accessory buildings be developed on a single site where one is a detached garage and the other contains a studio suite.

13.6.4 Sites containing studio suites shall be developed so that:

- a) the portion of the principal building or accessory building containing the suite reflects the design of the principal building on the site incorporating similar design features such as window and door detailing, exterior cladding materials and colors, and roof lines;
- b) all buildings on site are compatible in scale to single detached development in the immediate vicinity; and
- c) all site improvements associated with a studio suite such as site landscaping, parking and fencing is consistent in design to site improvements associated with single detached development in the immediate vicinity.

13.7.0 Group Homes 2004

Bylaw Number 03-878 Jan

13.7.1 Group Homes shall be:

- a) located on a collector road; and
- b) located on a corner site and/or have access from a lane.

13.7.2 Authority shall take into consideration:

- a) the design and intensity of the facility being proposed relative to the density of the district;
- b) potential vehicle and pedestrian traffic generation;
- c) proximity to parks or other open space areas;
- d) the sites' relationship to surrounding residential lots; and

- e) existing and proposed buffering to minimize impacts on surrounding residential properties.

13.7.3 In making its decision, the Development Authority shall establish the maximum number of residents and employees for the facility, having regard to provincial regulations and all other relevant factors.

14.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) LAND USE RULES

14.1.0 Purpose and Intent

14.1.1 The purpose and intent of this District is to provide for single detached residential development.

14.2.0 List of Permitted and Discretionary Uses

14.2.1 Permitted Uses

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings

14.2.2 Discretionary Uses

- Antenna Structures
- Bed and Breakfast Accommodations
- Child Care Facilities
- Churches
- Community Buildings and Facilities
- Group Home Lot 5, W Portion of Lot 4, Block 6, Plan 954GV
(409 Sunset Blvd SW) ONLY **Bylaw Number 03-878 Jan 2004**
- Home Occupations - Major
- Manufactured Homes
- Private Swimming Pools
- Public and Quasi-Public Installations and Facilities
- Schools, Public and Separate
- Signs
- Studio Suites

14.3.0 General Requirements

14.3.1 In addition to the general land use provisions contained in Sections 11, 13, and 28, the following provisions as contained within this section shall apply to every development in this District.

14.4.0 Minimum Requirements

14.4.1 Area of Site: 464m² (4,994 sq. ft.)

14.4.2 Width of Site: 15m (49.21 ft.), except for Lot 11, Block 16, Plan 3603 F.D. with a width of site of 13.71m (45.00 ft.).

14.4.3 Front Yard:

- a) on sites fronting on a collector street: 6m (19.68 ft.)

- b) all other sites: 5m (16.40 ft.)

14.4.4 Side yards:

- a) Principal Buildings:

- i) street side of corner site: 3m (9.84 ft.)

- ii) lane-less site without attached garage: One side 3m (9.84 ft.) and the other 1.5m (4.92 ft.)

- iii) all other: 1.5m (4.92 ft.)

- b) New Accessory Buildings containing Studio Suites:

- i) street side of corner site: 3m (9.84 ft.)

- ii) all other: 1.5m (4.92 ft.)

- c) Other Accessory Buildings including conversions of existing garages to Studio Suites:

- i) street side of corner site: 3m (9.84 ft.)

- ii) all other: 0.61m (2.00 ft.)

14.4.5 Rear Yard:

- a) Principal Buildings:

- i) Laned sites: 7.5m (24.60 ft.)

- ii) Laneless sites: 6m (19.68 ft.)

- b) Decks and Balconies:

- i) Laned sites: 3m

- ii) Laneless sites: 4m

- c) New Accessory Buildings containing Studio Suites: 1.5m (4.92 ft.)

- d) Other Accessory Buildings including conversions of existing garages to Studio Suites: 1m (3.28 ft.)

- 14.4.6 Garages:
- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6m (19.68 ft.)
- 14.4.7 Habitable Floor Area:
- a) Single Detached Dwellings: 89m² (958 sq. ft.)
 - b) Two storey Single Detached Dwellings: 130m² (1,399 sq. ft.)130m² (1,399 sq. ft.)
 - c) Studio Suites: 40m² (430.57 sq. ft.)
- 14.5.0 Maximum Limits
- 14.5.1 Coverage of Site:
- a) all buildings together, including accessory buildings: 40% of site area
 - b) all accessory buildings: 15% of site area
- 14.5.2 Height of Buildings:
- a) Principal Buildings: 9m (29.53 ft.)
 - b) Accessory buildings containing Studio Suites: 9m (29.53 ft.)
 - c) Other Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building
- 14.5.3 Residential Buildings on Same Site: One principal dwelling and one Studio Suite
- 14.5.4 Habitable Floor Area:
- a) Studio Suites: 40% of the principal dwelling up to a maximum of 75m² (807.32 sq. ft.)
- 14.6.0 Exceptions
- a) To allow an Interfaith Food Bank to operate out of the building at Lots 25 and 26, Block 2, Plan 8054 EK (125 Royal Avenue NW).

15.0.0 RESIDENTIAL GENERAL SINGLE DETACHED DISTRICT (R-1X) LAND USE RULES

15.1.0 Purpose and Intent

15.1.1 The purpose and intent of this District is to provide an area for single detached and manufactured housing.

15.2.0 List of Permitted and Discretionary Uses

15.2.1 Permitted Uses

- Accessory Buildings
- Home Occupations - Minor
- Manufactured Homes
- Public Parks
- Single Detached Dwellings

15.2.2 Discretionary Uses

- Antenna Structures
- Bed and Breakfast Accommodations
- Child Care Facilities
- Churches
- Community Buildings and Facilities
- Home Occupations - Major
- Private Swimming Pools
- Public and Quasi-Public Installations and Facilities
- Schools, Public and Separate
- Signs
- Studio Suites

15.3.0 General Requirements

15.3.1 In addition to the general land use provisions contained in Sections 11, 13, and 28, the following provisions as contained within this section shall apply to every development in this District.

15.4.0 Minimum Requirements

15.4.1 Area of Site: 405m² (4360 sq. ft.)

15.4.2 Width of Site: 13.3m (43.63 ft.)

15.4.3 Front Yard: 5m (16.40 ft.)

15.4.4 Side Yards:

a) Principal Buildings:

- i) street side of corner site: 3m (9.84 ft.)
- ii) laneless sites with attached garages: 1.5 m (4.92 ft.)
- iii) laneless site without attached garage: One side 3m (9.84 ft.) and the other 1.22m (4.00 ft.)
- iv) all other: 1.22 m (4.00 ft.) Bylaw Number 05-914 Nov. 2005

b) New Accessory Buildings containing Studio Suites:

- i) street side of corner site: 3m (9.84 ft.)
- ii) all other: 1.5m (4.92 ft.)

c) Other Accessory Buildings including conversions of existing garages to Studio Suites:

- i) street side of corner site: 3m (9.84 ft.)
- ii) all other: 0.61m (2.00 ft.)

15.4.5 Rear Yard

a) Principal Buildings:

- i) Laned sites: 7.5m (24.60 ft.)
- ii) Laneless sites: 6m (19.68 ft.)

b) Decks and Balconies:

- i) Laned sites: 3m
- ii) Laneless sites: 4m

c) New Accessory Buildings containing Studio Suites: 1.5m (4.92 ft.)

d) Other Accessory Buildings including conversions of existing garages to Studio Suites: 1m (3.28 ft.)

15.4.6 Garages:

- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6m (19.68 ft.)

15.4.7 Habitable Floor Area:

- a) Single Detached Dwellings: 89m² (958 sq. ft.)

- b) Studio Suites: 40m² (430.57 sq. ft.)

15.5.0 Maximum Limits

15.5.1 Coverage of Site:

- a) All buildings including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area

15.5.2 Height of Buildings:

- a) Principal Buildings: 9m (29.53 ft.)
- b) Accessory buildings containing Studio Suites: 9m (29.53 ft.)
- c) Other Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building

15.5.3 Residential Buildings on Same Site: One principal dwelling and one Studio Suite

15.5.4 Habitable Floor Area:

- a) Studio Suites: 40% of the principal dwelling up to a maximum of 75m² (807.32 sq. ft.)

16.0.0 RESIDENTIAL RESTRICTED SINGLE DETACHED DISTRICT (RR-1) LAND USE RULES

16.1.0 Purpose and Intent

16.1.1 The purpose and intent of this District is to provide for single detached residential neighbourhoods having a low density and high standards of development.

16.2.0 List of Permitted and Discretionary Uses

16.2.1 Permitted Uses:

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings

16.2.2 Discretionary Uses:

- Antenna Structures
- Bed and Breakfast Accommodations
- Home Occupations - Major
- Manufactured Homes
- Signs
- Studio Suites

16.3.0 General Requirements

16.3.1 In addition to the general land use provisions contained in Section 11, 13 and 28, the following provisions as contained within this section shall apply to every development in this District.

16.4.0 Minimum Requirements

16.4.1 Area of Site: 0.4 hectares (1 acre)

16.4.2 Width of Site: 30m (98.42 ft.)

16.4.3 Front Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: As required by Alberta Transportation
- b) all other sites: 7.5m (24.60 ft.)

16.4.4 Side Yards:

- a) Principal Building: 5m (16.40 ft.)

- b) New Accessory Buildings containing Studio Suites:
 - i) street side of corner site: 3m (9.84 ft.)
 - ii) all other: 1.5m (4.92 ft.)
- c) Other Accessory Buildings including conversions of existing garages to Studio Suites: 2.4m (7.87 ft.)

16.4.5 Rear Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: As required by Alberta Transportation
- b) Principal Building: 7.5m (24.60 ft.)
- c) Decks and Balconies: 4m d) New Accessory Buildings containing Studio Suites: 1.5m (4.92 ft.)
- d) Other Accessory Buildings including conversions of existing garages to Studio Suites: 1m (3.28 ft.)

16.4.6 Garages:

- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6m (19.68 ft.)

16.4.7 Habitable Floor Area:

- a) Single Detached Dwellings: 112m² (1,205 sq. ft.)
- b) Studio Suites: 40m² (430.57 sq. ft.)

16.5.0 Maximum Limits

16.5.1 Coverage of Site:

- a) All buildings including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area

16.5.2 Height of Buildings:

- a) Principal Buildings: 9m (29.53 ft.)
- b) Accessory buildings containing Studio Suites: 9m (29.53 ft.)
- c) Other Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building

16.5.3 Residential Buildings on Same Site: One principal dwelling and one Studio Suite

16.5.4 Habitable Floor Area:

- a) Studio Suites: 40% of the principal dwelling up to a maximum of 75m² (807.32 sq. ft.)

16.6.0 Exceptions

- a) That Lot 19, Block 2, Plan 8910678 shall have a site width of approximately 27m (88.58 ft.)

16a.0.0 RESIDENTIAL RESTRICTED SINGLE DETACHED DISTRICT (RR-2) LAND USE RULES

16a.1.0 Purpose and Intent

16a.1.1 The purpose and intent of this District is to provide for an area of single detached housing having a low density and high standards of development.

16a.2.0 List of Permitted and Discretionary Uses

16a.2.1 Permitted Uses:

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings

16a.2.2 Discretionary Uses:

- Antenna Structures
- Bed and Breakfast Accommodations
- Home Occupations - Major
- Manufactured Homes
- Public and Quasi-Public Installations and Facilities
- Signs
- Studio Suites

16a.3.0 General Requirements

16a.3.1 In addition to the general land use provisions contained in Section 11, 13 and 28, the following provisions as contained within this section shall apply to every development in this District.

16a.4.0 Minimum Requirements

16a.4.1 Area of Site: 0.1 hectares (0.25 acre)

16a.4.2 Width of Site: 22.86m (75.00 ft.)

16a.4.3 Front Yard:

- a) on sites fronting on a collector: 6m (19.68 ft.)
- b) all other sites: 5m (16.40 ft.)

16a.4.4 Side Yards:

- a) Principal Building:

- i) street side of corner site: 3m (9.84 ft.)
- ii) all other: 1.5m (4.92 ft.)
- b) New Accessory Buildings containing Studio Suites:
 - i) street side of corner site: 3m (9.84 ft.)
 - ii) all other: 1.5m (4.92 ft.)
- c) Other Accessory Buildings including conversions of existing garages to Studio Suites:
 - i) street side of corner site: 3m (9.84 ft.)
 - ii) all other: 0.61m (2.00 ft.)

16a.4.5 Rear Yard:

- a) Principal Building:
 - i) Laned sites: 7.5m (24.60 ft.)
 - ii) Laneless sites: 6m (19.68 ft.)
- b) Decks and Balconies:
 - i) Laned sites: 3m
 - ii) Laneless sites: 4m
- c) New Accessory Buildings containing Studio Suites: 1.5m (4.92 ft.)
- d) Other Accessory Buildings including conversions of existing garages to Studio Suites: 1m (3.28 ft.)

16.4.5A Garages:

- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6m (19.68 ft.)

16a.4.6 Habitable Floor Area:

- a) Single Detached Dwellings: 112m² (1,205 sq. ft.)
- b) Studio Suites: 40m² (430.57 sq. ft.)

16a.5.0 Maximum Limits

16a.5.1 Coverage of Site:

- a) All buildings including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area

16a.5.2 Height of Buildings:

- a) Principal Buildings: 9m (29.53 ft.)
- b) Accessory buildings containing Studio Suites: 9m (29.53 ft.)
- c) Other Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building

16a.5.3 Residential Buildings on Same Site: One principal dwelling and one Studio Suite

16a.5.4 Habitable Floor Area:

- a) Studio Suites: 40% of the principal dwelling up to a maximum of 75m² (807.32 sq. ft.)

16a.6.0 Exceptions

- a) That Lot 3S, Block C, Plan 7611163 shall have a site area of approximately 0.093 hectare (0.23 acres) and a site width of approximately 20.42 m (67 ft.)
- b) That Lot 3N, Block C, Plan 7611163 shall have a site area of approximately 0.073 hectare (0.18 acres) and a site width of approximately 16.15 m (53 ft.)
- c) That Lot 6, Block E, Plan 7611163 shall have a site area of approximately 0.093 hectare (0.23 acres)
- d) That Lot 7, Block E, Plan 7611163 shall have a site area of approximately 0.081 hectare (0.20 acres)

17.0.0 RESIDENTIAL TWO DWELLING DISTRICT (R-2) LAND USE RULES

17.1.0 Purpose and Intent

17.1.1 The purpose and intent of this District is to provide for residential neighborhoods in which low density residential housing may be permitted.

17.2.0 List of Permitted and Discretionary Uses

17.2.1 Permitted Uses

- Accessory Buildings
- Duplexes
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings

17.2.2 Discretionary Uses

- Antenna Structures
- Bed and Breakfast Accommodations
- Child Care Facilities
- Churches
- Community Buildings and Facilities
- Home Occupations - Major
- Manufactured Homes
- Public and Quasi-Public Installations and Facilities
- Private Swimming Pools
- Schools, Public and Separate
- Signs

17.3.0 General Requirements

17.3.1 In addition to the general land use provisions contained in Section 11,13 and 28 the following provisions as contained within this section shall apply to every development in this District.

17.4.0 Minimum Requirements

17.4.1 Area of Site:

- a) Single Detached Dwellings: 464m² (4,994 sq. ft.)
- b) Duplexes:
 - i) each dwelling unit with a side yard abutting a street: 326m² (3,509 sq. ft.)

- ii) all other dwelling units: 279m² (3,003 sq. ft.)

17.4.2 Width of Site:

- a) Single Detached Dwellings: 15m (49.21 ft.)
- b) Duplexes:
 - i) for each unit with side by side yard abutting a street: 10.5m (34.45 ft.)
 - ii) all other dwelling units: 9m (29.53 ft.)

17.4.3 Front Yard:

- a) On site fronting a collector street: 6m (19.68 ft.)
- b) All other sites: 5m (16.40 ft.)

17.4.4 Side Yards:

- a) Principal Buildings:
 - i) Street side or corner site: 3m (9.84 ft.)
 - ii) laneless site without attached garage: One side 3m (9.84 ft.) and the other 1.5m (4.92 ft.)
 - iii) all other: 1.5m (4.92 ft.)
- b) Accessory Buildings:
 - i) Street side or corner site: 3m (9.84 ft.)
 - ii) all other: 0.61m (2.00 ft.)

17.4.5 Rear Yard:

- a) Principal Building:
 - i) Laned sites: 7.5m (24.60 ft.)
 - ii) Laneless sites: 6m (19.68 ft.)
- b) Decks and Balconies:
 - i) Laned sites: 3m
 - ii) Laneless sites: 4m

- c) Accessory Building: 1m (3.28 ft.)

17.4.5B Garages:

- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6m (19.68 ft.)

17.5.0 Maximum Limits

17.5.1 Coverage of Site:

- a) All buildings including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area

17.5.2 Height of Buildings:

- a) Principal Buildings: 9m (29.53 ft.)
- b) Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building”

18.0.0 RESIDENTIAL GENERAL DISTRICT (R-2X) LAND USE RULES

18.1.0 Purpose and Intent

18.1.1 The purpose and intent of this District is to provide for residential neighborhoods in which the maximum density of 35 dwelling units per hectare (14 dwellings per acre) are allowed.

18.2.0 List of Permitted and Discretionary Uses

18.2.1 Permitted Uses

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings
- Duplexes

Bylaw Number 04-888-Sept 2004

18.2.2 Discretionary Uses

- Antenna Structures
- Attached Houses
- Bed and Breakfast Accommodations
- Child Care Facilities
- Churches
- Community Buildings and Facilities
- Dwelling Group (limited to groups of duplexes only)
- Four-plexes
- Home Occupations - Major
- Lodging Houses
- Manufactured Homes
- Private Swimming Pools
- Public and Quasi-Public Installations and Facilities
- Schools, Public and Separate
- Signs

18.3.0 General Requirements

18.3.1 In addition to the general land use provisions contained in Sections 11, 13 and 28, the following provisions as contained within this section shall apply to every development in this District.

18.4.0 Minimum Requirements

18.4.1 Area of Site:

- a) Attached houses:

- i) for each internal dwelling unit and end dwelling unit: 279m² (3,003 sq. ft.)
- ii) for each dwelling unit with a side yard abutting a street: 326m² (3,509 sq. ft.)
- b) Four-plexes: 186m² (2,002 sq. ft.) for each dwelling unit
- c) Duplexes:
 - i) for each dwelling unit with a side yard abutting a street: 372m² (4,004 sq. ft.)
 - ii) all other: 326m² (3509 sq. ft.)
- d) Single Detached Dwellings: 464m² (4,994 sq. ft.)

18.4.2 Width of Site:

- a) Attached houses:
 - i) for each internal and end dwelling unit: 9m (29.53 ft.)
 - ii) for each end dwelling unit with a side yard abutting a street: 10.5 m (34.45 ft.)
- b) Four-plexes: 24m (78.74 ft.)
- c) Duplexes:
 - i) for each dwelling unit with a side yard abutting a street: 10.5m (34.45 ft.)
 - ii) all other dwelling units: 9m (29.53 ft.)
- d) Single Detached Dwellings: 15m (49.21 ft.)

18.4.3 Front Yard:

- a) Laned sites: 5m (16.40 ft.)
- b) Laneless sites: 6m (19.68 ft.)

18.4.4 Side Yards:

- a) Principal Buildings:
 - i) street side of a corner site: 3m (9.84 ft.)

ii) laneless site without attached garage: One side 3m (9.84 ft.) and the other 1.5m (4.92 ft.)

iii) all other : 1.5m (4.92 ft.)

b) Accessory buildings:

i) street side of a corner site: 3m (9.84 ft.)

ii) all other: 0.61m (2.00 ft.)

18.4.5 Rear Yard:

a) Principal Building:

i) Laned sites: 7.5m (24.60 ft.)

ii) Laneless sites: 6m (19.68 ft.)

b) Duplexes in a Dwelling Group – Laneless sites:

i) When development is abutting Public Open Space: 5m (16.40 ft.)

ii) When development is not abutting Public Open Space: 6m (19.68 ft.)

c) Decks and Balconies:

i) Laned sites: 3m

ii) Laneless sites: 4m

d) Accessory Building - all sites: 1m (3.28 ft.)

18.4.5B Garages:

a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6m (19.68 ft.)

18.5.0 Maximum Limits

18.5.1 Coverage of Site:

a) All buildings including accessory buildings: 40% of site area

b) All accessory buildings: 15% of site area

c) Dwelling Group: 45% of site area

18.5.2 Height of Buildings:

- a) Principal Building: 9m (29.53 ft.)
- b) Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building”

18.6.0 Special Requirements

18.6.1 A minimum area of 186m² (2,002 sq. ft.) shall be provided per dwelling unit in a duplex for landscaping and recreational purposes.

18.6.2 The location on the site of recreational and landscaped areas is subject to the approval of the Development Authority.

18.6.3 The areas of balconies and recreational facilities within the building including patios, private swimming pools, recreational areas for the free use of the tenants may be used in the calculation of recreational landscaped areas.

18.7.0 Exceptions

- a) Notwithstanding Section 13.7.0 the minimum habitable floor area per unit for Lot 3, Block 6, Plan 3138 FM shall be 60m² (646 sq. ft.).

18.8.0 Dwelling Group Requirements

18.8.1 Dwelling groups developments must be based upon a comprehensively prepared concept which includes, but is not limited to, amenity areas, landscaping, transportation and pedestrian linkages, infrastructure and parking requirements, and such other information which may be required by the Development Authority.

18.8.2 The principal entry for every dwelling unit must be separated and be directly accessible to ground level.

18.8.3 The arrangement of the buildings in a dwelling group is subject to approval of the Development Authority. Separate titles for individual dwelling units within a comprehensively planned building group may only be created by means of a bare land condominium plan.

19.0.0 RESIDENTIAL MULTI-UNIT DISTRICT (R-3) LAND USE RULES

19.1.0 Purpose and Intent

19.1.1 The purpose and intent of this District is to provide for a mixture of multi-unit dwellings including bachelor, one, two, and three bedroom dwelling units. The maximum of 135 persons per net hectare (55 persons per net acre) will be allowed.

19.2.0 List of Permitted and Discretionary Uses

19.2.1 Permitted Uses

- Accessory Buildings
- Apartments
- Attached Houses
- Dwelling Groups
- Four-plexes
- Home Occupations - Minor
- Public Parks

19.2.2 Discretionary Uses

- Antenna Structures
- Bed and Breakfast Accommodations
- Duplexes
- Home Occupations - Major
- Lodging Houses
- Private Swimming Pools
- Public and Quasi-Public Installations and Facilities
- Signs

19.3.0 General Requirements

19.3.1 In addition to the general land use provisions contained in Sections 11, 13 and 28, the following provisions as contained within this section shall apply to every development in this District.

19.4.0 Minimum Requirements

19.4.1 Area of Site:

- a) Apartment buildings (this includes unit, parking, recreation and landscaping):
 - i) Bachelor Unit: 100m² (1,076 sq. ft.)
 - ii) 1 Bedroom Unit: 124m² (1,334 sq. ft.)

- iii) 2 Bedroom Unit: 179m^2 (1,927 sq. ft.)
- iv) 3 Bedroom Unit: 204m^2 (2,196 sq. ft.)
- v) 4 Bedroom Unit: 204m^2 (2,196 sq. ft.)
- b) Attached Houses:
 - i) for each internal dwelling unit: 279m^2 (3,003 sq. ft.)
 - ii) for each end dwelling unit: 279m^2 (3,003 sq. ft.)
 - iii) for each dwelling unit with a side yard abutting a street: 326m^2 (3,509 sq. ft.)
- c) Duplexes:
 - i) each dwelling unit with a side yard abutting a street: 372m^2 (4,004 sq. ft.)
 - ii) all other dwelling units: 320m^2 (3,445 sq. ft.)
- d) Duplexes: 557m^2 (5,996 sq. ft.)
- e) Four-plexes: 186m^2 (2,002 sq. ft.) for each dwelling unit
- f) All other uses: at the discretion of the Development Authority

19.4.2

Width of Site:

- a) Attached houses:
 - i) for each internal dwelling unit: 9m (29.53 ft.)
 - ii) for each end dwelling unit: 9m (29.53 ft.)
 - iii) for each end dwelling unit with a side yard abutting a street: 10.5m (34.45 ft.)
- (b) Duplexes:
 - i) for each dwelling unit; except as in (c) below: 9m (29.53 ft.)
 - ii) dwelling unit with a side yard abutting a street: 10.5m (34.45 ft.)
- c) Duplexes: 15m (49.21 ft.);
- d) Four-plexes: 24m (78.74 ft.);

- e) All other uses: at the discretion of the Development Authority.

19.4.3 Front Yard:

- a) On sites fronting a collector street: 6m (19.68 ft.)
- b) All other sites: 5m (16.40 ft.)

19.4.4 Side Yards:

- a) Principal Buildings:
 - i) street side of corner site: 3m (9.84 ft.)
 - ii) laneless site without attached garage: One side 3m (9.84 ft.) and the other 1.5m (4.92 ft.)
 - iii) all other: 1.5m (4.92 ft.)
- b) Accessory Buildings:
 - i) street side of a corner site: 3m (9.84 ft.)
 - ii) all other: 0.61m (2.00 ft.)

19.4.5 Rear Yard:

- a) Principal Buildings: 7.5m (24.60 ft.)
- b) Accessory Buildings: 1m (3.28 ft.)

19.4.6 Habitable Floor Area Per Unit:

- a) Attached houses: 74m² (797 sq. ft.)
- b) Apartments: 46m² (495 sq. ft.)

19.5.0 Maximum Limits

19.5.1 Height of Buildings:

- a) Principal Buildings: 9m (29.53 ft.)
- b) Accessory buildings: 6m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building”

19.5.2 Coverage of Site:

- a) Principal Buildings: 45% of site area

b) All Accessory Buildings: 15% of site area

19.6.0 Landscaping Requirements:

19.6.1 Dwelling units must be landscaped, including screening in accordance with the plan approved by the Development Authority.

19.6.2 In determining the recreational amenity area, facilities such as balconies, patios, private swimming pools or games rooms shall be used. Landscaping shall not include walkways to and from the principal or accessory buildings.

19.7.0 Controlled Appearance

19.7.1 On sites developed for apartments and dwelling groups the facade of the building, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.

19.7.2 All development in this District must be designed to maximize the development potential and design in accordance with adopted Municipal Statutory Plans.

19.7.3 In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed use with existing uses on or adjacent to the site.

The facade of building in this District shall be maintained to the standards as shown on the site plan approved by the Development Authority.

19.8.0 Dwelling Group Requirements

19.8.1 Principal buildings within a dwelling group must be separated by 3m (9.84 ft.). All other setbacks are at the discretion of the Development Authority.

19.8.2 Dwelling groups developments must be based upon a comprehensively prepared concept which includes, but is not limited to, amenity areas, landscaping, transportation and pedestrian linkages, infrastructure and parking requirements, and such other information which may be required by the Development Authority.

19.8.3 The principal entry for every dwelling unit must be separated and be directly accessible to ground level.

19.8.4 The arrangement of the buildings in a dwelling group is subject to approval of the Development Authority.

19.9.0 Other Requirements

19.9.1 The maximum density allowable on the land legally described as Ptn of Lot 2, Block 24, Plan 9210468, a Ptn of Road Plan 9311984 and a Ptn of SE ¼ -12-20-3 W5M shall be 68 dwelling units comprised of no more than 50 apartment units and 18 duplex units.

Bylaw Number 05-905

20.0.0 GENERAL RULES FOR COMMERCIAL DISTRICTS

20.1.0 Controlled Appearance

20.1.1 All development in commercial districts must be designed to maximize the development potential and design in accordance with the Municipal Development Plan adopted or under preparation and any other adopted Statutory Plan;

20.1.2 The exterior finishing materials of the proposed development must be those as shown on the approved plan;

20.1.3 In examining any proposed use for commercial districts, due regard shall be paid to the compatibility of the proposed use with existing uses on or adjacent to the site;

20.1.4 The facade of buildings in commercial districts shall be maintained to the standard as shown on the site plan approved by the Development Authority.

20.1.5 Notwithstanding any other provision of this Bylaw, the Development Authority may allow a building to be occupied by a combination of one or more of the permissible uses listed for commercial districts, and each use shall be considered as a separate use.

20.1.6 Where the site is part of a larger area, the whole of which may eventually be developed and for which no comprehensive plan has been prepared, the Development Authority may require the submission of a comprehensive plan for the whole area before dealing with the application and may require that the plan be prepared by an architect or planner.

20.2.0 Parking:

20.2.1 Parking and loading requirements in commercial districts shall be provided in accordance with the provisions of the Parking Regulations in this Bylaw.

20.2.2 On-site parking shall be located at least 1.5m (4.92 ft.) from the front property line;

20.2.3 Where a proposed development abuts an existing residential site, adequate screening and/or buffering of the parking area shall be provided to the satisfaction of the Development Authority.

20.3.0 Screening:

20.3.1 All apparatus on the roof shall be screened to the satisfaction of the Development Authority.

20.3.2 All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.

20.4.0 Utilities:

20.4.1 On-site utilities services shall be underground.

20.5.0 Dwelling accommodation:

20.5.1 Dwelling accommodation shall:

- a) Not be located below the second storey;
- b) Have direct access to the outside street level; and
- c) Not be located on the same floor as a non-residential use.

20.6.0 Gas Bars and Service Stations

20.6.1 Minimum Area of Site: 929m² (10,000 sq. ft.)

20.6.2 Minimum Width of Site: 30 m (98.42 ft)

20.6.3 Setback of Buildings and Structures

- a) The proposed location(s) and design of all fuel storage tanks shall fulfill the requirements and setback provisions of Provincial safety codes.
- b) The ventilation tank pipes shall have a minimum height of 3.5 m from grade, and a minimum setback of 1.0 m from any property line. In cases where the ventilation tank pipes are adjacent to a building opening, the setback requirement shall be a minimum of 1.2 m.
- c) The ventilation tank pipes shall have a minimum setback of 7.5 m from any fuel dispensing unit.

20.7.0 Outside Storage

20.7.1 Outside storage of material or equipment including vehicles used in the operation of the commercial activity may be permitted if such storage is screened from all public roadway excepting lanes to the satisfaction of the Development Authority.

20.8.0 Other Requirements

20.8.1 The Development Authority may specify such other requirements as it deems necessary or desirable having regard to the nature of a proposed development and the purpose of the district.

20.8.2 The Development Authority may consider applications for uses similar in character and purpose to those listed under discretionary uses.

20.8.3 Accessory buildings shall be subject to the regulations of Section 11.7.0

21.0.0 CENTRAL BUSINESS DISTRICT (CB) LAND USE RULES

21.1.0 Purpose and Intent

21.1.1 The purpose and intent of this District is to provide a concentrated area for retail and specialty retail development which serve residents and support and encourage tourism functions.

21.2.0 List of Permitted and Discretionary Uses

21.2.1 Permitted Uses

- . Accessory Buildings
- . Arts or Crafts Studios
- . Business Support Services
- . Child Care Facilities
- . Convenience Stores
- . Financial Institutions
- . Gas Bars
- . Household Service Shop

Bylaw Number 03-875-Nov 2003

- . Medical Clinics
- . Offices
- . Parking Lots
- . Personal Service Shops
- . Public Parks
- . Restaurants
- . Retail Stores
- . Retail Food Stores
- . Theatres

21.2.2 Discretionary Uses

- . Antenna Structures
- . Community Buildings and Facilities
- . Drinking Establishments
- . Dwelling Accommodations
- . Existing Uses
- . Funeral Homes
- . Hotels
- . Motels
- . Private Clubs and Lodges
- . Public and Quasi-Public Installations and Facilities
- . Public Recreational Facilities
- . Private Recreational Facilities
- . Service Stations
- . Signs

21.3.0 General Requirements

21.3.1 In addition to the general land use provisions contained in Sections 11, 20, 28 and 29, the following provisions as contained within this section shall apply to every development in this district.

21.4.0 Minimum Requirements

21.4.1 Area of Site: 140m² (1,507 sq. ft.)

21.4.2 Width of Site: 4.5m² (14.76 ft.)

21.4.3 Front Yard: none required

21.4.4 Rear Yard: none required

21.4.5 Side Yards:

a) side adjacent to a residential district: 3m (9.84 ft.)

b) all other locations: none required

21.5.0 Maximum Limits:

21.5.1 Height of Buildings: 9m (29.53 ft.)

21.6.0 Landscaping:

21.6.1 The boulevard and a minimum of 7% of the site area shall be landscaped in accordance with the plan approved by the Development Authority;

21.6.2 A large proportion of the required landscaping shall be concentrated in the front yard of the site.

21.7.0 Exceptions

21.7.1 Lots 1, 2, P3, 6, 7, Block 3, Plan 7423 DQ shall be allowed to have outside storage of materials compatible with the lumber yard, provided that it is fenced and maintained to a standard as shown on the site plan as approved by the Development Authority.

21.7.2 Lot 4, Block 1, Plan 954 GV shall be allowed a discretionary use of a kennel in the existing building. Maximum number of dogs and cats allowed is fifteen; all animals are to be kept indoors at night.

21.7.3 To allow for the operation of a Transport Business and Bottling Depot on Lot 29, Plan 2474 DN (120 Sunset Blvd. NW). **(Delete)** **Bylaw Number 913-05**

21.7.4 Lot 4, Block 1, Plan 954 GV shall be allowed a discretionary use of a veterinary

clinic - large animals provided the maximum number of large animals allowed at one time shall not exceed five. All animals are to be kept indoors at all times.

- 21.7.5 To allow a discretionary use for the operation of a Bottling Return Depot on Lots 21 to 23, Plan 2474 DN (104 Sunset Blvd. NW). **Bylaw Number 04-896 Nov 15, 2004**
- 21.7.6 To allow for the discretionary use of a log furniture woodworking business to operate from the premises located at Lot 6, Block 1, Plan 954GV, better known as 109 Sunset Boulevard SE and to continue to use the existing dwelling as a residence. There is to be no outside storage of material or equipment. **(Delete)**
Bylaw Number 913-05
- 21.7.7 To allow for the discretionary use of an automotive repair business to operate from the premises located at Lot 6, Block 1, Plan 954GV, better known as 109 Sunset Boulevard SE and to continue to use the existing dwelling as a residence. There is to be no outside storage of material or equipment. **(Delete)**
Bylaw Number 913-05
- 21.7.8 To allow for the discretionary use of a welding business to operate from the premises located at Lot 6, Block 1, Plan 954GV, better known as 109 Sunset Boulevard SE and to continue to use the existing dwelling as a residence. There is to be no outside storage of material or equipment. **Bylaw Number 913-05**

22.0.0 HIGHWAY COMMERCIAL DISTRICT (C-HWY) LAND USE RULES

22.1.0 Purpose and Intent

22.1.1 The purpose and intent of this District is to provide for a limited range of commercial uses oriented towards the traveling and touring public and which have a high standard of appearance, facilities and performance.

22.2.0 List of Permitted and Discretionary Uses

22.2.1 Permitted Uses:

- Accessory Buildings
- Automotive Specialty Shops
- Car Washing Establishments
- Drinking Establishments
- Gas Bars
- Convenience Stores
- Offices
- Parking Lots
- Private Clubs and Lodges
- Private Recreational Facilities
- Public and Quasi-Public Installations and Facilities
- Public Parks
- Restaurants
- Retail Stores
- Retail Food Stores

22.2.2 Discretionary Uses

- Antenna Structures
- Bottle Depots
- Hotels
- Motels
- Service Stations
- Signs

22.3.0 General Requirements

22.3.1 In addition to the general land use provisions contained in Sections 11, 20, 28 and 29, the following provisions as contained within this section shall apply to every development in this District.

22.4.0 Minimum Requirements

22.4.1 Area of Site: 464m² (4,994 sq. ft.)

22.4.2 Front Yard: 6m (19.68 ft.)

22.4.3 Side Yards:

- a) When it abuts a residential district: 6m (19.68 ft.)
- b) Street side of corner site: 3m (9.84 ft.)
- c) All other: none required

22.4.2 Width of Site: 15m (49.21 ft.)

22.5.0 Maximum Limits

22.5.1 Height of Buildings: 9m (29.53 ft.)

22.6.0 Landscaping:

22.6.1 A minimum of 10% of the site area must be landscaped in accordance with the plan approved by the Development Authority;

22.6.2 A large portion of the required landscaping shall be concentrated in the front yard of the site.

22.6.3 Any trees or shrubs which die must be replaced during the next planting season.

22.7.0 Setbacks:

The front yard requirement shall not apply to gas pumps and signs.

23.0.0 GENERAL RULES FOR INDUSTRIAL DISTRICTS

23.1.0 Special Requirements

23.1.1 Appearance:

The exterior finishing materials of the proposed development shall be those as shown on the approved plan.

23.1.2 Screening:

- a) All apparatus on the roof shall be screened to the satisfaction of the Development Authority;
- b) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.

23.2.0 Signs:

In addition to the signage regulations of this Bylaw, signs may be permitted as follows:

- a) Signs identifying by lettering or numbers, the name, business, and products of the owner or occupant of the premises;
- b) Registered trademarks or similar signs which at the discretion of the Development Authority comply with the intent of the district;
- c) No more than 2 separate freestanding signs per parcel shall be permitted and their combined total areas shall not exceed 9m² (96.88 sq. ft.);
- d) All freestanding signs shall not exceed 6m (19.68 ft.) in height measured from site grade to the top of the sign, except where the applicant can show to the satisfaction of the Development Authority that a taller sign is required but must not, in any case, project above the height of the principal building;
- e) Signs may be illuminated but not flashing or rotating.

23.3.0 Vehicle Storage

- a) Wrecked or damaged vehicles which might be located on the property shall be stored in an enclosure satisfactory to the Development Authority.

23.4.0 Mini-Storage Warehouses

- a) Limited to single storey structures;

- b) The storage of goods which are explosive, highly flammable, or produce noxious odors shall be prohibited;

23.5.0 Other Requirements

23.5.1 The Development Authority may specify such other requirements as it deems necessary or desirable having regard to the nature of the proposed development and the purpose of the district.

23.5.2 The Development Authority may consider applications for uses similar in character and purpose to those listed under discretionary uses.

24.0.0 LIGHT INDUSTRIAL DISTRICT (M-1) LAND USE RULES

24.1.0 Purpose and Intent

24.1.1 The purpose and intent of this District is to provide for light service industrial use with limited accessory outside storage.

24.2.0 List of Permitted and Discretionary Uses

24.2.1 Permitted Uses

- Accessory Buildings
- Auto-body and Paint Shops
- Automotive Specialty Shops
- Bottle Depots
- Building Supply Centres
- Financial Institutions
- Mini-Storage Warehouses
- Offices
- Public Parks
- Restaurants
- Veterinary Clinics
- Workshops

24.2.2 Discretionary Uses

- Antenna Structures
- Industrial Uses
- Manufacturing Plants
- Service Stations
- Signs
- Woodworking

24.3.0 General Requirements

24.3.1 In addition to the general land use provisions contained in Sections 11, 23, 28 and 29, the following provisions as contained within this section shall apply to every development in this District.

24.4.0 Minimum Requirements

21.4.1 Area of Site: 557m² (5,996 sq. ft.)

24.4.2 Width of Site: 18m (59.05 ft.)

24.4.3 Front Yard: 8m (26.25 ft.)

24.4.4 Side Yards:

- a) laneless sites: one unobstructed side yard shall be a minimum of 6m (19.68 ft.) excluding flankage sites with alternate rear access
- b) adjacent to a residential district: 3m (9.84 ft.)
- c) street side of corner site: 3m (9.84 ft.).
- d) all other: none required

24.4.5 Rear Yard: 6m (19.68 ft.)

24.5.0 Maximum Limits

24.5.1 Height of Buildings: 9m (29.53 ft.)

24.5.2 Landscaping:

- a) A minimum 10% of the site area must be landscaped in accordance with the plan approved by the Development Authority;
- b) Any trees or shrubs which die must be replaced during the next planting season;
- c) The majority of the landscaping shall be concentrated in the front yard.

25.0.0 GENERAL INDUSTRIAL DISTRICT (M-2) LAND USE RULES

25.1.0 Purpose and Intent

25.1.1 The purpose and intent of this District is to provide for an industrial district having a wide range of light to medium industrial uses.

25.2.0 List of Permitted and Discretionary Uses

25.2.1 Permitted Uses:

- Accessory Buildings
- Agricultural Related Business
- Auto-body and Paint Shops
- Automotive Specialty Shops
- Bottling Depots
- Building Supply Centres
- Mini-Storage Warehouses
- Parking Lots
- Public and Quasi-Public Installations and Facilities
- Public Parks
- Truck Terminals
- Veterinary Clinics

25.2.2 Discretionary Uses:

- Antenna Structures
- Abattoirs
- Bulk Fuel Storage and Distribution Facilities
- Industrial Uses
- Lumber Yards
- Manufacturing Plants
- Service Stations
- Signs
- Storage Yards
- Woodworking

25.3.0 General Requirements

25.3.1 In addition to the general land use provisions contained in Sections 11, 23, 28 and 29, the following provisions as contained within this section shall apply to every development in this District.

25.4.0 Minimum Requirements

25.4.1 Area of Site: 0.25 ha (0.62 acres)

25.4.2 Width of Site: 30m (98.42 ft.)

25.4.3 Front Yard: 8m (26.25 ft.)

25.4.4 Side Yards:

(a) Adjacent to a residential district: 3m (9.84 ft.)

(b) Laneless Sites: One unobstructed side yard of 6m (19.68 ft.) excluding flankage sites with alternative rear access

(c) All other: none except as per 26.6.2

25.4.5 Rear Yard: 6m (19.68 ft.)

25.5.0 Maximum Limits

25.5.1 Height of Buildings: 9m (29.53 ft.)

25.5.2 Landscaping:

a) A minimum of 5% of the site area must be landscaped in accordance with the plan approved by the Development Authority;

b) Any trees or shrubs which die must be replaced during the next planting season.

26.0.0 URBAN RESERVE DISTRICT (UR) LAND USE RULES

26.1.0 Purpose and Intent

The purpose and intent of this District is to provide for the continuation of existing rural pursuits having regard to the Municipal Development Plan, the essentially low density agricultural characteristics of lands designated UR as well as their proximity to the developed urban areas and intended future urban development.

26.2.0 List of Permitted and Discretionary Uses

26.2.1 Permitted Uses:

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings

26.2.2 Discretionary Uses:

- Bed and Breakfast Accommodations
- Home Occupations - Major
- Kennels
- Limited Expansion to an existing building or use having due regard to its location to adjacent lands and their development time frame
- Manufactured Homes
- Market Gardens
- Poultry Farms
- Private Recreational Facilities
- Public and Quasi-Public Installations and Facilities
- Restricted Livestock Grazing
- Temporary Signs

26.3.0 General Requirements

26.3.1 In addition to the general land use provisions contained in Sections 11, 23, 28 and 29, the following provisions as contained within this section shall apply to every development in this District.

26.4.0 Minimum Requirements

26.4.1 Area of Site: 8 ha (20 acres)

26.4.2 Front Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: as required by Alberta Transportation
- b) All other sites: 7.5m (24.61 ft.)

26.4.2 Side Yards:

- a) Principal Building: 5m (16.40 ft.)
- b) Accessory Building: 2.4m (7.87 ft.)

26.4.3 Rear Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: as required by Alberta Transportation
- b) Principal Building: 7.5m (24.61 ft.)
- c) Accessory Building: 2.4m (7.87 ft.)

26.5.0 Maximum Limits

26.5.1 Height of Buildings: 9m (29.53 ft.)

26.6.0 Exceptions

- a) Lots 1 to 4, Plan 4332 GB shall have the following yards:
 - i) front and rear yard: 7.5m (24.61 ft.);
 - ii) side yard: 4.5m (14.76 ft.).
- b) That portion of the SE ¼ of Section 7, Township 20, Range 2, West of the 5th Meridian, which lies south and east of the centre of the South branch of the Sheep River, as said river is shown as Township Plan approved at Ottawa 15 August 1906, containing 31.52 hectares (77.8 acres) more or less

EXCEPTING:

FIRSTLY: that portion described in transfer 6635 A.H. containing 20.60 hectares (50.8 acres) more or less

SECONDLY: Plan 4332 GB containing 2.89 hectares (7.15 acres) more or less

THIRDLY: Plan 3814 JK, containing 3.117 hectares (7.7 acres) more or less

FOURTHLY: The remainder of the SE ¼ of Section 7, Township 20, Range 2, West of the 5th Meridian lying north and east of Plan 4332 GB containing 3.91 hectares (9.65 acres) more or less

FIFTHLY: plan 8610274 containing 1.49 hectares (3.68 acres) more or less

which shall have a minimum area of site of 3.23 hectares (8.9 acres) more or less.

- c) Lots 2 and 3, Plan 4332 GB shall have the following minimum requirements:
 - i) area of site 1.75 acres
 - ii) width of site 250 feet.
- d) That portion of the NE ¼ of Section 6, in Township 20, Range 2, West of the 5th Meridian, which lies to the northwest of Block G, Plan 7611150 which shall have the following requirements:
 - i) Minimum Area of Site: 0.82 ha (2.03 acres); and
 - ii) Minimum Width of site: 40m (131.23 ft.).
- e) "A portion of the SW ¼ Section 7, Township 20, Range 3, West of the 5th Meridian better known as the land owned by Gulf Canada Resources at the corner of the 4 way stop, shall be allowed a discretionary use of not more than two signs. One sign is for a site specific usage. The second sign is for community recreational information, as sponsored by the Municipality, and to allow all Urban Reserve land, with the exception of a portion of the SW ¼ Section 7, Township 20, Range 3 West of the 5th Meridian, better known as the land owned by Gulf Canada Resources at the corner of the 4 way stop, to have a discretionary use for signs".
- f) Lot 1 – Blk. 2 - Plan 9312616, which shall have a minimum site area of .59 ha (1.48 Acres) more or less.
- g) Lot 2 – Blk. 2 - Plan 9312616, which shall have a minimum site area of .58 ha (1.45 acres) more or less.
- h) Blk. 1 - Plan 1351 JK, which shall have a minimum site area of 4.3 ha (10.6 Acres) more or less.
- i) Parcel Y - Plan 7022 ED, which shall have a minimum site area of 1.8 ha (4.6 Acres) more or less.
- j) Blk. 1 - Plan 9111448, which shall have a minimum site area of 3.3 ha (8.2 Acres) more or less.
- k) Blk. 3 - Plan 9112618, which shall have a minimum site area of 1.5 ha (3.8 Acres) more or less.
- l) Sec 1, TWP RG W of 5, which shall have a minimum site area of .6 ha (1.5 Acres) more or less.

- m) Lot 2 – Blk. 2 - Plan 9310679, which shall have a minimum parcel size of .8 ha (2.0 Acres) more or less.
- n) Lot 3, 4, 5 - Plan 9, which shall have a minimum parcel size of .8 ha (2.0 Acres) more or less.
- o) A portion of Blk. 7 - Plan 954 GV for the temporary use of peddler and food wagons.

26.7.0 Special Requirements

26.7.1 Kennels and Poultry Farm Buildings shall not be located closer than 150m (492.12 feet) to any other person's property line.

27.0.0 DIRECT CONTROL DISTRICT (DC) LAND USE RULES

27.1.0 Purpose and Intent

27.1.1 The purpose and intent of this District is to provide for the creation of site specific regulations in respect of specific sites within the Municipality, where the circumstances relating to the development of the site are such that regulation and control by means of other districts in this by-law would be inappropriate.

27.2.0 List of Permitted and Discretionary Uses

27.2.1 Permitted and discretionary uses for a site specific Direct Control designation shall be established by Council as a schedule to Section 27.5.0 of this District.

27.3.0 General Requirements

27.3.1 In addition to the general land use provisions contained in Sections 11, 13, 20, 23, 28 and 29, all developments in this District shall comply with any site specific provisions established by Council for this District.

27.4.0 General Procedures

27.4.1 Notwithstanding the procedure established for the issuance of development permits in Section 5.0.0, Council shall decide on all applications for development permits within a Direct Control District. Council may approve an application, with or without conditions, or may refuse an application for a development permit.

27.4.2 There is no appeal to the Subdivision and Development Appeal Board from a decision on an application for a development permit in a Direct Control District.

27.5.0 Land Designated Direct Control

27.5.1 DC-1: That portion of the NE ¼ Section 6, Township 20, Range 2, West of the 5th Meridian containing an area of approximately 6.76 acres (2.73 ha) is designated Direct Control (DC-1) for the purposes of developing residential, single dwelling lots.

a) List of Permitted and Discretionary Uses:

Same as those listed in Section 16.0.0, Residential - Restricted Single Detached District (RR-1) of this By-law.

b) Special Site Specific Requirements:

- i) Guidelines for minimum requirements for front yard, side yard, rear yard and habitable floor area per unit and the maximum limits for coverage of site, height of buildings and residential buildings on the same site are set out in Section 16.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) of this By-law.

The 6.75 acre (2.73 ha) DC-1 site shall contain no more than six residential sites.

28.0.0 PARKING AND SIGNAGE REGULATIONS

28.1.0 Parking and Loading Facilities

28.1.1 Parking and loading spaces shall be provided on site in accordance with the following Tables 1 and 2, and unless otherwise stated, shall:

- a) be calculated on the basis of gross floor area and where a fractional figure occurs shall be rounded to the next higher figure; and
- b) where the terms "patrons" and "seats" are used it shall be based upon fire occupancy ratings.

TABLE 1: PARKING REQUIREMENTS

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
Apartments, Attached Housing and Four-plexes	2 spaces/dwelling unit
Arenas	1 space/10 seats
Arenas (open air)	1 space/9m ² (96.88 sq. ft.)
Bed and Breakfast Accommodation	1 space/rented room plus the number required for the dwelling
Bowling Alleys	4 spaces/alley
Child Care Facilities	1 space/employee
Medical Clinics	1 space/37m ² (398.28 sq. ft.)
Curling Rinks	6 spaces/sheet of ice
Drive-in Businesses	3 vehicle stack-up spaces per drive-up window, plus an additional 3 parking spaces per drive-up window
Drinking Establishments	1 space/4 seats
Financial Institutions	1 space/28m ² (301.40 sq. ft.)
Funeral Homes	1 space/3 seats

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
Gas Bars	3 spaces plus 3 automobile stacking spaces per full pump
Group Home	1 space/employee not residing in the home, plus the number required for the dwelling
Home Occupation	1 space/vehicle required for the occupation plus 1 space/employee plus the number required for the dwelling
Hospitals	2 spaces/3 beds
Household Service Shop	1 space/37 m ² (398 sq. ft) (bylaw number 03-875 Nov/03)
Lumber Yards, Building Supply Centres	1 per ha of site area and 1 per 37m ² (398.28 sq. ft.) retail area
Manufacturing Plants	1 space/56m ² (602.80 sq. ft.)
Motels, Hotels	1 space/guest unit plus 1 additional space for management
Offices	1 space/37m ² (398.28 sq. ft.)
Private Clubs and Lodges	1 space/18m ² (193.76 sq. ft.)
Public and Quasi-Public Installations and Facilities	1 space/28m ² (301.40 sq. ft.)
Religious Institutions (existing)	1 space/12 seats
Religious Institutions (new)	1 space/4 seats
Residential: Duplex Manufactured Homes Mobile Homes Single Detached Dwellings Studio Suites	1 space/dwelling unit
Restaurants	1 space/37m ² (398.28 sq. ft.) and 1 space/4 seats
Retail Stores	1 space/37m ² (398.28 sq. ft.)
Schools: Elementary Junior High Senior High	1 space/classroom 4 spaces/classroom 8 spaces/classroom

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
Senior Citizens Home	1 space/2 units
Service Station	3 spaces plus 3 automobile stack up spaces per full pump plus 4 spaces per bay
Theatres	1 space/5 seats
ANY COMMERCIAL DEVELOPMENT OR PUBLIC FACILITY NOT LISTED	1 per 37m ² (398.28 sq. ft.) of building gross floor area
ANY INDUSTRIAL DEVELOPMENT NOT LISTED	1 per 56m ² (602.80 sq. ft.) of building gross floor area

TABLE 2: LOADING REQUIREMENTS

USE OF BUILDING OR SITE	MINIMUM NUMBER OF LOADING SPACES
Arenas	2 spaces
Funeral Homes	1 space
Hospitals	1 space
Lumber Yards and Building Supply Centres	1 space/1,858m ² (20,000 sq. ft.). Minimum of two spaces.
Manufacturing Plant	1 space/1,858m ² (20,000 sq. ft.). Minimum of two spaces
Restaurants	1 space
Retail Stores and Service/Repair Shops	1 space per business or at the discretion of the Development Authority
Warehouses	1 space/1,858m ² (20,000 sq. ft.). Minimum of two spaces.

28.1.2 A parking space shall be located on the same site as the building or the use for which it is required and shall be designed, located and constructed to the Municipality's standards so that:

- a) it is easily accessible to the vehicle intended to be accommodated there;
- b) it can be properly maintained;
- c) it is in conformity with the requirements as outlined in 28.1.1 and the stall width, angle, and depth, along with the aisle width conforms to 28.1.9 and are indicated on the site plan; and

-
- d) it is satisfactory to the Development Authority in size, shape, location, grading and construction.
- 28.1.3 A loading space shall have an area of not less than 28m² (301.40 sq. ft.), 3.5m (11.48 ft.) in width, and 3.5m (11.48 ft.) of overhead clearance.
- 28.1.4 Any parking space or any loading space shall be developed to Municipal standards.
- 28.1.5 When a building is enlarged, altered, or a change in the use occurs in such a manner as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required as a result of the enlargement, alteration, or change in the use of the building, in addition to any parking spaces that may have been removed due to the enlargement or alteration.
- 28.1.6 Curbs, concrete bumpers or fences shall be provided to the satisfaction of the Development Authority.
- 28.1.7 The on-site parking shall be provided in the manner shown on the approved site plan with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Authority.
- 28.1.8 Notwithstanding Section 28.1.1 and excluding residential districts should the Development Authority deem it advisable, it may:
- a) accept a payment in lieu, on the number of on-site parking spaces deficient, which payment shall be based on the amount of money Council considers reasonable in lieu of the equivalent parking space to be provided by the Municipality elsewhere in the same district in which the development is proposed;
 - b) require the developer to provide the required off-street parking on land other than that to be developed provided that:
 - i) the alternate parking site is within 122m (400.26 ft.) of the site where the principal building is located or where the approved use is carried on and within the same district in which the development is proposed;
 - ii) the alternate parking site is under the absolute control of the developer or his successor to the principal development for a term of years equal to the life of the approved principal development and that the said alternate parking site shall be maintained and made available at all times in a like manner to on-site parking;
 - iii) the absolute control is established to the satisfaction of the Council;

- iv) should the developer or his successor to the principal development seek the consent of the Municipality to discontinue the use of an approved alternate parking site, he shall provide a substitute parking site that conforms to the criteria required for an on-site parking space;
- v) when the developer or his successor is authorized by the Municipality to provide one or more alternative parking sites, he shall enter into an agreement under seal with the Municipality deposing as to these and such other relevant things as the Municipality may require and the said agreement shall be in such form as may be registered and maintained on the title or titles to such lands in the Land Titles Office.

28.1.9 Parking spaces shall be designed and provided in accordance with Table 3.

TABLE 3 - MINIMUM DIMENSIONS FOR THE DESIGN OF PARKING FACILITIES

Parking Angle (A)*	Aisle Width (B)* m (ft.)	Stall Depth (C)* m (ft.)	Stall Width (D)* m (ft.)
30E	3.5m (11.48 ft.)	5.1m (16.73 ft.)	2.5m (8.20 ft.)
45E	3.5m (11.48 ft.)	6.0m (19.68 ft.)	2.5m (8.20 ft.)
60E	5.5m (18.04 ft.)	6.4m (21.00 ft.)	2.5m (8.20 ft.)
90E	7.0m (22.97 ft.)	6.0m (19.689 ft.)	2.5m (8.20 ft.)

28.1.10 Parking and loading requirements for other similar uses as set out in Section 28.1.1 shall be provided as determined by the Development Authority.

29.0.0 SIGN CONTROL

- 29.0.1 Excepting traffic control signs and those temporary signs outlined in Section 3.2.0, all signs shall comply with the provisions set out for the district in which the sign is to be located.
- 29.0.2 No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or color where it may interfere with, or be confused with any authorized traffic sign, signal or device and in so doing create a traffic hazard or create a nuisance in a residential neighbourhood.
- 29.0.3 Within all districts, signs, other than fascia signs, which overhang any abutting municipal, provincial or federal property are prohibited;
- 29.0.4 Portable freestanding signs may be permitted at the discretion of the Development Authority.
- 29.0.5 Within a residential district, one identification sign per site may be permitted as follows:
- a) a fascia sign which does not exceed 1,000 cm² (155 sq. in.) in area to identify a home occupation in a residential district;
 - b) a freestanding sign or fascia sign to identify an apartment building, mobile home community or other non- commercial use and which does not:
 - i) exceed 1.5m² (16.14 sq. ft.) in area; or
 - ii) project within 0.61m (2.00 ft.) from the property line; or
 - iii) exceed 3.5m (11.48 ft.) in height.
- 29.0.6 The message on a sign shall relate to the use of the parcel(s) on which the sign is located.
- 29.0.7 Community Advertising Signs:
- a) Community advertising signs shall only be allowed in the CB, C-HWY, M-1, M-2 and UR districts.
 - b) Community advertising signs shall:
 - i. have a low profile and blend in with the surrounding area;
 - ii. be permanent and stationary;
 - iii. not contain lighting depicting action or movement to create special effects or a pictorial scene; and

iv. be constructed of maintenance free materials.

- c) The number, size and location of community advertising signs shall be determined by the Development Authority.
- d) Notwithstanding Section 29.0.7 community advertising signs containing messages related to businesses may be located on parcels other than the parcel upon which the business occurs.

29.0.8 Within a commercial or industrial district, identification or directional signs may be allowed as follows:

- a) freestanding signs provided that:
 - i) the maximum height shall not exceed 9m (29.53 ft.);
 - ii) the total sign area for each face shall not exceed 9 m² (96.88 sq. ft.);
 - iii) a sign shall not project within 0.61m (2.00 ft.) back from a property line;
- b) fascia signs provided that the total copy area of a sign or signs shall not exceed 20% of the face of the building or bay to which the sign is attached.
- c) roof signs provided that they are erected without any visible means of support and are architecturally integrated with the building upon which they are located (to the satisfaction of the Development Authority). Such signs, or any part thereof, shall not rotate or employ any flashing or intermittent lights, or devices or means to create the impression of flashing lighting. Roof signs shall not exceed a total sign area for each face of 9m² (96.88 sq. ft.). The height of sign and building shall not exceed 2m (6.56 ft.) over the maximum building height limit of the district in which they are or are proposed to locate.

29.0.9 Within the Urban Reserve District, identification or directional signs may be allowed as follows:

- a) one fascia sign per site which does not exceed 1,000 cm² (155 sq. in.) in area to identify a home occupation in residential districts;
- b) one freestanding directional sign per site which does not exceed 1m² (10.76 sq. ft.) in area nor 3.5m (11.48 ft.) in height;
- c) one freestanding or fascia sign per site which does not exceed 3.5m² (37.67 sq. ft.) in area nor 6m (19.68 ft.) in height to identify the permissible use in the district.

- 29.0.10 In considering a development application for a sign, the Development Authority shall have due regard to the amenities of the district in which the sign is located and the design of the proposed sign.

30.0.0 EXISTING CONTROLS AND DATE OF COMMENCEMENT

30.0.1 Land Use Bylaw No. 97-753 and all amendments thereto are hereby rescinded.

30.0.2 This Bylaw comes into effect upon the date of its third reading.

READ A FIRST TIME ON THE 2ND DAY OF SEPTEMBER, 2003 AD

Original Signed by _____ Mayor

Original Signed by _____ Administration Manager

READ A SECOND TIME ON THE 15TH DAY OF SEPTEMBER, 2003 AD

READ A THIRD TIME AND FINALLY PASSED THE 15TH DAY OF SEPTEMBER,
2003 AD

Original Signed by _____ Mayor

Original Signed by _____ Administration Manager