

TOWN OF INNISFAIL Land Use Bylaw

Bylaw No. 1470



Office Consolidation as of July 24, 2018

Office Consolidation as of August 14, 2018

TOWN OF INNISFAIL Amendments to Bylaw 1470

Amendment Number	Date of Adoption	Brief Description
1470-A1	Jan 25/10	Redesignate Lot 1, Block 6, Plan 072 9064 and Lot 2, Block 2, Plan 012 4685 from Public (P) to Direct Control District (DCD). Adding definitions for tournament house, golf club house, golf course and golf pro shop to Section 1.7 Definitions. Adding the Direct Control District (DCD) to Section 16.0 of the LUB for Lot 1, Block 6, Plan 072 9064 and Lot 2, Block 2, Plan 012 4685.
1470-A2	Jan 25/10	Adding a Direct Control District (DCD) to Section 16.0 of the LUB for Lots 6-9, Block 10, Plan P.
1470-A3	Apr 26/10	Adding a Direct Control District (DCD) to Section 16.0 of the LUB for Lot 8, Block 14, Plan L; Lot 20, Block 13, Plan L; Lot 19, Block 13, Plan L; Lot 23-26, Block 12, Plan L; Lot 20, Block 12, Plan L; Lot 14-16, Block 12, Plan L; Lot 27, Block 13, Plan 042 0549; Lot 28, Block 13, Plan 042 0549; Block 13, Plan 982 1164; Lot 30-33, Block 12, Plan 902 2003; Lot 27-29, Block 12, Plan 892 2773; Lot 10A, Block 16, Plan 762 0251; Lot A, Block 17, Plan XIV; Lot 12, Block 15, Plan XIV; Lot 1-9, Block 16, Plan XIV; Lot 5-13, Block 17, Plan XIV
1470-A4	Apr 26/10	Adding a Direct Control District (DCD) for Part of NW 27-35-28-4 lying west of the Canadian Pacific Railway right-of-way. Adding definitions for campground, environmentally friendly operations, food service kiosk, gift shop, institutional service facility, zoo and zoo composting practice to Section 1.7 Definitions.
1470-A5	Sept 27/10	Redesignate remainder of Lot 1, Block 1, Plan 022-5155 from RD (Reserved for Future Development) to I (Industrial) and Lot 5, Lot 6 and Lot 7 from RD (Reserved for Future Development) to P (Public) for Lot 5MR, Lot 6ER and Lot 7MR
1470-A6	DEFEATED	Portions of NW1/4 Sec 20; 35-28-4 were to be redesignated from R-1B and R-1C to P and R-3
1470-A7	Jan 24/11	Redesignate remainder of Lot 17B, Block 10, Plan 922-2318 from P (Public Use) to R-3 (Residential Multi-Family) and that the following be added under "Maximum Building Height" in the R-3 District: "31 feet for principal building only on Lot 17B, Block 10, Plan 922-2318"
1470-A8	May 24/11	Redesignate that portion of Block 9, Plan 7327K showing as Dial Street and Service Road on the attached map from HWY-C (Highway Commercial District) to DCD (Direct Control District)

1470-A9 1514-2011	Nov 14/11	Under 5.1 Residential Single Family District (R-1A) delete "Other Requirements (8) and under 5.2 Residential Single Family District (R-1B) delete "Other Requirements (7)"
1470-A10	Jan 9/12	Redesignate a portion of the NE 17-35-28-W4 from Residential Single Family (R-1B) District to Residential Multi-Family (R-3) District.
1470-A11	Feb 13/12	Redesignate a portion of Parcel A (West Portion) Plan 6982ET from Reserved for Future Development (RD) District to Residential Single Family (R-1B) District.
1470-A12	Apr 23/12	Amend Section 11.0 Highway Commercial District (HWY-C) Discretionary Uses by adding "Child Care Facilities" and "Commercial Schools" to the list of discretionary uses.
1470-A13	DEFEATED	Redesignate a portion of SW 39-35-28-4 from Public Use (P) District to Residential Multi-Family (R-3) District.
1470-A14	May 28/12	Redesignate Lot 1, Block 1, Plan 022 5155 from Industrial (I) District to Public (P) District as shown on the attached Schedule A. Redesignate Cut-Off A, Plan 112 2487 from Reserved for Future Development (RD) District to Industrial (I) District and Public (P) District as shown on the attached Schedule A.
1470-A15	Sept 10/12	Redesignate a part of Lot 6, Block 1, Plan 112 0753 marked as Area A on the attached Schedule A from Industrial (I) District to Public (P) District. Redesignate part of Lot 7MR , Block 1, Plan 112 0753 marked as Area B on the attached Schedule A from Public (P) District to Industrial (I) District.
1470-A16	DEFEATED	Redesignate Lot 3, Plan 792 1741 from Highway Commercial (HWY-C) District to Industrial (I) District as shown on the attached Schedule A.
1470-A17	WITHDRAWN	Redesignate Lot 15, Block 1, Plan 032 3058 from Industrial (I) District to Highway Commercial (HWY-C) District as shown on the attached Schedule A.
1470-A18	Feb 11/13	Amend list of allowable uses for the Direct Control District along 48 Street between 51 Avenue and 49 Avenue to include "fourplexes".

1470-A19	Feb 25/13	Amend the minimum front yard requirement for fourplexes in the R-3 District by deleting the words “and fourplexes” after the word “apartments”. Amend the minimum side yard requirements for fourplexes in the R-3 District to read: “1.5 m (5 ft) except 3 m (10 ft) on the street side of a corner parcel”. Amend sub-clause (b) of the landscaped area requirement in the R-3 District to read: “A landscaped area at least 4 m (13 ft) in perpendicular depth from the building wall and extending at least 1 m (3 ft) on each side of all windows and patio doors of living rooms, dining rooms and bedrooms”. Amend the parking requirements for fourplexes listed in the table in Section 3.20 by adding: “1.25 per dwelling unit” in the column labelled “Minimum Number of Parking Spaces” opposite the word “fourplex” in the column labelled “Use of Building or Site”. Amend “Landscaping Materials” in the R-3 District to include: “Despite Section 3.29 and for development fourplexes only, trees shall be provided at a rate of one tree for every 84 m ² (904 ft ²) of the required landscaped area and shrubs shall be provided at a rate of one shrub for every 40 m ² (430 ft ²) of the required landscaped area.
1470-A20	May 13/13	Amend the list of discretionary uses in the Central Business District to include: “Existing dwelling having up to 1,150 ft ² of combined floor space on all floors above grade on Lot 5, Block 5, Plan 944R”.
1470-A21	May 13/13	Add to Section 1.7 Definitions: “stacked row housing” means a building containing three or more dwelling units where each unit may have a separate access to outside grade and where dwelling units may be situated either wholly or partially over or under other dwelling units”. Add as a discretionary use in the Residential Medium Density (R-2) District: “stacked row housing”. Add as a permitted use in the Residential Multi-Family (R-3) District: “stacked row housing”. Amend Section 3.20 Parking to include a minimum requirement of 1.25 parking stalls per dwelling unit for stacked row housing.
1470-A22	May 27/13	Redesignate Part of Lot A, Plan 912 2022 and Part of Lot 93, Block 79, Plan 792 1848 from Reserved for Future Development (RD) District to Residential Single Family (R-1A) District, Residential Single Family (R-1B) District and Public Use (P) District as shown on the attached Schedule A.
1470-A23	Feb 24/14	Amend a portion of the SW 17-35-28-4 from Reserved for Future Development (RD) District to Public Use (P) District as shown on the attached Schedule A.
1470-A24	DID NOT PROCEED	Redesignate from Reserved for Future Development (RD) District to Highway Commercial (HWY-C) District – replaced by 1470-A36
1470-A25	May 12/14	Amend Section 11.0 Highway Commercial District (HWY-C) Discretionary Uses by adding “Home occupation – Class 1 on Lot 6, Block 2, Plan 944R” to the list of Discretionary Uses.

1470-A26	Jun 9/14	Amend Section 11.0 Highway Commercial District (HWY-C) Discretionary Uses by adding "Feed Mills and Grain Elevator on Lot 3, Block 1, Plan 772 1583" to the list of discretionary uses. "Feed Mills and Grain Elevator on Lot 3, Block 1, Plan 772 1583" are subject to: (a) Gravel surrounding the railroad tracks shall be maintained to ensure that no mud, dirt or similar material is tracked onto 50 Street; and (b) the operation of the Feed Mill and Grain Elevator shall not allow any dust to escape beyond their parcel boundaries which, in the opinion of the Development Authority, is excessive and adversely affects the surrounding are; and (c) no noise, or a disturbance, which may be heard in a residential building shall be created between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday, and between the hours of 10:00 p.m. and 9:00 a.m. on Sunday
1470-A27	Aug 11/14	Redesignate Lot 17A, Block 10, Plan 922 2318 from Public Use (P) District to Residential Multi-Family (R-3) District as shown on the attached Schedule A. Redesignate Lot 8ER, Block 1, Plan 052 5814 and Lot 7MR, Block 1, Plan 052 5814 from Residential Single Family (R-1B) District to Public Use (P) District as shown on the attached Schedule A. Redesignate Lot 47ER, Block 7, Plan 912 1641 from Residential Multi-Family (R-3) District to Public Use (P) District as shown on the attached Schedule A.
1470-A28	Oct 14/14	Redesignate Part of NW 17-35-28-4; Part of NE 17-35-28-4; and Lot O, Plan 71NY from Reserved for Future Development (RD) District to Residential Single Family (R-1C) District, Residential Multi-Family (R-3) District; Local Commercial (LC) District and Public Use (P) District as shown on the attached Schedule A.
1470-A29	Nov 10/14	Amend Section 16.0 Direct Control District (DCD) by adding "Indoor car showroom on Lot 3, Block 16, Plan RN14" along 48 Street between 51 Avenue and 49 Avenue as a Discretionary Use.
1470-A30	DEFEATED	Alcohol sales in Local Commercial (LC) District.
1470-A31	Feb 9/15	Amend Section 15.0 Reserved for Future Development (RD) District by adding "Sales and service outlets for farm and heavy equipment, building supplies and mobile homes on Lot 1, Block 2, Plan 082 0732" as a Discretionary Use.
1470-A32	May 11/15	Redesignate Lot 9, Block 2, Plan 962 3287, Lot 10, Block 2, Plan 962 3287, Lot 6, Block 2, Plan S, Lot 5, Block 2, Plan S, Lot 4, Block 2, Plan S, Lot 3, Block 2, Plan S, Lots 1 & 2, Block 2, Plan S and Lot 11, Block 2, Plan 092 2623 from Residential Multi-Family (R-3) District to Residential Medium Density (R-2) District as shown on the attached Schedule A.

1470-A33	Nov 9/15	<p>Add to Section 1.7 Definitions: “private wastewater” and “private water”. Add to Section 2.5 Contents of a Development Permit Application as item (e): “If the proposed development is to be serviced by private water and/or wastewater an application shall include engineering plans or a statement of intent respecting the provision of water and/or wastewater services, and a groundwater supply study, conducted by a qualified professional” and the current item (e) is changed to be item (f). Section 14.0 to become Privately Serviced Industrial District (I-PS) and current Section 14.0 Public Use District (P) become Section 15. Current Section 15.0 Reserved for Development District (RD) to become Section 16.0 and current Section 16.0 Direct Control District (DCD) to become Section 17.0.</p>
1470-A34	Jun 8/15	<p>Redesignate NE ¼ Section 19, Township 35, Range 28, West of the 4th Meridian from Reserved for Future Development (RD) District to Residential Single Family (R-1C), Residential Narrow Lot (R-1N), Residential Medium Density (R-2), Highway Commercial (HWY-C) and Public Use (P) Districts as show on the attached Schedule A.</p>
1470-A35	July 13/15	<p>Redesignate Block A, Plan S in the SW ¼ Section 28035028-W4 from Residential Single Family (R-1C) District to Direct Control (DCD) District.</p>
1470-A36	July 27/15	<p>Redesignate part of Cutoff Plan 012 2423; part of Lot A, Plan 912 2022; part of Plan 872 0302; and part of Closed Road Allowance Certificate of Title #132 147 522 from Reserved for Future Development (RD) District to Highway Commercial (HWY-C) District and Public Use (P) District.</p>
1470-A37	Aug 24/15	<p>Redesignation of part of Lot 14MR, Block 1, Plan 942 3816 from Residential Medium Density (R-2) District to Highway Commercial (HWY-C) District as show on the attached Schedule A.</p>
1470-A38	Jan 11/16	<p>Redesignation of Block 3, Plan 912 3400 and Block 4, Plan 962 3760 from Direct Control (DC), Low Density Residential (RD), and Residential Multi-Family (R-3) Districts to Residential Single Family (R-1A), Residential Single Family (R-1B), Residential Medium Density (R-2), and Reserved for Future Development (RD) Districts.</p>
1470-A39	Mar 14/16	<p>Amend Part 2.0, section 2.4(1) by removing subsections (m) through to and including (r) and section 2.5 (1)(a)(ix) is amended by removing the period at the end of the list & replacing it with “,and” & adding “all sign locations and designs”. Amend Part 2.0, section 2.19 by removing subsections (9) through to and including (11). Section 4.0 Sign & Outdoor Advertisement Regulations be replaced by section 4.0 shown in the attached Schedule A. Section 11.0 Highway commercial District (HWY-C) be amended by removing section (8) of the Highway Corridor Design Guideline Requirements. Amend section 13.0 Industrial District (I) by removing section (8) of the Highway Corridor Design Guideline Requirements.</p>

1470-A40	Apr 11/16	Amend the list of discretionary uses in the Public Use District to include: "Adult care housing on Lot 2, Plan 6699KS and Lot 22, Block 36, Plan 762 2445"
1470-A41	DEFEATED	Redesignate Lot 6, Block 32, Plan 2916HW from Residential Medium Density (R-2) District to Commercial Use.
1470-A42	Aug 22/16	Redesignate a portion of Lot B, Plan 5718HW from Reserved for Future Development (RD) District to Low Density Residential (LDR) as shown on the attached Schedule A.
1470-A43	Oct 11/16	Redesignate a portion of NE ¼ Section 29-35-28-4 from Residential Single Family (R-1C) District to Residential Single Family (R-1B) District as shown on the attached Schedule A. Redesignate a portion of NE ¼ Section 29-35-28-4 from Reserved for Future Development (RD) District to Residential Single Family (R-1B) District as shown on the attached Schedule A.
1470-A44	Nov 28/16	Redesignate Area B, Plan 082 0591 from Future Development (RD) to Highway Commercial (HWY-C) as shown on the attached Schedule A.
1470-A45	Mar 27/17	Amend the list of discretionary uses in the Highway Commercial District to add feed mills and grain elevators on Lot 4, Block 1, Plan 772 1583 & Lot 1 & 2, Plan 7618T. Amend the "Specific requirements" – "(4) Feed Mills and Grain Elevators on Lot 3, Block 1, Plan 772 1583 are subject to the following: to Include "Lot 4, Block 1, Plan 772 1583 and Lot 1 & 2, Plan 7618T"
1470-A46	May 8/17	Land use designations for Lot F, Plan 973 MC and Lot B, Plan 5718W are changed from Reserved for Future Development (RD) District and Low Density Residential (LDR) to Residential Single Family (R-1A) District and Residential Single Family (R-1B) District.
1470-A47	Aug 28/17	Amend subsection 2.4, Development Not Requiring a Development Permit subsection (1)(m) to include "and unenclosed decks: following "paths, driveways, patios". Subsection 2.4, subsection (1)(r) be added. Section 2.12, Development Permit Decisions and Conditions subsections (5-7) be repealed and replaced. Section 3.4(4) be repealed and replaced. Subsections 3.7(2) and 3.7(3) be added. Subsection 3.9 Accessory Buildings (1) be added and the section renumbered accordingly. Section 3.36 (3) be repealed and replaced. Section 4.0(1) be repealed and replaced. Section 4.0(4) Signs not Requiring a Permit, subsections (a),(c),(f) and (h) be repealed.
1470-A48	Aug 28/17	Addition of subsection 3.4(5) and 3.4(6). Repeal section 3.29 Landscaping and replace. Repeal subsection 3.40 and replace. Amend section 11.0 Highway Commercial District (HWY-C) "Special Requirement" to add Garbage Storage. Repeal "Highway Corridor Design Guidelines Requirements" from Part 11.0 Highway Commercial District (HWY-C), and Part 13.0 Industrial District (I).

1470-A49	Apr 9/18	Addition of Schedule A to Section 17.0 as "Direct Control Bylaw No. 1470-A49 Provisions for Lot 4, Block 3, Plan 082 0732"; and land use designation for Lot 4, Block 3, Plan 082 0732 is changed from Reserved for Future Development (RD) to Direct Control (DCD) District as shown on Schedule B
1470-A50	Jan 8/18	Amend section 1.7 Definitions to include Microbrewery. Amend section 13.0 Industrial District by including "Microbrewery – on Lot 9, Block 1. Plan 132 0553 only" under Discretionary Uses.
1470-A51	Feb 26/18	Change the land use designation for Lot 6, Block 1, Plan 944R from Central Business (CB) District to Residential Multi Family (R-3) District.
1470-A52	DEFEATED	<p>Change the land use designation for Lot 1, Block 2, Plan 082 0732 from Reserved for Future Development (RD) to Privately Serviced Industrial (I-PS) District.</p> <p>Change to the Special Requirements sections of the Privately Serviced Industrial (I-PS) District to add</p> <p>Lot 1, Block 2, Plan 082 0732</p> <p>(9) At the time of subdivision, an Environmental Reserve Easement having a minimum width of 15m along both sides of Buffalo Creek shall be provided. With the exception of approved storm water outfalls, no buildings, structures or site improvements or any other changes to the existing natural vegetation within 15m of Buffalo Creek shall be allowed.</p>
1470-A53	Jun 11/18	Amend subsection 3.29 (4) to include "in all districts excepting the Central Business and Established Industrial". Subsection 3.29 (4) be repealed and replaced. Section 13.0 Industrial District (I) be amended to be titled Established Industrial District (I-ES). Section 13.0 General Purpose be repealed and replaced. Section 13.0 Landscaped Area be repealed. Section 13 Special Requirements, new subsection Yards abutting a Non-industrial district (6) be added. New Section 14.0 Industrial Expansion District (I-EX) be added, and subsequent sections being renumbered accordingly.
1470-A54	July 23/18	Amend section 1.7 definitions to include: Cannabis Facility, Cannabis Store, Playground and playing fields. Addition of section 3.41 with subsequent sections being re-numbered accordingly. Amend section 10.0 Central Business (CB) and 11.0 Highway Commercial (HWY-C) to include Cannabis Store to the list of discretionary uses. Amend section 13.0 Industrial – Established (I-ES), 14.0 Industrial – Expansion (I-EX), and 15.0 Industrial – Privately Serviced (I-PS) to include Cannabis Facility to the list of discretionary uses.

HOW TO USE THIS BYLAW

The Town of Innisfail Land Use Bylaw establishes the regulations which govern how land and buildings can be developed in our Town. The regulations vary depending on where the land is located and what kind of development is proposed.

If you are not sure you understand the regulations, or if you would like someone to guide you through the process, simply call or visit the Town's Development Officer. The telephone number is (403) 227-3376. The Development Officer works out of the Town Office.

Step 1

Locate the property in question on the Land Use Map attached as Schedule "A" of the Bylaw. You will find the map in the pocket at the back of the Bylaw.

The map divides the Town into Land Use Districts. Each District has a land use designation such as "R-1" (Low Density Residential), or "CB" (Central Business). Note which Land Use District the property is located in.

Step 2

Check the Table of Contents and find the District that you are interested in. In each District you will find a list of permitted and discretionary uses, development standards and other regulations. Check the list of uses to see if there is a match with what you wish to do with the property. Uses are defined in the Definitions section at the front of the Bylaw.

Step 3

Review the Table of Contents to see if there are any general regulations which may apply to your project. For example, Part 3 General Regulations deals with such items as accessory buildings and uses, parking and loading, landscaping etc. It also includes regulations for home occupations, vehicular uses, bed and breakfasts, signs, and other uses and topics.

Step 4

Discuss your project with the Town's Development Officer. They can assist you with your application and explain the process, whether you are applying for a development permit, subdivision, or Land Use Bylaw amendment.

We hope this "how to" guide has been useful. Again, if you need help, please ask!

***NOTE:** This page is intended only to assist readers and does not form part of the Land Use Bylaw.

METRIC CONVERSION

This Bylaw is written in metric. To convert meters to feet, multiply the number of meters by 3.28 to get the approximate dimension in feet. Some typical dimensions used in the Bylaw and their Imperial equivalents are as follows:

m	feet
0.5	1.64
1.0	3.28
2.0	6.56
3.0	9.84
4.0	13.12
5.0	16.40
6.0	19.69
7.5	24.61
8.0	26.24
9.0	29.53
10.0	32.80
12.0	39.37
15.0	49.20
35.0	114.83
40.0	131.23

To convert m² to square feet, multiply the number of m² by 10.764 to get the number of square feet. Some typical conversions are as follows:

m ²	square feet
1.5	16.15
7.5	80.73
9.0	96.88
310	3336.92
420	4520.99
465	5005.38
570	6135.63
600	6458.56
850	9149.62
1300	13993.54
8000	86114.10

*NOTE: This page is intended only to assist readers and does not form part of the Land Use Bylaw.

**LAND USE BYLAW
BYLAW NUMBER 1470**

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TOWN OF INNISFAIL – LAND USE BYLAW

1.0 OPERATIVE CLAUSES AND INTERPRETATION

1.1 SHORT TITLE

This Bylaw may be cited as "The Town of Innisfail Land Use Bylaw".

1.2 PURPOSE

The purpose of this Bylaw is to, amongst other things,

- (1) divide the municipality into districts;
- (2) prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) establish the office of the Development Officer;
- (4) establish a method of making decisions on applications for development permits including the issuing of development permits;
- (5) provide the manner in which notice of the issuance of a development permit is to be given; and
- (6) implement the statutory plans of the Town of Innisfail.

1.3 COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this Land Use Bylaw does not exempt any person from

- (1) the requirements of any federal, provincial or other municipal legislation;
- (2) complying with any easement, covenant, agreement or contract affecting the development, and
- (3) the obligation to obtain any other permit, license or other authorization required by this or any other bylaw.

1.4 SECTIONS FOUND INVALID

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

1.5 RULES OF INTERPRETATION

- (1) Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter. Words have the same meaning whether they are capitalized or not.
- (2) Words, phrases and terms not defined in this Land Use Bylaw may be given their definition in the *Municipal Government Act*, Subdivision and Development Regulation or the Alberta Building Code. Other words shall be given their usual and customary meaning.
- (3) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to this Land Use Bylaw.
- (4) Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more use definitions, the Development Authority may, using discretion, deem that the use conforms to and is included in that use class considered to be the most appropriate in character and purpose provided that the specific use is substantially similar in nature, character and impact as the other uses listed in the use class. In such case, the use shall be considered a discretionary use, whether or not the use class is listed as permitted or discretionary within the District.
- (5) Imperial equivalents are provided beside every metric value in this Land Use Bylaw for convenience. Such equivalents are rounded to the nearest whole number. The metric value is the actual standard to be used.

1.6 ESTABLISHMENT OF DISTRICTS

- (1) For the purposes of this Land Use Bylaw, the Town of Innisfail is divided into the following Districts

Residential Single Family District	R-1A R-1B R-1C
Residential Narrow Lot District	R-1N
Residential Medium Density District	R-2
Residential Multi-Family District	R-3
Residential Manufactured Home Lot District	R-MHL
Residential Manufactured Home Park District	R-MHP
Low Density Residential District	LDR
Central Business District	CB
Highway Commercial District	HWY-C
Local Commercial District	LC
Industrial District	I
Privately Serviced Industrial District	I-PS
Public Use District	P
Reserved For Future Development District	RD
Direct Control District	DCD

- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map being Schedule A attached hereto. All roads, water courses, and lakes are excepted from the Land Use Districts.
- (3) Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules shall apply;
 - (a) a boundary shown as approximately following a parcel boundary shall be deemed to follow the parcel boundary;
 - (b) a boundary which does not follow a parcel boundary shall be located by measurement off the Land Use District Map; and
 - (c) a boundary location which cannot be resolved shall be referred to Council for an official interpretation. Council's interpretation shall be final.

1.7 DEFINITIONS

For the purposes of this Land Use Bylaw, all words shall carry their customary meaning or as defined in the Municipal Government Act, Subdivision and Development Regulation or the Alberta Building Code, as amended from time to time, except that:

accessory building or use means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site;

accessory residential building means an accessory building to a residence, and includes such things as a garage, garden shed (or storage) and, greenhouse;

adjacent land means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream;

adult care housing means a building providing long-term accommodation wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance;

adult entertainment means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, adult mini-theatres, exotic dancing, lap dancing, topless or bottomless waiters or waitresses and nude mud wrestling;

agricultural operation means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes but is not limited to:

- a) the cultivation of land;

- b) the raising of poultry and livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act;
- c) the raising of fur-bearing animals, birds or fish;
- d) the production of agricultural field crops;
- e) the production of fruit, vegetables, sod, trees, shrubs and other special horticultural crops;
- f) the production of eggs and milk;
- g) the production of honey;
- h) the operation of agricultural machinery and equipment, including irrigation pumps; and
- i) the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes.

agricultural processing means a facility where agricultural produce is collected, sorted, washed, cleaned, or otherwise prepared or processed into finished or semi-finished products and then shipped to a wholesale or retail outlet of for further processing;

alcohol sales means the retail sale of alcoholic beverages including distilled spirits, wine and beer to the public. This use is for high volume sales with quick customer turnover. This principal use may include as a subordinate use the retail sale of related products;

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

apartment means a residential building comprised of three or more dwelling units which share entrance facilities;

basement means a habitable portion of a building which is partly underground, but which has more than 50 percent of the distance between the floor level and the underside of the ceiling joists above the adjacent ground elevation;

bed and breakfast means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee;

buffer means a row of trees, shrubs, earth berm, fencing or combination of these items to provide visual screening and separation between sites and Districts;

building means anything constructed or placed on, in, over or under land but does not include a highway or road, or a bridge forming part of a highway or public road;

building height means the vertical distance between the average of the highest and lowest finished grade levels immediately adjacent a building and the highest point of the building that is not a roof stairway entrance, ventilating fan, skylight, steeple, chimney, firewall, parapet wall, flagpole or similar feature not structurally essential to the building;

business support service means the provision of a service to other businesses on a commercial basis which supports the operation of the business being served and includes such services as janitorial services, property management services and courier services;

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

campground means a place intended to accommodate temporary camping, including the erection of tents or the parking of trailers, holiday trailers or recreational vehicles.
[Bylaw 1470-A4]

cannabis facility means a use where cannabis is grown, processed, packaged, tested, destroyed or stored in accordance with a license issued by Health Canada.
[Bylaw 1470-A54]

cannabis store means a use where cannabis is sold for consumption off the premises and may include accessory retail or rental of merchandise and information services. The premises must be federally and provincially licensed.
[Bylaw 1470-A54]

car wash means a facility used for the purposes of washing motor vehicles;

casino means a facility for patrons to participate in gaming and gambling opportunities as the principal use but does not include bingo halls;

cellar means a portion of a structure which is mainly underground, and which has less than 50 percent of the distance between the floor level and the underside of the ceiling joists above adjacent ground elevation;

cemetery means a use of land or a building for interment of the deceased;

child care facility means a facility that provides care and supervision for seven (7) or more children for more than three (3) but less than twenty-four (24) consecutive hours in each day that the facility is operating, and is intended to be operated for them at least twelve (12) consecutive weeks per year;

commercial recreation and entertainment means a facility which provides for recreation or entertainment for a gain or a profit. This includes movie theatres, live theatres, dancing, arcades, billiard or pool halls, bingo halls, bowling alleys, gymnasiums, racquet courts, simulated golf, and roller skating but does not include adult entertainment or drinking establishments;

commercial school means a facility for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities or private instruction as a home occupation;

convenience store means a retail store which serves the day-to-day needs of neighbourhood residents and employees;

corner site means a site at the intersection of and abutting two or more streets;

Council means the Council of the Town of Innisfail;

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

dangerous goods occupancy means any occupancy where dangerous goods, as defined in the Transportation of Dangerous Goods Control Act, are unloaded, loaded, stored, processed, or otherwise handled in quantities in excess of the amounts set forth in section 3.33 on a permanent or ongoing basis;

density means the number of dwelling units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit;

detached dwelling means a residential building containing only one dwelling unit, which is not attached to any other residential building but shall not include a manufactured home;

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;

and for the purposes of this Land Use Bylaw includes:

- (e) removal of topsoil and/or placement of fill;
- (f) demolition of a building;
- (g) increase in the number of dwelling units in a building;
- (h) placing of waste material or refuse on any property;

- (i) use of land for parking trailers, portable dwellings, skid shacks of any other type of portable building;
- (j) use of land for the storage or repair of motor vehicles or other machinery or equipment; and
- (k) installation of signs.

development agreement means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out;

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

Development Officer means a person delegated to fulfil the role of Development Officer pursuant to this Land Use Bylaw;

development permit means a document authorizing a development issued pursuant to this Land Use Bylaw. A development permit is separate and distinct from a building permit;

discretionary use means a use of land or a building referred to as a discretionary use in the Land Use Districts of this Land Use Bylaw which may be compatible with the other uses in the District and for which, subject to the provisions of this Land Use Bylaw, a development permit may be issued, with or without conditions;

District means a Land Use District;

drinking establishment (adult entertainment permitted) means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, adult entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises. This includes any premises in respect of which a "Class A" Liquor License has been issued and where minors are prohibited by the terms of the license and where adult entertainment is permitted;

drinking establishment (adult entertainment prohibited) means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises but does not include adult entertainment. This includes any premises in respect of which a "Class A" Liquor License has been issued and where minors are prohibited by the terms of the license and where no adult entertainment is permitted;

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

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

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

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

dwelling unit for the occupancy of the owner, operator or caretaker means a dwelling unit which is accessory to other development on the site;

encroachment means any obstruction or intrusion extending from a property onto an adjoining public right-of-way or onto adjoining land;

encroachment agreement means a written agreement between the municipality and a property owner which establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality or a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by a different property owner;

Enforcement Officer means a person delegated to enforce any or all of the provisions of the Land Use Bylaw;

environmentally friendly operations means choosing and using products and services that minimize the negative impact on the earth. Examples may include water conservation methods, recycling, waste reduction and composting. [Bylaw 1470-A4]

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

feed mills and grain elevators means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared;

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

floor area means

- (a) for residential buildings, the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential buildings, or

- (b) for commercial buildings, the total area of all floors in a building measured from the outside of exterior walls including basements and cellars but excluding mall areas;

food service kiosk means a place where patrons can purchase snacks or food at a cinema, stadium, zoo or other entertainment venue. [Bylaw 1470-A4]

fourplex means a residential building, other than row housing, containing four dwelling units;

freight and transportation depot means a facility for the storage and distribution of freight shipped by air, rail or road transportation and includes a facility for the parking, storage and servicing of vehicles used in the transportation of freight or passengers for commercial purposes;

front parcel boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street;

front yard means that portion of the site extending across the full width of the site from the front property boundary of the site to the front wall of the main building situated on the parcel;

funeral home means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held;

gas bar means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include service stations or automotive repair establishments;

gift shop means a shop for the sale of miscellaneous articles appropriate as gifts. [Bylaw 1470-A4]

golf club house means the club house contains the storage of food and goods, the sale and service of food and drinks, meeting room and bar; [Bylaw 1470-A1]

golf course means a public or private area operated for the purpose of playing golf, and having not less than 9 holes with each hole having a tee off area, fairway and green; [Bylaw 1470-A1]

golf pro shop means the main building at a golf course where golfers will first head when arriving at the golf course, where golfers check in and pay, golf equipment and accessories are offered or kept for sale at retail including storage on or about the shop premises of limited quantities of such goods, wares or merchandise sufficient only to service such shop, unless otherwise specifically permitted by this Bylaw; where golf equipment and accessories may be repaired, and which may provide an office for the golf course professional; [Bylaw 1470-A1]

group home means a dwelling unit which is authorized, licensed or certified by a provincial authority to provide room and board for foster children or for physically, mentally, socially, developmentally or behaviourally challenged persons and may include professional care,

guidance and supervision. A group home may incorporate accommodations for resident staff;

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

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

heavy equipment assembly, sales and service means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial or agricultural activities;

home occupation – class 1 means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence and undetectable from outside the dwelling unit;

home occupation – class 2 means an accessory use of a dwelling unit or private garage by a resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may be detectable outside the buildings and beyond the property boundaries. In accordance with the foregoing, home occupation – class 2 uses may include such activities as music lessons, offices and indirect sales, but may not include such uses as medical clinics, veterinary clinics or retail sales;

hotel means a building in which rooms are provided for temporary sleeping accommodation where each room has access from a common interior corridor and in which food and beverage services are also available;

institutional service facility means a facility providing cultural, educational or community services to the public. [Bylaw 1470-A4]

intermunicipal development plan means a plan adopted by the Town of Innisfail and Red Deer County as an intermunicipal development plan pursuant to the *Municipal Government Act*;

landscaping means the modification and enhancement of a lot or site through the use of the following elements:

- (a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other similar ground cover, or
- (b) hard landscaping consisting of materials such as brick, stone, concrete, tile, wood or other similar materials, or
- (c) a combination of natural landscaping and hard landscaping, but does not include walkways or sidewalks deemed integral to building access;

landscaped area means an area of land made attractive by the use of landscaping; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways;

Land Use District means an area of land designated on the Land Use District Map for which a specific set of land uses and regulations have been set forth in this Land Use Bylaw or in the case of a Direct Control District are determined by Council;

land use policies means policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*;

landscaping plan means a scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and calliper of trees and shrubs, the size, colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction and details of any other features or horticultural elements;

lane means a public thoroughfare which provides a secondary means of access to a parcel(s) and which is registered in the Land Titles Office;

licensed premises means a commercial establishment which is licensed to serve alcohol on a temporary or permanent basis;

light equipment rental shops means an establishment providing the rental of tools, small sized equipment or vehicles, or similar goods and equipment to individuals on a short term basis and includes the storage and incidental maintenance of the rented items;

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

livestock auction market means a facility where agricultural related items including cattle are bought and sold by public auction;

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

main or principal building means a building which, in the opinion of the Development Officer or the Municipal Planning Commission

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

There shall be no more than one main or principal building on each site unless specifically permitted otherwise in this Land Use Bylaw;

main or principal use means the primary purpose in the opinion of the Development Officer or the Municipal Planning Commission for which a building or site is used. There shall be no more than one main use on each site unless specifically permitted otherwise in this Land Use Bylaw;

manufactured home means a residential building containing one dwelling unit built in a factory in one or more sections, and intended to be occupied in a place other than where it was manufactured;

manufactured home park means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis;

manufacturing industries means the fabrication, processing or assembly of materials, goods and articles to produce items of enhanced value;

message means any image, structure, graphics, picture, logo, symbol, wording, representation or letters used or intended to be used directly or indirectly for advertising or for calling attention to any business, product, service, person, matter, object, but does not include works of art which contain no commercial advertising;

microbrewery means an establishment where the principal use is the production of alcoholic beverages including wine, beer, and others, and may have areas and facilities for the storage, packaging, bottling, canning and shipping of the products made, and may include an area where food and beverages are prepared and served for consumption on the premises and/or retail sales of beverages that are produced on-site;

mini-storage warehouse means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from either the exterior or interior of the building, designed to be rented or leased for the storage of household items, personal goods, materials and equipment;

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

mobile commercial sales means the sale of items from a motorized vehicle;

motel means a building or a group of buildings on a parcel designed and operated to provide temporary sleeping accommodation for transient travellers and contains separate sleeping units, each of which is provided with an adjoining or conveniently located parking space;

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

municipal development plan means a plan adopted by the Council as a municipal development plan pursuant to the *Municipal Government Act*;

Municipal Government Act means the *Municipal Government Act*, S.A. 1994, c. M-26.1, as amended;

Municipal Planning Commission or **MPC** means the Commission established pursuant to the *Municipal Government Act*;

municipal shop and storage yard means the facility used by a municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment;

natural environment area means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor recreation facilities;

neighbourhood shopping centre means a shopping centre serving the needs of the immediate neighbourhood;

non-compliant building or use means a building or use of land or a building that was constructed or commenced after the date that a land use bylaw affecting the building or land becomes effective and the building or use does not comply with the Land Use Bylaw;

non-conforming building means a building

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

non-conforming use means a lawful specific use

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

office means a facility providing for the administration, management or direction of an agency, business or organization but excludes such uses as retail sales, personal services, financial institutions, professional health consulting services, government or public administration, places of amusement or places of assembly;

open storage yard means land which is used for the storage of products, goods or equipment which is not available for immediate sale;

outdoor display means the use of land for the purpose of showing merchandise for sale;

owner means the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land and, in respect of any property other than land, the person in lawful possession of it;

parcel means the aggregate of 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;

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

parcel, interior means a parcel abutting only one street other than a lane;

parcel, through means a parcel that abuts two parallel streets, not including lanes;

parcel, coverage means the area covered by principal and accessory buildings;

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

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

parking facility means a structure or area provided for the parking of motor vehicles;

permanent foundation means:

- a) a foundation meeting CSA Z240.10.1 standard, or
- b) an engineer approved wood foundation, or
- c) a poured concrete basement, or
- d) a concrete block foundation;

permitted use means a use of land or a building referred to as a permitted use in the Land Use Districts of this Land Use Bylaw and for which a development permit shall be issued, with or without conditions, where the use meets the applicable provisions of this Land Use Bylaw;

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

playground and playing fields means areas of land intended for public recreations, including but not limited to soccer pitches, baseball diamonds, play and climbing structures.

[Bylaw 1470-A54]

private club means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal

organization, without on-site residences. Private clubs may include rooms for eating, drinking and assembly;

private wastewater means a wastewater system not connected to the Town's wastewater collection system, which therefore stores and/or processes wastewater effluent on site. Appropriate system technologies may include holding tanks, packaged sewage treatment plans, septic tank systems, or any similar technology as approved by the Province of Alberta; [Bylaw 1470-A33]

private water means a water system not connected to the Town's water distribution system, which therefore provides water from an on-site well; [Bylaw 1470-A33]

public use means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include such uses as publicly funded schools, parks, libraries, arenas, museums, art galleries, hospitals, tennis courts, swimming pools and other indoor and outdoor recreational facilities;

public utility means a public utility as defined in Part 17 of the *Municipal Government Act*.

public utility building means a building in which the proprietor of a public utility

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

rear parcel boundary means the registered boundary or boundaries of a parcel which is or are opposite the front parcel boundary;

rear yard means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear property boundary of the parcel;

religious assembly means a facility used for worship and related religious, charitable, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses included churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

repair and contracting services means the restoration and maintenance of objects, including cars, light trucks and recreation vehicles, the provision of technical and construction services and sales directly related to the one or more of these activities occurring on the same parcel;

restaurant means a building or part of a building the primary purpose of which is the preparation and sale of food for consumption on the premises and the secondary purpose of which may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take-out food services and catering. A restaurant does not include a drinking establishment but may include premises in respect of which a "Class A" Liquor License has been issued and where minors are not prohibited by the terms of the license;

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

road means land:

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

and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway;

row housing means a multiple dwelling comprised of three or more dwelling units separated from each other by a common or party wall with each dwelling unit having separate front and rear access to the outside grade;

sales and service outlet for automobiles, trucks, recreation vehicles means a facility providing for the sale, rental, service and repair of automobiles, trucks and recreation vehicles;

sales and service outlet for farm and heavy equipment, building supplies and manufactured homes means a facility providing for the sale, rental, service or repair of farm and heavy equipment, building supplies or manufactured homes;

screen means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and/or the view from surrounding properties;

sea/land container means any building that was originally designed and constructed for use as a shipping container;

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

seed cleaning plant means a building for the storage and preparation of seed used in agriculture;

setback means a distance additional to minimum yard requirements which may be required on parcels adjacent a road;

shopping centre means a group of retail and personal service uses designed, developed and managed as a single unit and characterized by the sharing of common parking areas and driveways;

side parcel boundary means the registered boundary or boundaries of a parcel which is or are not considered a front parcel boundary or a rear parcel boundary;

side yard means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest part of the main building;

sign means any structure, device or object used to identify, advertise or attract attention to any product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business;

site means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a single development which may include one or more structures;

slaughter house means a facility for the killing and processing of animals;

soft sided building means any building that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded;

stacked row housing means a building containing three or more dwelling units where each unit may have a separate access to outside grade and where dwelling units may be situated either wholly or partially over or under other dwelling units; [Bylaw 1470-A21]

statutory plan means a Municipal Development Plan, Intermunicipal Development Plan, an area structure plan or an area redevelopment plan adopted by a bylaw of the municipality, or any one or more of them;

street means any category of public road except a lane;

structural alteration means any change to the roof, foundation or exterior walls of a structure that results in the expansion of the useable floor area of a structure or reduces existing setback distances. For the purposes of this Bylaw, this definition is used in determining whether changes to buildings require a development permit;

Subdivision and Development Appeal Board means the board established pursuant to the *Municipal Government Act*;

Subdivision and Development Regulation means the Subdivision and Development Regulation (AR 212/95), as amended;

tea house means an establishment where tea and light refreshments are served. [Bylaw 1470-A2]

tournament house means large room or hall available to the public for functions where food may also be served and stored. [Bylaw 1470-A1]

Town means the municipal corporation of the Town of Innisfail, or where the context requires, the area of land contained within the boundaries of the Town's corporate limits, that may vary from time to time;

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

veterinary hospital means a facility for the medical care and treatment of animals, and includes provision for their accommodation and confinement in outdoor pens, runs and enclosures;

video arcade means a facility where four or more mechanical or electrical games are kept for the purposes of furnishing entertainment or amusement to the public for a fee;

warehousing means a facility for the indoor storage of goods and merchandise;

yard means an area of open space on a site which is required to be unoccupied and unobstructed by any structure or a portion of a structure above grade of the graded lot unless otherwise permitted in this Land Use Bylaw.

zoo means a facility primarily for public viewing and the breeding of live animals and includes associated storage areas, office areas and indoor and outdoor animal enclosures as well as accessory uses and services provided to visitors of the facility such as food service kiosks and gift shops. [Bylaw 1470-A4]

zoo composting practice means the practice of controlled methods of composting organic materials from the zoo grounds such as grass, leaves and wood chips, and animal manures, including the mechanical mixing and aerating, ventilating the materials by placing the compost in piles out in the open air and mixing it or turning it periodically [Bylaw 1470-A4]

2.0 ADMINISTRATION

2.1 DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be delegated by Council.
- (2) The Development Officer shall
 - (a) receive, ensure the completeness and process all applications for development permits and applications to amend this Land Use Bylaw; and
 - (b) review each development permit application to ascertain its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use definition or make application to amend this Land Use Bylaw, and
 - (c) keep and maintain for inspection by the public a copy of this Land Use Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge; and
 - (d) keep a register of all applications for development, including the decisions thereon and the reasons therefore; and

- (e) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Permitted Uses in the subject land use district, and
- (f) at his discretion, refer to the Municipal Planning Commission for its consideration any development permit application with respect to a Permitted Use, and
- (g) refer to the Municipal Planning Commission for its consideration any development permit application with respect to a Discretionary Use and such other matters as the Municipal Planning Commission may direct; and
- (h) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Discretionary Uses in the subject land use district where in the Municipal Planning Commission's opinion the proposed development meets all the standards of the Land Use Bylaw and is compatible with the surrounding uses, and
- (i) provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw.

2.2 MUNICIPAL PLANNING COMMISSION

- (1) The Municipal Planning Commission shall:
 - (a) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Permitted Uses which the Development Officer refers to the Municipal Planning Commission,
 - (b) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Discretionary Uses which the Development Officer refers to the Municipal Planning Commission,
 - (c) consider and if necessary state terms and conditions or provide direction on any other planning or development matter referred by the Development Officer/Administration.
- (2) The Municipal Planning Commission may:
 - (a) direct the Development Officer/Administration to review, research or make recommendations on any other planning and development matter,
 - (b) make recommendations to Council on planning and development matters.

2.3 DEVELOPMENT PERMIT REQUIRED

Except as provided in section 2.4 of this Land Use Bylaw, no person shall commence a development or allow a development to continue within the Town without first obtaining a development permit.

2.4 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) No development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Land Use Bylaw
- (a) works of maintenance, repair or alteration to a building provided that such works do not include structural alterations or change the use or intensity of the use of the building;
 - (b) the completion of any development which was lawfully approved or under construction at the date this Land Use Bylaw or any amendment thereto came into effect, provided that the development is completed in accordance with the terms of any permit granted by the Town and it is completed within 12 months of this Bylaw coming into effect;
 - (c) the use of any such development referred to in subsection (b) for the purpose for which development was commenced;
 - (d) the erection and maintenance of any fence, wall or gate that is not more than 1 m (3 ft.) in height in front yards or 2 m (7 ft.) in height in other yards;
 - (e) a temporary building, the sole purpose of which is incidental to the carrying out or construction of a development for which a permit may have been issued under this Land Use Bylaw. Such building is to be removed within 30 days of substantial completion of the development or as otherwise determined by the Development Officer;
 - (f) the stripping or stockpiling of soil, installation of utilities and construction of roads in a subdivision area where a development agreement has been duly executed;
 - (g) the installation, maintenance and repair of utilities;
 - (h) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
 - (i) development specified in Section 618 of the *Municipal Government Act*, which includes:
 - (a) a highway or road,
 - (b) a well or battery within the meaning of the *Oil and Gas Conservation Act*,
 - (c) a pipeline or an installation or structure incidental to the operation of a pipeline, or
 - (d) any other thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings, or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in right of Alberta, or a municipal corporation;

- (j) the construction or placement of an accessory building having a floor area of less than 11.15 m² (120 square feet), not exceeding 2.5 metres (8 feet) in height, meeting all requirements for accessory buildings in this Land Use Bylaw and where no other accessory building exists on the parcel in a residential district;
- (k) the use of a building or part thereof as a temporary polling station, candidate's campaign offices or any other temporary official use in connection with a federal, provincial or municipal election, referendum or census;
- (l) statutory and official notices of government authorities;
- (m) the construction, maintenance and repair of private walkways, paths, driveways, patios, and unenclosed decks
- (n) landscaping which does not include the construction of water features, or increases surface run off rates and/or the volume of drainage off the property, or changes the grade of the property at any property boundary;
- (o) the placement of manufactured homes in an approved manufactured home park provided a development permit for the manufactured home park has been issued and/or a development agreement duly executed;
- (p) satellite dishes with a dish diameter equal to or less than 1 meter (3 ft.) in width;
- (q) the construction of retaining walls less than 1 m (3 ft.) in height and where all surface drainage remains on the same property as the retaining walls.
- (r) a seal/land container for the purpose of accessory storage in an industrial, highway commercial or public use district, provided the container is, in the opinion of the Development Officer:
 - i. located in the rear yard of the parcel; and
 - ii. adequately screened through the use of fencing, landscaping or a combination thereof; and/or
 - iii. painted to compliment the primary building.

2.5 CONTENTS OF A DEVELOPMENT PERMIT APPLICATION

- (1) An application for a development permit shall be made on the prescribed form, signed by the owner or authorized agent, and submitted to the Development Officer. The following information, where applicable, shall accompany the application:
 - (a) one scaled site plan showing
 - (i) north arrow,
 - (ii) scale of plan,
 - (iii) legal description of property,
 - (iv) municipal address,

- (v) lot lines shown with dimensions,
- (vi) location of all existing and proposed buildings dimensioned to property lines,
- (vii) utilities, site drainage and existing and proposed site grades,
- (viii) location and size of existing trees, and
- (ix) for multi-family, commercial, industrial, recreational, public and other similar uses
 - loading and parking provisions
 - access locations to and from the site
 - garbage and storage areas and the fencing or screening proposed for same
 - location and approximate dimensions of all existing and proposed parks, playgrounds and other amenity areas
 - treatment of landscaped areas and
 - all sign locations and designs.
- (b) information describing any noxious, toxic, radioactive, flammable or explosive materials proposed for use or storage on site;
- (c) plans showing elevations, floor plan and the perspective of the proposed development including a description of the exterior finishing materials and colours;
- (d) a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application;
- (e) if the proposed development is to be serviced by private water and/or wastewater an application shall include engineering plans or a statement of intent respecting the provision of water and/or wastewater services, and a groundwater supply study, conducted by a qualified professional, and [Bylaw 1470-A33]
- (f) such other plans and information as the Development Officer or the MPC may consider necessary to properly evaluate the proposed development.
- (2) Each application for a development permit shall be accompanied by a non-refundable processing fee, the amount of which shall be determined from time to time by Council.

For applications for signs, refer to section 4.0 of this Land Use Bylaw

2.6 WAIVER OF INFORMATION REQUIREMENTS

The Development Officer may deal with an application for a permitted use and make a decision thereon without all the information required under section 2.5 if, in his opinion, a decision can be properly made without such information. Complete information shall be provided for all applications to be reviewed by the Municipal Planning Commission.

2.7 INCOMPLETE APPLICATIONS

The Development Officer may return an application for a development permit to an applicant where sufficient details of the proposed development have not been included with the application or where, in his opinion, the quality of the material supplied is

inadequate to properly evaluate the application. The application so returned shall be deemed not to be in its complete and final form until all required details have been submitted to the Development Officer.

2.8 DEVELOPMENT REFERRALS

- (1) The Development Officer or the MPC may refer to Red Deer County for input any matter or any application for a development permit that may have an effect upon lands within the County.
- (2) The Development Officer or the MPC may refer any application to any other agency or department for comment.

2.9 TIME LIMITS

- (1) The Development Officer or the MPC shall consider and decide on any application for a development permit within 40 days of the receipt of the application in its complete and final form, or within such longer period as the applicant may have agreed to in writing.
- (2) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Officer or the MPC within 40 days after receipt of the application in its complete and final form by the Development Officer, or within such longer period as the applicant may have agreed to in writing. The applicant may appeal the lack of a decision as provided in this Land Use Bylaw.

2.10 ESTABLISHMENT OF FORMS AND NOTICES

- (1) For the purpose of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary.
- (2) Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.

2.11 ESTABLISHMENT OF FEES

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

2.12 DEVELOPMENT PERMIT DECISIONS AND CONDITIONS

Permitted Uses

- (1) The Development Officer or the MPC shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, and may attach conditions to the permit necessary to ensure any of the following:
 - (a) Arrangements satisfactory to the Development Officer or the MPC for the supply

of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;

- (b) Arrangements satisfactory to the Development Officer or the MPC for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
- (c) That the applicant enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the development;
 - (ii) to construct, or pay for the construction of:
 - (a) a pedestrian walkway system to serve the development, or
 - (b) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - (iv) to construct or pay for the construction of:
 - (a) off-street or other parking facilities; and
 - (b) loading and unloading facilities;
 - (v) to pay to the Town the costs paid by the Town to its Engineers, Planners, or any other person for the preparation or review of site development plans, review of construction drawings, materials testing, inspections, monitoring of construction, and any other engineering, planning and legal costs and expenses which the Town incurs in connection with the preparation, administration and enforcement of the development agreement.
- (d) That the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act, 1994;
- (e) That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;
- (f) That the applicant provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.
- (g) That the applicant submits a Real Property Report to the satisfaction of the Development Officer.

- (h) That the applicant provides and causes to be registered on the applicable titles any easements, right-of-way agreements, encroachment agreements or restrictive covenants which in the opinion of the Development Authority are required.
- (2) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, the Development Officer or MPC:
 - (a) may refuse the application giving reasons for the refusal; or
 - (b) may approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans; or
 - (c) may approve the application pursuant to subsections (5a) and (5b) and subject to conditions listed in subsection (1).

Discretionary Uses

- (3) The MPC, in its discretion, may approve an application for a development permit for a discretionary use subject to:
 - (a) Conditions listed in subsection (1); and
 - (b) Any conditions that the MPC may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
 - (i) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - (ii) Limiting the number of patrons;
 - (iii) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
 - (iv) Regarding the location, character and appearance of buildings;
 - (v) Regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site;
 - (vi) Establishing the period of time during which a development may continue.
- (4) The MPC, in its discretion, may refuse an application for a development permit for a discretionary use giving reasons for its refusal.

Variances

- (5) The Development Authority may approve, with or without conditions, an application for development that does not comply with this bylaw if, in the opinion of the Development Authority,
 - (a) the proposed development would not
 - (i) Unduly interfere with the amenities of the neighbourhood, or

- (ii) Materially interfere with or affect the use, enjoyment or value or neighbouring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this bylaw.
- (6) In approving an application for development pursuant to subsection (5) the Development Authority shall adhere to the following:
- (a) a variance shall be considered only where warranted by the merits of the proposed development and in response to
 - (i) irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setbacks or in meeting the usual bylaw requirements; or
 - (ii) Non-compliant setbacks of existing structures where the requirements of subsection (5) above are fulfilled.
 - (b) except as otherwise provided in this bylaw, there shall be no variance from maximum density regulations; and
 - (c) where the issuance of a development permit involves the exercise of any specified discretion of the Development Officer or MPC to relax a regulation of a district or any other regulation of this bylaw, the MPC shall not permit any additional variance from that regulation.
- (7) The Development Officer, in accordance with subsections (5) and (6), may approve, with or without conditions, a variance, not to exceed 10% related to the following:
- a. Minimum yard setbacks;
 - b. Maximum building height;
 - c. Maximum accessory residential building size;
 - d. Maximum projection into minimum required yard as stated in section 3.16.
- (8) In the event that a variance is granted, the nature of the approved variance shall be specifically described in the development permit approval.

2.13 NOTIFICATION OF DECISION

- (1) A decision of the Development Officer or the MPC on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant.
- (2) When an application for a development permit is approved, with or without conditions, the Development Officer shall
 - (a) send a notice of the decision by ordinary mail to all persons that the Development Officer considers may be affected; and/or
 - (b) arrange for a notice of the decision to be published in a newspaper circulating in the Town stating the legal description and the civic address of the site of the development and identifying the use which has been approved.

For discretionary uses, a notice of the decision may also be immediately posted with the information prescribed in subsection (b) conspicuously on the property for which the application has been made.

- (3) When the Development Officer or the MPC refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.

2.14 EFFECTIVE DATE OF PERMIT

- (1) A development permit shall not be issued until 14 days after the notice of decision has been published in a newspaper or posted on the property, or 21 days if such notice is given by ordinary mail, whichever occurs last. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to the *Municipal Government Act*, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

2.15 EXPIRY AND VALIDITY OF PERMIT

- (1) If the development authorized by a development permit is not commenced within 12 months from the date of its issue or the date of decision of the Subdivision and Development Appeal Board upon appeal, and completed within 24 months of the issue, the permit shall be deemed to be void, unless an extension to the commencement or completion date has first been granted by the Development Officer.
- (2) The Development Officer may grant an extension of the time the permit remains in effect for up to an additional twelve (12) months. Only one extension shall be granted for the commencement date and only one extension shall be granted on the completion date.
- (3) A development permit issued according to this Land Use 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.

2.16 RE-APPLICATION FOR A DEVELOPMENT PERMIT

Where an application for a development permit has been refused, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

2.17 APPEALS

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the complete application and any supporting information required by the Development Officer, and the applicant may appeal in writing, as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the 40 day period.
- (2) Where the Development Authority

- (a) fails to issue a development permit to a person, or
- (b) refuses an application for a development permit, or
- (c) issues a development permit subject to conditions, or
- (d) issues an order under the Municipal Government Act,

the person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act.

- (3) A person applying for a development permit or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) consecutive days after receipt of the order, decision, or date of issuance of the development permit. The written notice of appeal must contain reasons for the appeal.
- (4) Despite subsection (2), no appeal lies in respect of the issuance of a development permit for a Permitted Use unless the provisions of this Land Use Bylaw were relaxed, varied, or misinterpreted.

2.18 CONTRAVENTION AND ENFORCEMENT

- (1) For the information of readers, the provisions of this bylaw may be enforced by way of stop order; injunction or such other relief as may be available under the Municipal Government Act, including the following:
 - (a) Where the Development Authority finds that a development or use of land or building is not in accordance with Part 17 of the Municipal Government Act, this Land Use Bylaw, the Subdivision and Development Regulation, a development permit or subdivision approval, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
 - (i) stop the development or use of the land or building in whole or in part as directed by the notice, or
 - (ii) demolish, remove or replace the development, or
 - (iii) carry out any other actions required by the notice so that the development or use of the land or building complies with Part 17 of the Municipal Government Act, the Subdivision and Development Regulation, this Land Use Bylaw, a development permit or subdivision approval,

within the time set out in the notice.
 - (b) Any person who receives an order under subsection (a) may appeal to the Subdivision and Development Appeal Board pursuant to this Land Use Bylaw.

- (c) The Town may register a caveat under the Land Titles Act in respect of an order referred to in subsection (a) against the certificate of title for the land that is the subject of the order. A caveat registered under this subsection must be discharged once the order has been complied with.
- (d) Where a person fails or refuses to comply with an order directed to him/her under subsection (a) or an order of the Subdivision and Development Appeal Board under the Municipal Government Act within the time specified, the Town may seek a court order from the Court of Queen's Bench for any or all of the following:
 - (i) a declaration that the person who received an order is in breach of the Land Use Bylaw, an order issued under the Land Use Bylaw and/or the Subdivision and Development Appeal Board's decision relating to an appeal of an order,
 - (ii) an injunction ordering the person who received an order referred to in subsection (a) to comply with the Land Use Bylaw within a certain period of time,
 - (iii) an order providing that, if compliance has not been achieved within the period stated in the court order, that the Town or persons appointed by it has the right to enter upon the land and building and take steps necessary to achieve compliance with the Land Use Bylaw,
 - (iv) an order that legal costs and the costs to achieve compliance incurred by the municipality can be added to the tax roll for the land that is the subject of the court order,
 - (v) a provision that the court order may be registered against the certificate of title for the land that is the subject of the court order and discharged only on full compliance with the court order.
- (e) Where a person fails or refuses to comply with an order directed to him/her under subsection (a) or an order of the Subdivision and Development Appeal Board under the Municipal Government Act within the time specified, the Council or persons appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (f) Where the Council or persons appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is subject of the order.
- (2) An Enforcement Officer may inspect premises in accordance with the provisions of the Municipal Government Act where there are reasonable grounds to believe that the premises are being used in contravention of this bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
 - (a) complaints from the public that the premises are being used contrary to the bylaw,

- (b) the observations of an Enforcement Officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this bylaw.
- (3) The provisions and regulations of the Provincial Offences Procedures Act, as amended, may apply to the provisions and enforcement of this Land Use Bylaw. The Chief Administrative Officer or designate is hereby authorized to enforce this Land Use Bylaw.

2.19 OFFENCES AND PENALTIES

General

- (1) A person who contravenes or does not comply with a provision of Division 5 of Part 13, or Part 17 of the Municipal Government Act, or this Land Use Bylaw, or who obstructs or hinders any person in the exercise or performance of their powers under Part 17 or regulations under Part 17 of the Municipal Government Act, is guilty of an offence.
- (2) A person who is guilty of an offence referred to in subsection (1) is liable upon summary conviction to the specified penalty set out in Schedule B, or in the case of an offence for which there is no specified penalty, to a fine of not less than \$250 and not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) Where an Enforcement Officer reasonably believes that a person has contravened any provision of this Bylaw, the Enforcement Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the particular offence as provided in Schedule B of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
- (4) Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within 12 months after the date of occurrence of the first offence under that section of this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in columns two and three, respectively, of Schedule B.
- (5) This section shall not prevent any Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of issuing a violation ticket.
- (6) Where a person is found guilty of an offence under this Land Use Bylaw, the court may in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw, or a development permit or condition attached thereto.
- (7) Development Permit applications submitted after site preparation or construction has commenced may be subject to the increased fee provisions described in the fee schedule adopted by Council resolution in accordance with this Land Use Bylaw.

Enforcement of Signage Regulations

- (8) The CAO, or staff designated by the CAO, who believes on reasonable grounds that a sign is not authorized pursuant to this Bylaw may remove and impound the sign:
 - (a) in the case of a sign for which a permit is issued, after 7 days' notice to the sign permit holder, delivered to the address shown on the permit; or
 - (b) in the case of a sign for which no permit has been issued, without prior notice to any person.

2.20 AMENDING THE LAND USE BYLAW

- (1) The Council may, on its initiative, amend this Land Use Bylaw.
- (2) A person may request to have this Land Use Bylaw amended by applying in writing to the Development Officer. The application shall:
 - (a) specify the nature of the amendment requested,
 - (b) outline the reasons for making the application,
 - (c) if the application is for a change of Land Use District, include the legal description or a drawing showing the location and dimensions of the property to be changed,
 - (d) state the applicant's interest in the lands, and
 - (e) be accompanied by an application fee, the amount of which shall be determined from time to time by resolution of Council.
- (3) If the amendment is for a redesignation of land, the Development Officer may require:
 - (a) an outline plan for the area to be redesignated to the level of detail specified by the Development Officer; and
 - (b) payment of a fee equal to the costs incurred by the Town to review the proposed redesignation and related outline plan, or if necessary to prepare an outline plan.
- (4) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed as a result of the proposed amendment. The analysis shall be based on the full development potential of the proposed amendment and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
 - (a) relationship to and compliance with approved statutory plans and Council policies,
 - (b) relationship to and compliance with statutory plans or outline plans in preparation,
 - (c) compatibility with surrounding development in terms of land use function and scale of development,

- (d) traffic impacts,
 - (e) relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools,
 - (f) relationship to municipal land, right-of-way or easement requirements,
 - (g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area,
 - (h) necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant, and
 - (i) relationship to the documented concerns and opinions of area residents regarding development implications.
- (5) Upon receipt of an application for an amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than 7 days' notice to the applicant advising that he may appear before the Council and speak to the application. An application for an amendment must be placed before the Council within 60 days of its receipt by the Development Officer.
- (6) Following first reading of an amending bylaw, the Council shall
- (a) establish the date, time and place for a public hearing on the proposed Bylaw;
 - (b) if a Bylaw to establish procedures for public hearings has not been passed
 - (i) outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and
 - (ii) outline the procedure by which the public hearing will be conducted.
- (7) Following first reading of an amending Bylaw, the Development Officer must give notice of the public hearing by
- (a) publishing notice at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, and
 - (b) if the amending bylaw proposes to change the district designation of a parcel of land, mailing or delivering notice to every owner of adjacent land in and around the parcel or parcels to which the proposed bylaw relates.
- (8) A notice of a public hearing must be advertised at least 5 days before the public hearing occurs.
- (9) A notice must contain:
- (a) a statement of the general purpose of the proposed Bylaw and public hearing,

- (b) the address where a copy of the proposed Bylaw and any document relating to it or the public hearing may be inspected,
 - (c) the date, place and time where the public hearing will be held.
- (10) In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsections (6) through (9),
 - (a) include in the notice
 - (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land,
 - (b) give written notice containing the information described in clause (a) and subsection (6) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
 - (c) give written notice containing the information described in clause (a) and subsection (6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- (11) If the land referred to in subsection (10)(c) is in Red Deer County, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Red Deer County.
- (12) All proposed amendments to the Land Use Bylaw must be referred to Red Deer County to allow the County no less than 30 calendar days to comment.
- (13) Notwithstanding subsections (6) and (7), the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, and grammatical or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- (14) In the public hearing, the Council
 - (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and
 - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear, and
 - (c) shall read or circulate to all those in attendance, any written representations received from any person, or group of persons, who have complied with the procedures outlined by Council and who are not in attendance at the hearing.

- (15) After considering the representations made to it about the proposed Bylaw at the public hearing and after considering the Town's statutory plans any other matter it considers appropriate, the Council may
- (a) refer it for further information or comment,
 - (b) pass the Bylaw,
 - (c) make any amendment to the Bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (d) defeat the Bylaw.
- (16) Prior to third reading, the Council may require the applicant to apply for a development permit or subdivision and negotiate a development agreement in respect of the proposal which initiated the amending Bylaw.
- (17) After third reading of the amending Bylaw, the Development Officer shall send a copy of it to
- (a) the applicant,
 - (b) the registered owner of the land, if not the applicant,
 - (c) the Director of Parkland Community Planning Services, and
 - (d) Red Deer County.
- (18) The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by the Council, for a period of 6 months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

3.0 GENERAL LAND USE REGULATIONS

3.1 APPLICABILITY

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

3.2 MULTIPLE USES

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

BUILDINGS

3.3 NUMBER OF MAIN BUILDINGS ON A PARCEL

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

3.4 BUILDING ORIENTATION AND DESIGN

- (1) The design, character and appearance of any building, or sign must be acceptable to the Development Authority having due regard to:
 - (a) amenities such as daylight, sunlight and privacy;
 - (b) compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing; and
 - (c) the building's effect on adjacent parcels.
- (2) In the Industrial District or a commercial district, the Development Authority may approve an application for a development permit for a building that is soft-sided or faced or finished with flexible sheeting capable of being rolled or folded only if
 - (a) the building is an accessory building on the parcel and is not erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority, and
 - (b) the building is approved as a temporary structure and subject to annual renewal, and
 - (c) the structure meets Alberta Building Code requirements.
- (3) In residential districts or on any property in a commercial district where the primary use of the property is residential, soft sided buildings intended to be used for a period greater than 7 consecutive days shall not be permitted on a site.
- (4) Sea/land shipping containers or similar forms of shipping or cargo containers shall not be permitted on a site in any residential district, unless approved as a temporary building pursuant to section 3.7.
- (5) Rooflines and facades of large buildings where a single wall exceeds 30m (99 ft) shall be designed to reduce the perceived mass by the inclusion of design elements such as arches, columns or gables with exterior finish materials comprised of predominantly muted colours.
- (6) Mechanical equipment shall be screened from view. Screening shall be compatible with the theme and character of the site.

3.5 RELOCATION OF BUILDINGS

- (1) No moved-in building shall be permitted on a site in the Central Business District.
- (2) In all other districts, no person shall locate on a parcel a building which has previously been erected or placed on a different parcel, or alter the location on a parcel of a building which has already been constructed on that parcel, unless a development permit has been issued by the Development Authority.

- (3) In addition to the requirements of section 2.5 (contents of development permit application), the Development Authority may require an application for a development permit to be accompanied by
- (a) recent colour photographs showing all sides of the building;
 - (b) a statement of the age, size and general condition of the building;
 - (c) a statement prepared and signed by a qualified person on the structural condition of the building; and
 - (d) an indication of the improvements proposed to the building.
- (4) Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a letter of credit or other security of such amount to ensure completion of any renovations set out as a condition of development approval.

3.6 DEMOLITION OF BUILDINGS

- (1) In addition to the requirements of section 2.5 (contents of development permit application), the Development Authority may require an application for demolition of a building to be accompanied by a statement indicating how the demolition will be carried out so as to avoid or minimize the creation of nuisances.
- (2) Whenever a development permit is issued for the demolition of a building, it shall be a condition of the permit that the site be properly cleaned, with all debris removed, and left in a graded condition acceptable to the Development Authority.
- (3) Where a permit is approved, the Development Authority may require the applicant to provide a letter of credit or other security of such amount to cover the costs of reclamation and any damage to utilities.

3.7 TEMPORARY BUILDINGS AND SOFT-SIDED BUILDINGS

- (1) The Development Authority may conditionally approve a temporary building, including a soft sided building, to be placed on a site subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed to the development permit.
- (2) A sea/land container may be approved, by the Development Officer, for placement within the rear yard of a residential parcel for temporary storage for a maximum of 90 days. The Municipal Planning Commission may consider an additional 90 day approval as a discretionary use
- (3) A sea/land container, not explicitly exempt by s. 2.4(r), may be conditionally approved by the Municipal Planning Commission pursuant to s. 3.7(1) in any non-residential district.

3.8 NON-CONFORMING USES AND BUILDINGS

- (1) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (3) A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (a) to make it a conforming building,
 - (b) for routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the provisions of section 2.12 (5) (variances).
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Land Use Bylaw.
- (6) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

3.9 ACCESSORY BUILDINGS

All Districts

- (1) Notwithstanding section 3.1, setback requirements for accessory buildings shall comply with the regulations of this section where a conflict exists between this section and any District Regulations
- (2) For the purpose of calculating yard setbacks as provided in this Land Use Bylaw, an accessory building, if connected to the main building by a structural element including but not limited to a common foundation, roof or wall, shall be deemed to be part of the main building.
- (3) No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorised by the Development Authority.
- (4) An accessory building shall not be used for human habitation except where a secondary suite has been approved.
- (5) The location of any accessory building that has or will have a permanent foundation in relation to the property lines of the parcel on which the accessory building is to be constructed shall be confirmed in writing by an Alberta Land Surveyor prior to

construction commencing. A copy of the written confirmation shall be provided to the Town.

Residential Districts

- (5) No accessory building or any portion thereof shall be erected or placed in the front yard of a parcel.
- (6) Subject to section 3.10 (vehicle access to building) an accessory building on an interior parcel shall be situated so that the exterior wall is at least 1 m (3 ft.) from the side and rear boundaries of the parcel.
- (7) Subject to section 3.10 (vehicle access to building) an accessory building on a corner parcel shall not be situated closer to the street than the main building and shall not be closer than 1 m (3 ft.) to the other side parcel boundary or the rear parcel boundary.
- (8) Notwithstanding subsections (6) and (7), an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two parcels.
- (9) When a parcel abuts a lane less than 6 m (20 ft.) in width, the Development Authority may require a rear yard setback for accessory buildings greater than the prescribed minimum.
- (10) An accessory building shall not be more than 4.5 m (15 ft.) in height.
- (11) Accessory buildings shall not individually exceed 68 m² (728 square feet).
- (12) An accessory building shall be located a minimum of 2.5 m (8 ft.) from the main building unless a 1.5 m (5 ft.) side yard for the accessory building is provided.
- (13) No roof top deck shall be constructed on an accessory building unless otherwise approved by the Development Authority as a discretionary use.

Non-Residential Districts

- (14) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority.

3.10 VEHICLE ACCESS TO BUILDINGS

Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (20 ft.) in length in front of the vehicle entranceway into the building, except where the driveway enters a lane from a garage used as an accessory building to a dwelling unit, where it shall be either 2 m (7 ft.) or at least 6 m (20 ft.).

YARDS AND SETBACKS

3.11 EXCEPTIONS TO YARD AND SETBACK REQUIREMENTS

The yard and setback provisions of this Land Use Bylaw do not apply to:

- (i) utilities;
- (ii) surface parking;
- (iii) fences;
- (iv) awnings and canopies;
- (v) wheelchair ramps; and
- (vi) unenclosed patios, decks, sidewalks and steps contained wholly within the site and where no portion rises more than 0.3 m (1 ft.) above the finished ground level.

3.12 SPECIAL SETBACK REGULATIONS AND REQUIREMENTS

(1) General

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

(2) Sites Adjacent Pipeline Rights-of-Way

Notwithstanding any other provision of this Land Use Bylaw, where a development is proposed on a site adjacent a pipeline as defined in the Pipeline Act no part of any building to be occupied by persons on a regular basis shall be constructed closer than 15 m (49 ft.) from the edge of the pipeline right-of-way. In certain instances, a greater distance may be required by the Development Authority after consultation with the pipeline operator.

(3) Sites Adjacent a Highway or Railway

- (a) Notwithstanding any other provision in this Land Use Bylaw, all buildings and structures adjacent the Queen Elizabeth 2 Highway and Highways 2A and 54 shall be sited a distance from the highway right-of-way as determined by the Development Authority after consultation with Alberta Infrastructure and Transportation.
- (b) Notwithstanding any other provision in this Land Use Bylaw, all new residential development adjacent the Queen Elizabeth 2 Highway and Highways 2A and 54 and the CP Railway shall be sited to provide for a noise barrier to be constructed to reduce the effects of traffic noise. The developer shall be responsible at the time of development for constructing a noise barrier to Town standards, or paying to the Town a sum of money equal to the cost of building the barrier.
- (c) All development undertaken on parcels adjoining railway property may be required to erect fencing to standards approved by the Development Authority.

(4) Development On or Near Steep Slopes or Near Bodies of Water

- (a) For the purposes of this Section, “top of the bank” is as determined by the

Development Authority.

- (b) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 10 m (33 ft.) of the top of the bank of any body of water.
- (c) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 20 m (66 ft.) of the top or bottom of a slope where the grade of the slope exceeds 15% (fifteen percent).
- (d) The Development Authority may require a greater setback than is prescribed in subsections (b) and (c) above.
- (e) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including subsections (b) and (c) above, where the application is for development on lands that are or may be subject to subsidence, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventative engineering and construction measures can be instituted to ensure suitability of the development to the site.
- (f) Further to subsection (e), the Development Authority may require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.
- (g) Subject to subsections (e) and (f), the Development Authority may reduce the setback requirements if the applicant provides satisfactory proof of slope stability.
- (h) Development permit applications for any open, enclosed, attached or detached swimming and wading pool, any water fountain and/or water sculpture, any water reservoirs and water tanks, any ornamental ponds and lakes, and any water retaining excavation structure or vessel that could alter sub-soil adhesion characteristics on sites abutting or adjacent the "top of bank" shall be accompanied by a report prepared by a qualified, registered professional engineer detailing the structural components of the proposal which will mitigate risks to bank stability.

(5) Development in Proximity to Sour Gas Facilities and Oil and Gas Wells

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

Alberta Energy and Utilities Board.

- (b) No building shall be constructed within 100 m (328 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

(6) Development Setbacks from Wastewater Treatment Plants

In accordance with the *Subdivision and Development Regulation*,

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

unless the development is approved in writing by the Deputy Minister of the Department of Environmental Protection.

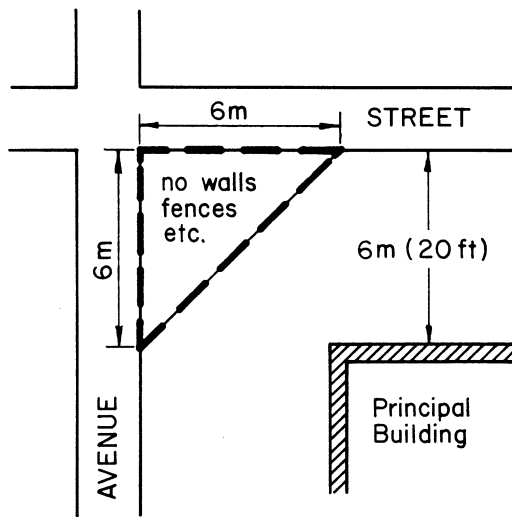
(7) Development Setbacks from Landfills and Waste Sites

In accordance with the *Subdivision and Development Regulation*,

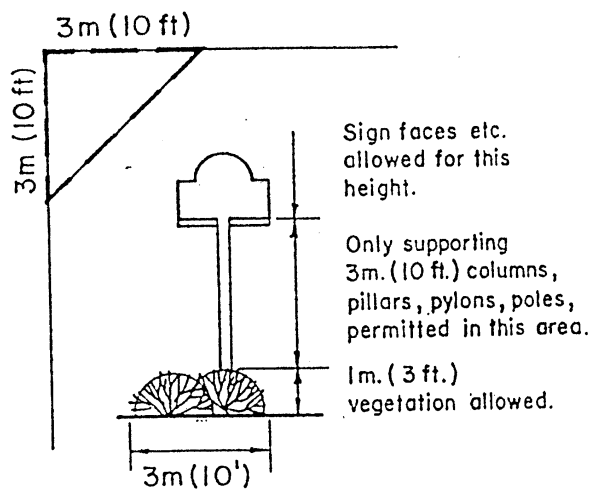
- (a) a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distance from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer stations specified in the *Subdivision and Development Regulation*, and
- (b) a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, food establishment or residence specified in the *Subdivision and Development Regulation*, unless the development is approved in writing by the Deputy Minister of the Department of Environmental Protection.

3.13 RESTRICTIONS ON CORNER SITES

- (1) Notwithstanding any other provisions of this Land Use Bylaw, except as permitted in subsection (2), no person shall place or maintain in or upon that portion of a lot or site within a sight triangle, a wall, fence, shrub, hedge, tree or other object or structure if such object or structure interferes with or obstructs the view of the driver of any vehicle using the streets abutting such lot or site.

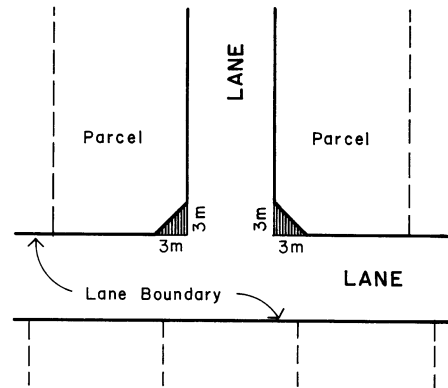


- (2) In the Central Business District, no structure or vegetation except a supporting column or pillar or a sign, or pylon/pole shall be erected or permitted to grow between the heights of 1 m (3 ft.) and 3 m (10 ft.) above the street grade that abuts the lot line adjacent to the street line for a distance of 3 m (10 ft.) from their point of intersection.



3.14 SIGHT LINES AT INTERSECTIONS OF ROADWAYS

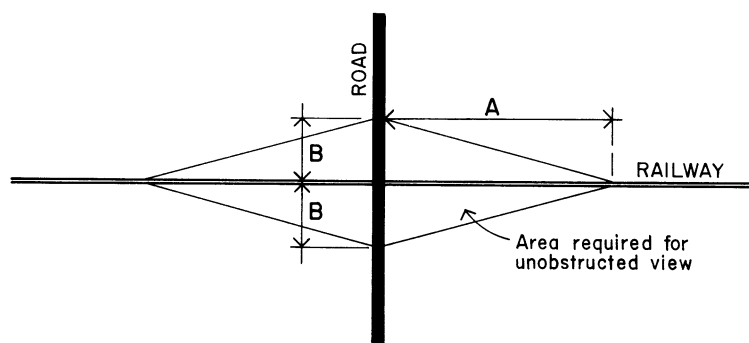
- (1) At the intersection of lanes, a 3 m (10 ft.) sight triangle shall be provided as follows



- (2) At the intersection of other roadways, a 6 m (20 ft.) sight triangle shall be provided. The Development Authority may require the calculation of larger or smaller sight triangles for specific locations where
- (a) one or more rights-of-way is less than 15 m (49 ft.), or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) one of the carriageways is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.
- (3) Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways.

3.15 SIGHT LINES AT ROAD AND RAIL INTERSECTIONS

- (1) At the intersections of roadways and railways, which are unprotected by automatic warning signals, sight triangles shall be determined as follows:



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

* distance based on level approach grade and good traction

** panic stop distances

- (2) At the intersection of roadways and railways, which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where
 - (a) one or more of the rights-of-way is less than 15 m (49 ft.) wide, or
 - (b) regulated vehicle speed exceeds 50 km/h, or
 - (c) either the carriage way or the railway is not centred in its right-of-way, or
 - (d) an intersection leg is curved or skewed, or
 - (e) an intersection leg is sloped at 2% or greater.
- (3) Sight triangle calculations shall be in accordance with the recommendations of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopping motor vehicle

be between 5 m (16 ft.) and 15 m (49 ft.) as required by the *Highway Traffic Act*.

3.16 PROJECTIONS INTO YARDS

- (1) Building projections constructed on foundation walls and footings shall be deemed to be part of the building and shall not be considered a projection over a yard.
- (2) Subject to the requirements of the Alberta Building Code and section 3.17 (laneless subdivisions) of this Land Use Bylaw respecting laneless subdivisions, the following features may project into any yard required by the Land Use Bylaw:

Feature	Yard in Which Projection is Permitted	Maximum Permitted Projection into the Minimum Required Yard
Eaves, chimneys	Any yard	610 mm (2 ft.)
Unenclosed steps and exterior staircases	Front and rear yards Side yards	1.5 m (5 ft.) 610 mm (2 ft.)
Bay or box window	Front and rear yards Side yards	1 m (3 ft.) 610 mm (2 ft.)
Unenclosed verandas, porches, balconies, terraces, patios or decks	Front yards Rear yards Side yards	1.8 m (6 ft.) including eaves and cornices 3.5 m (11 ft.) 610 mm (2 ft.)
Cantilevered wall sections with a width less than 2.5 m (8 ft.)	Rear and side yards	610 mm (2 ft.)

3.17 LANELESS SUBDIVISIONS

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

3.18 ZERO LOT LINES

Where an approved subdivision plan or a proposed subdivision plan comprises of at least five (5) parcels the Subdivision Authority or the Development Authority may by resolution reduce the side yard to zero metres where:

- (a) the owner(s) of the adjacent parcel or parcels grant(s) a 2.4 m (8 ft.) maintenance access easement plus a 0.6 m (2 ft.) eave and footing encroachment easement on the adjoining site in perpetuity which shall be to the satisfaction of the Subdivision Authority or the Development Authority and shall be registered against the title of the said parcels; and
- (b) all roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs and downspouts, or other suitable means, to the satisfaction of the Development Authority; and
- (c) in a laneless subdivision, adequate provision for access to the rear of each parcel shall be provided from a street.

3.19 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall keep or permit in any part of the parcel in any residential district:
 - (a) any dismantled or wrecked vehicle for more than fourteen successive days, or
 - (b) any truck or truck tractor in excess of 6804 Kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle,
 - (c) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the surrounding area, or
 - (d) any excavation, storage or piling up of building materials or supplies required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than the Development Authority considers necessary for completion of construction work on the site.
- (2) No person shall store or permit to be stored in a front yard in any residential district any recreational vehicle or other vehicles if in the opinion of the Development Authority it is unsightly or tends to adversely affect the amenities of the surrounding area.
- (3) Except in the R-1A District, recreation vehicles may be stored in the front yard in a residential district provided:
 - (a) the vehicle is set back at least 1.5 m (5 ft.) from the interior edge of the sidewalk, or where no sidewalk exists, from the interior edge of the curb;
 - (b) the vehicle is parked on a hard surfaced parking pad to the satisfaction of the Development Authority; and
 - (c) the portion of the front yard used for the storage of recreation vehicles does not exceed 33 percent of the total area of the front yard of the parcel

- (4) A holiday trailer, motor home or camper parked on a parcel in a residential district may be used for living and sleeping accommodation only by bona fide tourists for a maximum period of thirty (30) days per annum.
- (5) No person shall keep or permit in any part of the parcel in any commercial or industrial district:
 - (a) any dismantled or wrecked vehicle for more than fourteen successive days, or
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the surrounding area, or
 - (c) any excavation, storage or piling up of building materials or supplies required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than the Development Authority considers necessary for completion of construction work on the site,unless located and/or screened from view to the satisfaction of the Development Authority.

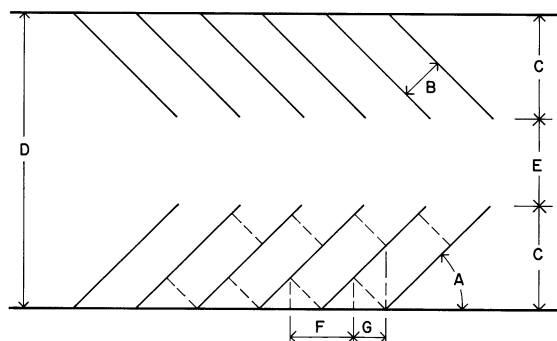
VEHICLES

3.20 PARKING

- (1) In all Districts except the Central Business District, parking spaces shall be provided on site in accordance with the following table, and unless otherwise stated, shall be calculated on the basis of gross floor area and where a fractional figure occurs shall be rounded to the next higher figure.
- (2) The parking requirement for any use not specified in subsection (1) shall be as determined by the Development Authority having regard to the traffic expected to be generated by the proposed development.
- (3) When a building is enlarged, altered, or a change in the use occurs as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Land Use Bylaw. The calculation shall be based on the number of 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.
- (4) The parking space requirement on a parcel of land which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses, unless the applicant can otherwise demonstrate to the Development Authority that there is a complementary or overlapping use of the parking facilities which would warrant a reduction in the parking requirements.

Use of Building or Site	Minimum Number of Parking Spaces
Residential	
Detached dwelling	2 per dwelling unit
Manufactured Home	
Duplex	
Fourplex	1.25 per dwelling unit [Bylaw 1470-A19]
Row housing	
Stacked row housing	1.25 per dwelling unit [Bylaw 1470-A21]
Secondary suite	1 per suite
Apartment, including senior citizens housing	1 per dwelling unit plus 1 space for every 5 units for visitor parking
Multiple housing development	2 per dwelling unit plus 1 space for every 5 units for visitor parking
Adult care housing	1 per 2 dwelling units plus 1 per employee on the maximum working shift
Commercial	
Business, administrative and professional offices	2.5 per 100 m ² (1076 ft. ²)
Home improvement centre, lumber yard	1 per employee plus 2.5 per 100 m ² (1076 ft. ²) of retail store area
Hotel, motel	1 per guest room plus 1 per employee on the maximum working shift
Repair shops	2.5 per 100 m ² (1076 ft. ²)
Restaurant, other food and/or drinking establishment	1 per 4 seats for patrons indoors and 1 per 12 seats outdoors
Retail store, personal services	3.0 per 100 m ² (1076 ft. ²)
Shopping centres	4.5 per 100 m ² (1076 ft. ²)
Industrial	
Manufacturing, warehousing, wholesale and storage buildings and yards	1 per employee on a maximum working shift (minimum 5)
Public	
Hospital	1 per 4 beds plus 1 for every employee on a maximum working shift plus 1 per staff doctor and regular attending doctor
Medical and dental office or clinic	2 per full or part time professional plus 1 per other employee
Place of public assembly	1 per 4 seats
Place of worship	1 per 4 seats
School*	
Kindergarten, nursery school	1 per employee
Elementary and junior high	1 per employee
Senior high	4 per classroom plus 1 per employee
	<i>*Sufficient space must be provided for the safe transport and dropping off of students by bus and private vehicle</i>

- (5) Parking areas shall be designed in accordance with the following standards:



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

- (6) A minimum standard of 30 m² (323 ft.²) per parking space shall be used as a general calculation of parking area.
- (7) Parking spaces shall be located on the same parcel as the building or use for which they are being provided; however, at the discretion of the Development Authority, parking may be located on another property within 125 m (410 ft.) walking distance, provided the owner of such property enters into an agreement with the Town ensuring the use of the site for the required number of parking spaces. The Town shall cause a caveat respecting the agreement to be registered against the land on which the parking spaces are located.
- (8) Every on-site parking space provided and access thereto shall be required to be hard surfaced if the access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future. Parking areas for apartment, adult care residence and public uses shall be hard surfaced in accordance with the standards of the municipality. Parking areas for industrial uses located within front yards and side yards abutting a street shall be hard surfaced and parking areas located in rear yards and side yards not abutting a street may be gravelled at the discretion of the Development Authority.
- (9) All surfaces are to be graded so as to ensure that drainage is disposed of in a manner satisfactory to the Development Authority.
- (10) Vehicle access to commercial and industrial sites shall consist of a hard surfaced apron

measuring the width of the access to a minimum depth of 7.5 m (25 ft.) if access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future.

- (11) Parking areas for apartments and public, commercial and industrial uses shall be provided with overhead illumination for safety purposes, except where, in the opinion of the Development Authority, sufficient illumination is provided by adjacent roads, lights or other sources.
- (12) As a condition of a development permit, a performance bond or letter of credit may be required up to the value of the estimated cost of the proposed paving/parking to ensure that such paving/parking is carried out with reasonable diligence. The condition of the security being that, if the paving/parking is not completed in accordance with this Bylaw and the development permit within one (1) construction season after the completion of the development, then the amount fixed shall be available to the Town for its use in installing the required paving/parking.
- (13) If a street or lane providing access to a site in a commercial or industrial District is not paved, the Development Authority may permit an extension of not more than twelve (12) months following notification by the Town of completion of such paving within which the owner shall comply with this Bylaw's requirements for onsite paving, provided that the registered owner of the site enters into an agreement in writing satisfactory to the Town to complete such works. The Town may register a caveat on the title to the site to protect the agreement.

3.21 COMMUNAL PARKING FACILITIES

Notwithstanding subsection 3.20, parking may be provided on a site other than the site of the principal building provided that it is in accordance with the following regulations:

- (1) For non-residential development and subject to approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of subsection 3.20.
- (2) Where a group of uses or buildings is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.
- (3) Where two or more parties agree to combine parking as required under subsection 3.20, a joint parking agreement, to be registered against title, is required with the Town of Innisfail being a third party to the agreement.
- (4) Where two or more parties agree to combine parking as required under subsection 3.20 with joint access, a joint access agreement, to be registered against title, is required with the Town of Innisfail being a third party to the agreement.
- (5) Within the Central Business District (CB) and at the discretion of the Development Authority, in lieu of providing parking spaces a person using a parcel or building for non-residential purposes may make a payment to the Town at a rate per space to provide the equivalent amount of parking. The amount of money required will be determined by resolution of Council and shall be based on the amount needed to construct the required

number of parking stalls on land owned or proposed to be purchased by the municipality. Money received by the municipality in lieu of parking spaces will only be used for the development of municipal, off-street parking facilities.

3.22 LOADING SPACES

- (1) Loading spaces shall be required for all non-residential development and apartments. Such spaces shall be reserved for loading and unloading and shall not be used for the parking of other vehicles.
- (2) Loading spaces shall be designed and located so that all vehicles using such spaces can be parked and manoeuvred entirely within the bounds of the parcel before moving onto a road.
- (3) Loading spaces shall be located in rear and side yards only.
- (4) Each loading space shall be at least 3.35 m (11 ft.) wide, 9 m (30 ft.) long and have 4.6 m (15 ft.) of overhead clearance.
- (5) Loading areas shall be paved with a hard, durable, weather resistant surface where the loading area is directly accessible from a road which is paved or is intended to be paved or where, in the opinion of the Development Authority, it would be in the interests of the area.

3.23 DRIVEWAYS

- (1) At street intersections, driveways shall be setback from the parcel boundaries which form the intersection not less than
 - (a) 6 m (20 ft.) where the driveway serves not more than four dwelling units, or
 - (b) 15 m (49 ft.) for all other uses,except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency or the front parcel boundary is not large enough to allow the minimum 6 m setback.
- (2) The minimum distance between driveways shall be:
 - (a) nil, where the driveways serve single dwelling units, or
 - (b) 6 m (20 ft.), where the driveways serve any other use, except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
- (3) The maximum width of a driveway providing vehicle access to a parcel for commercial or industrial use shall be 10 m (33 ft.) The maximum width of a driveway providing vehicle access to a parcel for residential use shall be 6 m (20 ft.).
- (4) The minimum angle of intersection with a street for a driveway to a use which generates high traffic volumes shall be seventy degrees (70°).

- (5) To ensure that the movement of traffic is both safe and efficient, driveways are not allowed on the streets identified on Schedule A, unless alternative access is unavailable.
- (6) All driveways shall be hard surfaced to the satisfaction of the Development Authority.

3.24 SITE CIRCULATION

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

3.25 DRIVE-IN BUSINESSES

- (1) Drive-in businesses shall be located only where the Development Authority is satisfied that the development and the on-site layout of vehicle circulation patterns will not adversely affect the functioning of surrounding public roadways.
- (2) Queuing space shall be provided on the same site as the development as follows:
 - (a) For drive-in food services and other development having a service window or automated machine, a minimum of five (5) inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space shall be provided on the exit side of the service window or automated machine.
 - (b) For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting unto a public roadway.
 - (c) Each queuing space shall be a minimum of 5.5 m (18 ft) long and 3.05 m (10 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

LANDSCAPING, GRADING AND SCREENING

3.26 MECHANIZED EXCAVATION, STRIPPING AND GRADING OF LAND

- (1) A person wishing to excavate, strip or grade land for which a development permit has not been issued for an associated development shall apply to the Development Officer on the prescribed form and shall set out the following details in his application
 - (a) the legal description of the site on which the excavation, stripping or grading is to take place;
 - (b) the specific area on the site to be affected by the operation;
 - (c) the present height of the land relative to any adjoining public thoroughfare and adjacent sites;

- (d) the proposed depth to which the site is to be excavated or topsoil removed and the level to which it is proposed to restore surface of the land in relation to lands adjacent to the subject property;
 - (e) an outline of the methods for controlling or avoiding any nuisance arising from noise, dust or drainage from the operation; and
 - (f) the length of time that the applicant estimates will be required to complete the excavation or work.
- (2) Wherever a permit is required for the excavation of land or the removal of topsoil pursuant to this Land Use Bylaw, the operation shall be deemed to be a discretionary use in the applicable District.
 - (3) It shall be the responsibility of the applicant to restore the worked area to a level and condition as required by the Development Authority.
 - (4) The applicant is responsible for controlling or avoiding any nuisance arising from noise, dust or drainage from the operation.
 - (5) A temporary fence shall be erected around all excavations which in the opinion of the Development Authority may be dangerous to public safety.

3.27 DRAINAGE

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

3.28 RETAINING WALLS

- (1) The Development Authority may require that a retaining wall be provided if the elevation difference between properties is more than 0.3 m (1 ft.)
- (2) The Development Authority may require the construction of an engineered retaining wall where the change in grade or elevation between two sites or around a building exceeds a

slope of 1:3 (vertical: horizontal) and a height of 1 m (3 ft.).

- (3) Where a retaining wall is required or proposed, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

3.29 LANDSCAPING

- (1) *A site landscaping plan shall be required in all districts excepting the Central Business and Established Industrial as part of all development permit applications, including expansions and changes of use. This plan shall indicate the location and nature of any existing treatment, areas to be removed or altered and all new installations. The scaled landscape plan shall include the following:*
- (a) Boundaries and dimensions of the subject site;
 - (b) Location of all buildings, parking areas, driveways and entrances;
 - (c) Location of existing plant materials to be retained;
 - (d) Location of new plant materials;
 - (e) Plant material list identifying the name, quantity and size of plant material; and
 - (f) All other physical features, existing or proposed; including berms, walls, fences, outdoor furniture, lighting, decorative paving, and hard landscaping.
- (2) No development permit shall be issued prior to the approval of a landscape plan.
- (3) Landscaping shall be completed to the satisfaction of the Development Authority by the end of the first full growing season following completion of construction or the commencement of the use, whichever occurs first. All landscaping shall be of a type and quality that is satisfactory to the Development Authority.
- (4) Landscaping shall be provided in accordance with the table below. In addition to required landscaped areas, all areas of a parcel not covered by buildings, driveways, parking, storage and display areas shall be seeded to grass, sodded, cultivated as a garden, hard landscaped or left with its natural, weed-free grass and vegetative cover.

Land Use District/Use	Minimum Landscaped Area	Planting Density (landscape item/required landscape area)
RESIDENTIAL		
Single Detached Duplex	Required landscaping to be provided in the front yard	1 tree or 3 shrubs/dwelling unit

Three/Fourplex	Front yard area	1 tree/85 m ² (915 ft. ²) 1 shrub/40 m ² (431 ft. ²)
Rowhousing	Front yard area	1 tree or 3 shrubs/dwelling unit minimum 1 tree to be provided /three dwelling units
Apartment Stacked Rowhousing Multiple Housing Development	30% of parcel area	1 tree for every 50 m ² (538 ft. ²) 1 shrub for every 20 m ² (215 ft. ²)
COMMERCIAL		
Central Business District	Nil, except for all areas not covered by buildings, driveways, parking, storage or display areas.	n/a
Highway Commercial	10% of parcel area, with a minimum of a 3.0 m landscaped strip along all parcel boundaries adjacent to a public roadway.	1 tree for every 50 m ² (538 ft. ²) 1 shrub for every 20 m ² (215 ft. ²)
Local Commercial	10% of parcel area, with a minimum of a 3.0 m landscaped strip along all parcel boundaries adjacent to a public roadway.	1 tree for every 50 m ² (538 ft. ²) 1 shrub for every 20 m ² (215 ft. ²)
INDUSTRIAL		
Established Industrial	No on site landscaping required, except where a parcel directly abuts a non-industrial parcel or major roadway (50 th Street/Lakewood Drive, 42 nd Street, C & E Trail, Highway 2A) in which case landscaping consisting of a minimum 3.0 m wide strip along all relevant boundaries may be required at the discretion of the Development Authority.	1 tree for every 50 m ² (538 ft. ²) 1 shrub for every 20 m ² (215 ft. ²)
Industrial Expansion	A minimum of 3.0 m landscaped strip along all parcel boundaries adjacent to a public roadway.	1 tree for every 50 m ² (538 ft. ²) 1 shrub for every 20 m ² (215 ft. ²)

Privately Serviced Industrial	A minimum of 3.0 m landscaped strip along all parcel boundaries adjacent to a public roadway or a non-residential district, and areas immediately surrounding and containing onsite private water and wastewater facilities.	
PUBLIC		
Public Use	10% of parcel area, with a minimum of a 3.0 m landscaped strip along all parcel boundaries adjacent to a public roadway.	1 tree for every 50 m ² (538 ft. ²) 1 shrub for every 20 m ² (215 ft. ²)

- (5) Excepting single detached and duplex dwellings, the size of all required trees and shrubs shall be as follows at time of planting:

Trees

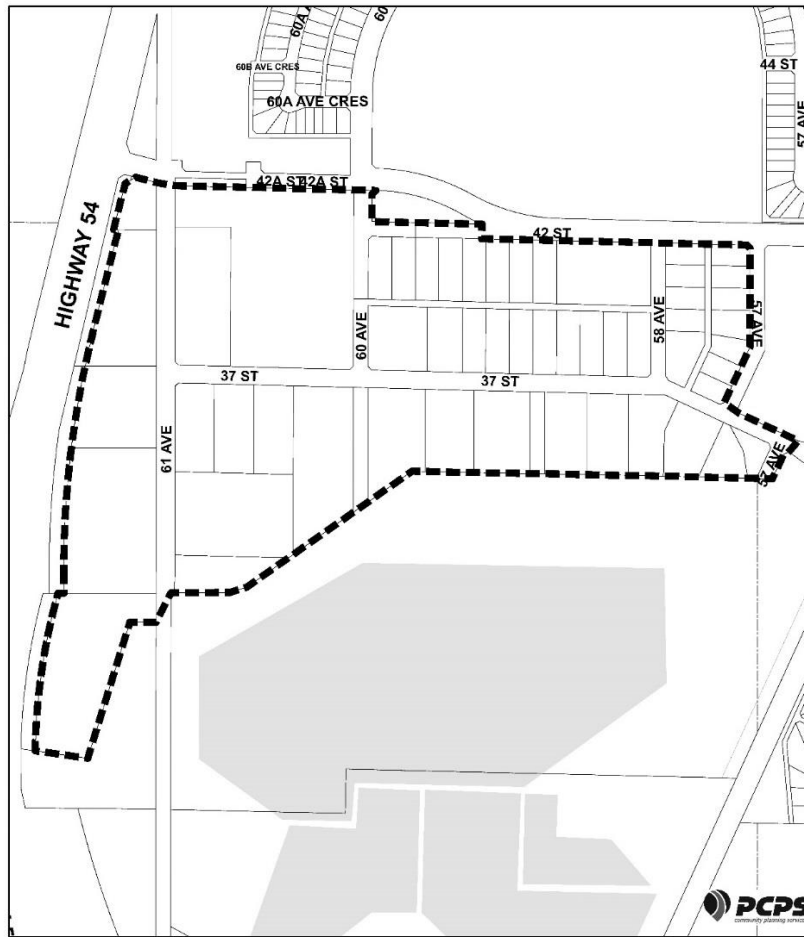
- (i) Coniferous minimum height of 1.8 m (6 ft.) above the root ball
- (ii) Deciduous minimum calliper width of 50 mm (2 in) at 0.46 m (1.5 ft.) above the root ball

Shrubs

- (iii) Coniferous minimum height of 0.38 m (1 ft) above the root ball
- (iv) Deciduous minimum height of 0.61 m (2 ft) above the root ball

- (6) The following planting ratio shall be required for all required landscaping:
- (i) Trees: One (1) coniferous: two (2) deciduous
 - (ii) Shrubs: Two (2) coniferous: three (3) deciduous
- (7) The Town shall maintain a list of appropriate tree and shrub species to be utilized to fulfil landscaping requirements.
- (8) Xeriscaping practices are encouraged, but shall not reduce the required vegetative tree and shrub plantings outlined above. Native plants and grasses may be considered as equivalents to shrub plantings to the satisfaction of the Development Authority.
- (9) Existing trees shall be retained to the greatest extent possible. Any such trees which are retained following development may be considered in assessing fulfilment of the landscaping requirements provided construction activity has not, in the opinion of the Development Authority, impacted on the ability of the existing trees to survive 5 years beyond the date the development was completed.
- (10) All boulevards adjacent a development site shall be seeded or sodded, excepting those ditch areas required for drainage. Any surface treatment other than grass or any tree planting on the boulevards shall require prior approval of the Town. All boulevard landscaping shall be in accordance with the standards of the Town.

- (11) All landscaping shall be placed primarily along road frontages, along parcel boundaries, and building faces except for plantings intended to screen adjacent properties. All boundary landscaping is to be provided outside of any perimeter site fencing.
- (12) All development is encouraged to provide aesthetic improvements in the form of hanging plant baskets, potted plants along street facing facades.
- (13) All landscaping shall be protected by concrete curbs or other approved barriers having a minimum height of 140 mm (6 in.) or separated from the street or parking area by a paved, curbed sidewalk. Where landscaping is to be provided along unpaved roadways or parking areas these requirements may be waived by the Development Authority provided landscaping can be adequately maintained.
- (14) Landscaping shall be used to screen or break up the view of all outside storage areas, parking facilities and loading areas from adjacent buildings and roads.
- (15) The Development Authority may require additional aesthetic improvements where, in the opinion of the Development Authority, there is a likelihood that elements of the proposed development will generate undesirable impacts on surrounding sites such as poor appearance, excessive noise, light, odours, traffic, litter, or dust or cause conflicts with other uses forming part of the development.
- (16) Notwithstanding the requirements above, parcels located within the area outlined below may be fulfilled the required landscaping provisions through a cash-in-lieu of landscaping payment in accordance with Town policy. All or a portion of the required landscaping may be fulfilled in this manner. The amount of any cash-in-lieu payment shall be calculated based on the amount of required landscaped area at a rate determined in Town policy. Any payments received shall be utilized to provide landscaping and associated improvements in the general area in accordance with a comprehensive area landscaping plan.



Landscaped Parking Islands

- (17) With the exception of industrial parcels, landscaped areas in addition to those described above shall be provided within large off street parking areas with a capacity of 30 or more vehicles in the form of landscaped islands to enhance the appearance of the hard surfaced area, provide shade and windbreaks, and assist in defining pedestrian walkways and rows of parking spaces. A minimum of two (2) landscaped islands should be provided, with an additional two islands provided for every additional thirty (30) stalls. A minimum of one (1) tree and two (2) shrubs shall be planted in each island.
- (18) If landscaped islands cannot be accommodated an additional 10 m² of required landscaped area/parking island not provided shall be required elsewhere on the site.

Landscaping Security

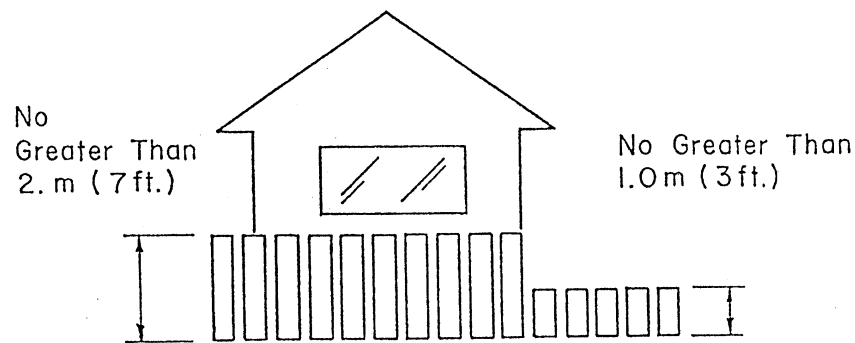
- (19) As a condition of a development permit for any use excepting residential development of less than five (5) units on a parcel, security deposit shall be required in accordance with Town policy to ensure that such landscaping/planting is carried out with reasonable diligence. The condition of the security being that, if the landscaping is not completed in accordance with this Bylaw and the development permit within one (1) growing season

after the completion of the development, then the amount fixed shall be available to the Town for its use in installing the required landscaping/planting.

- (20) The owner of a property, or his/her successor or assignees, shall be responsible for installation and proper maintenance of all landscaping required by a development permit. If the required landscaping does not survive, the applicant/owner must replace it with a similar type of species and with a similar calliper width or height. The absence of landscaping that was required by a development permit may be enforced as a breach of the conditions of approval.

3.30 FENCES

- (1) No person shall construct a fence on a site in a residential district that is higher than
- (a) 2 m (7 ft.) measured from the general ground level on the property line on whichever side of the fence is the lowest, for the part of the fence that does not extend beyond the foremost portion of the main building on the site or into the minimum required front yard, whichever is farther from the front property line; and
 - (b) 1 m (3 ft.) measured from the general ground level on the property line on whichever side of the fence is the lowest, for the part of the fence that does extend beyond the foremost portion of the main building on the site or into the minimum required front yard, whichever is farther from the front property line except that on a corner site, the restrictions set out in section 3.13 (restrictions on corner sites) shall apply.



- (2) The height of any fence in any district other than a residential district shall be determined by the Development Authority.
- (3) Except where approved by the MPC, barbed wire fences and/or electrification of fences shall not be allowed.

MISCELLANEOUS

3.31 VIDEO ARCADES

- (1) Video arcades will not be allowed in neighbourhood shopping centres or other sites that are adjacent to areas which are primarily used for residential purposes.
- (2) The use or operation of a video arcade shall not cause or create any condition such as noise or lighting which may, in the opinion of the Development Officer, be objectionable beyond the arcade.

3.32 HOME OCCUPATIONS

(1) Application for Development Permit

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

(2) Home Occupations – Class 1

- (a) Home occupations – class 1 are essentially “desk and telephone” home offices that require no deliveries, require no storage, do not generate any non-residential traffic, do not have signage or commercial vehicles on the site, and are essentially “invisible” within a residential neighbourhood.
- (b) Home occupations - class 1 require a development permit and an annual business license issued by the Town of Innisfail. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit or if a valid business license is not in place.
- (c) Home occupations – class 1 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- (d) Home occupations – class 1 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- (e) The operation of a home occupation – class 1 shall not:
 - (i) have outside storage of materials, goods or equipment on the site;
 - (ii) increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation;
 - (iii) display any form of advertising related to the home occupation on the site;
 - (iv) require alterations to the principal building unless the Development Authority approves the alterations;
 - (v) have any employees or business partners working on the site who are not residents of the dwelling unit;
 - (vi) include the direct sale of goods to walk-in clientele;
 - (vii) have a licensed commercial vehicle or vehicles with commercial advertising associated with the business parked on-site or in the vicinity of the site at any time;
 - (viii) have more than 20% of the gross floor area of the dwelling unit or 30 m² (323 sq.ft), whichever is less, devoted to business usage; or
 - (ix) advertise the address of the home occupation to the general public.

(3) Home Occupations – Class 2

- (a) Home occupations – class 2 are allowed in a number of land use districts to provide for the potential of operating more intensive home-based businesses than “desk and telephone” (Home Occupation – Class 1) operations.

- (b) A home occupation – class 2 shall not be permitted if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial district.
- (c) The regulations which follow are intended to ensure that these businesses will be operated in a manner which recognizes that home occupations - class 2 are subordinate to the residential use of the site and do not interfere with the amenities of the residential neighbourhood in which they are located.
- (d) Home occupations - class 2 require a development permit and an annual business license issued by the Town of Innisfail. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit or if a valid business license is not in place.
- (e) Home occupations shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- (f) Home occupations shall be an incidental and subordinate use to the principal residential use and shall normally be contained within the principal building.
- (g) Home occupations - class 2 may be considered by the Development Authority within a private garage provided that at least 50% of the floor area of the garage is available at all times for the parking of motor vehicles and the proposed use does not interfere with the provision of the bylaw parking requirement.
- (h) Only residents of the residence and up to two (2) non-resident employees or business partners may be employed on site by the home occupation. In addition to the parking spaces required for the dwelling, one (1) additional onsite parking space shall be provided for each non-resident employee or business partner.
- (i) Home occupations – class 2 shall not be permitted on the same site as a Bed and Breakfast establishment or a secondary suite.
- (i) Home occupations – class 2 are limited to one per dwelling unit and to those which shall not:
 - (i) create a nuisance by way of dust, noise, odour, smoke, parking, traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation or beyond the parcel boundaries;
 - (ii) display any form of advertising related to the home occupation on the site except in accordance with this bylaw;
 - (iii) require alterations to the principal building unless the Development Authority approves the alterations;
 - (iv) include the direct sale of goods to walk-in clientele which are not produced on the premises;

- (v) have more than one commercial motor vehicle associated with the business parked on-site or in the vicinity of the site at any time;
- (vi) have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq.ft) whichever is less, devoted to business usage;
- (vii) have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12 inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building; or
- (viii) advertise the address of the home occupation to the general public except in accordance with (vii) above.

3.33 DANGEROUS GOODS

- (1) Prior to making any decision on a development permit application for a use involving dangerous goods or a site adjacent or in close proximity to where dangerous goods are kept, the Development Authority shall refer the application to the appropriate regulatory authority for comment.
- (2) Any on-site manufacture, storage and/or handling of dangerous goods in excess of the quantities listed in the table below – Small Quantity Exemptions for Dangerous Goods – is not permitted on a parcel the boundary of which is within 50 m (164 ft) of the boundary of any parcel located in a residential district or public use district.

SMALL QUANTITY EXEMPTIONS FOR DANGEROUS GOODS

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

Mass Explosion Hazard ¹	Any
Severe Fragment Projection ¹	Any
Predominant Fire Hazard ¹	Any
No Significant Blast Hazard ¹	50 Kg
Insensitive Substances (Mass Hazard) ¹	250 Kg
Extremely Insensitive Substances ¹	250 Kg
Flammable Gases ²	100 L or Kg
Compressed Gases ²	1000 L
Toxic Gases	Any
Flammable Liquids	250 L
Combustible Liquids (incl. waste oil)	1000 L
Flammable Solids	25 Kg
Spontaneous Combustible Material	25 L or Kg
Dangerous When Wet Material	25 L or Kg

Oxidizing Substances	50 L or Kg
Organic Peroxides	1 L or Kg
Toxic Materials	5 L or Kg
Infectious Substances	Any
Radioactive Materials ³	Any
Corrosives	250 L or Kg
Miscellaneous Dangerous Goods	250 L or Kg

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

² amounts listed are the equivalent liquid measure of the container

³ any amount that requires license from Atomic Energy Regulators

3.34 BED AND BREAKFAST ESTABLISHMENTS

- (1) Bed and breakfast establishments are allowed in the Town provided that they are secondary to the residential use of the dwelling. Such accommodation shall not interfere with the use and enjoyment of the neighbourhood as a residential area. In this regard, bed and breakfast establishments shall comply with the following standards:
 - (a) alterations to the residence shall be limited so that a home can be easily re-converted back to a residence and to ensure that the home is virtually indistinguishable from other houses in the neighbourhood. Any alterations are to be approved by the Development Authority;
 - (b) one sign only shall be permitted to identify, rather than advertise the establishment. Such sign must not exceed 0.6 m² (2 ft.²) in area;
 - (c) off-street parking shall be provided as follows: two parking spaces for the dwelling unit plus one space per guest room; and
 - (d) a bed and breakfast shall not be permitted on a parcel where a home based business or a secondary suite exists.
- (2) A development permit issued for a bed and breakfast establishment does not exempt compliance with health regulations or any other permit requirements.

3.35 SATELLITE DISHES IN RESIDENTIAL DISTRICTS

- (1) No person shall erect or permit to be erected a satellite dish
 - (a) that is located in a front or side yard abutting a street;
 - (b) that is less than 1 m (3 ft.) from side and rear property lines except that on a corner site no part of the dish shall be closer to the street than the main building;

- (c) that is used for commercial (advertising) purposes other than displaying the manufacturer's name/logo; and
 - (d) that is illuminated.
- (2) A satellite dish shall be sited in such a way that minimizes its impact on neighbours.
- (3) Not more than two satellite dishes per dwelling unit shall be permitted on a site, unless otherwise approved by the Development Authority.
- (4) Where a development permit is required, the following guidelines shall be considered in processing an application for a satellite dish:
 - (a) The satellite dish should be no larger than the minimum size required to achieve good reception; dishes are available in a range of makes and appearances and the choice is therefore important;
 - (b) The satellite dish should blend in with its background. For example, a white dish may blend against a white background but may be conspicuous against darker backgrounds; a mesh or transparent dish may be less obtrusive than a solid one;
 - (c) The satellite dish should be located in an inconspicuous place preferably out of view of most neighbouring properties on the street.

3.36 SECONDARY SUITES

- (1) A secondary suite shall be restricted to a site occupied by a detached dwelling.
- (2) One secondary suite may be allowed per detached dwelling lot.
- (3) A secondary suite located within the principal building shall not exceed 55 m² (592 ft²) in gross floor area. If the suite is located within an accessory structure the suite shall not exceed 65 m² (700 ft²) in gross floor area.
- (4) A secondary suite shall be situated so the exterior walls are at least
 - (a) 1.5 m (5 ft) from the side parcel boundaries and on a corner parcel no closer to the street or avenue than the principal building
 - (b) 1.5 m (5 ft) from the rear parcel boundary when there is a blank wall facing the boundary
 - (c) 3.0 m (10 ft) from the rear parcel boundary when there is a window or doorway opening in the wall facing that boundary
 - (d) 2.5 m (8 ft) from the principal building and any accessory buildings on the parcel
- (5) A secondary suite developed on a second floor integral to a detached garage shall not be more than 7.5 m (25 ft) in height and shall not exceed the height of the principal building.

- (6) One off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal building.
- (7) Separate municipal utility services or means of suspending service to the secondary suite without disrupting service to the principal residence may be required at the discretion of the Development Authority.
- (8) The appearance and design of a secondary suite developed as a separate building or addition to the principal building shall be compatible with the appearance and design of the principal building to the satisfaction of the Development Authority.

3.37 MANUFACTURED HOMES

As a discretionary use under the R-1B, R-1C, and R-2 Districts, the external appearance of a manufactured home shall be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and shall have:

- (a) a minimum roof pitch of 4:12 (rise: run);
- (b) a roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes or metal roofing;
- (c) a minimum roof overhang or eaves of 0.40 m (1 ft.) from each external wall;
- (d) a maximum length to width ratio of 2.5:1;
- (e) a minimum width of 6.09 m (20 ft.) measured from external wall surface to external wall surface;
- (f) a permanent foundation consisting of a basement, crawl space or slab on grade; and
- (g) a minimum floor area that meets the minimum floor area requirements of the applicable District.

3.38 ADULT ENTERTAINMENT AND DRINKING ESTABLISHMENT (ADULT ENTERTAINMENT PERMITTED)

In considering an application for approval of a renovation to an existing drinking establishment which proposes to include adult entertainment or for approval of a new drinking establishment (adult entertainment permitted) as an accessory use or principal use, the Development Authority shall require the development to meet the following:

- (a) The gross floor area for the adult entertainment use shall not exceed 557.4 m² (6,000 ft²) and building occupancy shall not exceed 300 persons;
- (b) Be located on a parcel the boundary of which is not less than 150 m (492 ft.) from the boundary of a parcel containing an existing drinking establishment (adult entertainment permitted) or an existing adult entertainment use;

- (c) Be located on a parcel the boundary of which is not less than 150 m (492 ft.) from the boundary of any parcel located in a residential district, any parcel with an existing institutional use, or any parcel developed as a park or playground; and
- (d) Have no exterior display of nudity or partial nudity in respect of any adult entertainment offered within the premises.

3.39 OUTDOOR HOT TUBS AND WHIRL POOLS

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

3.40 LIGHTING OF SITES

Outdoor lighting provided for security, display or attraction purposes for any development shall be arranged so that no direct rays of light are directed at any adjoining site or interfere with the effectiveness of adjacent traffic and shall comply with the following provisions:

- (a) No light structure shall exceed a height of 7.62 m (25 ft);
- (b) No light shall be attached to a structure above a height of 7.62 m (25 ft) along that structure;
- (c) The developer shall provide a plan indicating the location of all exterior lights, including projected light patterns in relation to adjacent public roadways and developments; and
- (d) No flashing or strobe, or revolving lights, which may impact the safety of motorists using adjacent public roadways, shall be installed on any structure or site.

3.41 CANNABIS USES

- (1) The production, processing, storage, or sale of cannabis can only occur where it has been approved through a development permit for a cannabis related use.

CANNABIS FACILITY

- (2) A Cannabis Facility must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of the ventilation system;

CANNABIS STORE

- (3) The Gaming, Liquor and Cannabis Regulation has established distances from certain buildings and land which Cannabis Stores must be separated, and also authorized municipalities to expressly vary these distances. The distances in the regulation apply to Cannabis Stores unless otherwise expressly varies in this Bylaw. The following distances in the regulation are hereby varied:

A Cannabis Store shall not be located within 100 m of (measured between occupied floor

area of Cannabis Store and property boundary of the use listed below) and:

- a) a school,
- b) hospital,
- c) public cultural or recreation area (swimming pool and arena complexes),
- d) library,
- e) playground and playing fields, or
- f) an existing, approved Cannabis Store

3.33(4) A Cannabis Store shall not be located on any parcel directly abutting (sharing a common property boundary) a parcel currently being used for residential purposes.

3.33(5) The Gaming, Liquor and Cannabis Regulation has established hours of operation for Cannabis Stores, and also municipalities to expressly vary these hours. The hours of operation are hereby varied to be 10:00 am – 10:00 pm.

3.33(6) All signage related to a Cannabis Store shall comply with the requirement of the Gaming, Liquor and Cannabis Regulation.

3.42 GUIDELINES FOR OTHER LAND USES

All uses which are not covered by specific regulations in a land use District shall, in accordance with the following guidelines be:

- (a) separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses;
- (b) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan;
- (c) setback from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses;
- (d) of a height which will be consistent with that prevailing in the area;
- (e) developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads;
- (f) developed in accordance with the provisions of Section 3.0, General Regulations; and
- (g) developed in conformance with any applicable statutory plan policies.

4.0 SIGN AND OUTDOOR ADVERTISEMENT REGULATIONS

(1) Purpose

The purpose of this Section is to regulate the number, size, type, form, appearance and location of signs on private property in order to:

- (a) allow local businesses and organizations to advertise their presence to local citizens in a manner that can be equitably applied and enforced;
- (b) encourage and improve the quality of sign design to compliment the streetscape;
- (c) discourage the clutter of signs and minimize the adverse effect of signs on nearby private and public property; and
- (d) ensure signs do not disrupt the orderly and safe flow of vehicular and pedestrian traffic.

NOTE: All signs erected on public lands, including road rights of way, public utility lots, grass boulevards, parks and open space must receive authorization or consent from the Town CAO or designate in accordance with applicable Town policy.

(2) Applications

- (a) Except as provided for in section 4.4, no person shall place, replace, erect or use any sign without first obtaining a development permit.
- (b) A development permit application for a sign shall include the following information:
 - (i) location of the sign by elevation drawing or site plan of the property showing distance to front and side property lines, approaches or driveway locations and distances from existing building;
 - (ii) overall dimensions of the sign;
 - (iii) amount of projection from the face of the building or above the building roof or parapet wall;
 - (iv) height of a freestanding sign;
 - (v) amount of projection over public property;
 - (vi) height of sign above ground level; and
 - (vii) manner of illuminating the sign in any form of animated or intermittent lights.

(3) Definitions

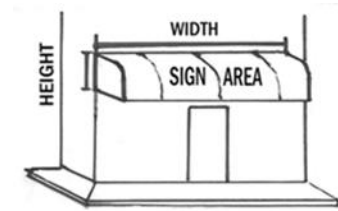
“a-board sign” means a self-supporting sign consisting of two flat faces/surfaces joined at one end, which is set upon the ground and has no external supporting structure. This includes signs commonly known as sandwich board or sidewalk sign;



Sign for illustrative purposes

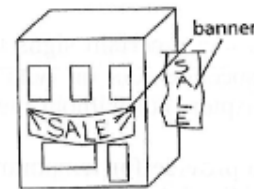
“awning” means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather;

“awning sign” means a non-illuminated sign which is painted on or affixed flat to the surface of an awning;



Sign for illustrative purposes

“Banner Sign” means a temporary sign that is constructed of a flexible, non-ridged material that is intended to be hung or suspended which displays characters, letters or illustrations advertising a business, event or matter;



Sign for illustrative purposes

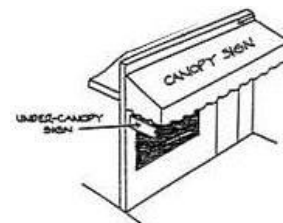
“billboard” means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located;



Sign for illustrative purposes

“canopy” means any permanently fixed structure other than an awning, which is roofed solid and projects from the face of the building for the purpose of affording protection or shelter from the weather and which is supported solely from the building;

“canopy sign” means any sign attached to and forming part of the face of a canopy or sign suspended and supported under a canopy;



Sign for illustrative purposes

“community bulletin board” means a structure erected by or for the Town for the purpose of posting temporary community notices;

“directional sign” means a sign which indicates the distance and/or direction to a place of business or other premises indicated on the sign;



Sign for illustrative purposes

“fascia sign” means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1 ft.) from the building. It does not include a billboard or wall sign;



Sign for illustrative purposes

“freestanding sign” means a sign that is supported independently of a building wall or structure. It does not include a portable sign or wall sign;



Sign for illustrative purposes

“hold time” means the length of time a sign message is fixed in place before changing to a different sign message;



Sign for illustrative purposes

“illumination” means the act of lighting up a sign by way of an artificial light source located within, or external to, the sign and does not include flashing or intermittent lighting;



Sign for illustrative purposes

“point-of-purchase sign” means advertising that is not visible from a public right-of-way and is intended to advertise goods available for sale on-site such as a drive-thru menu;



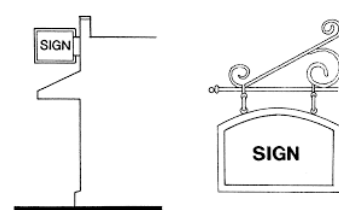
Sign for illustrative purposes

“portable sign” means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes sign commonly known as mobile signs, but does not include A-board signs, temporary signs, or signage permanently attached and forming part of motor vehicles used in the day to day conduct of a business;



Sign for illustrative purposes

“projecting sign (blade sign)” means a sign which is attached to a building or structure so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building or structure;



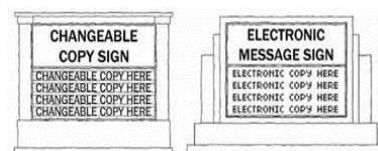
Sign for illustrative purposes

"promotional advertising sign" means a temporary sign displayed for the purpose of advertising temporary events or activities including, but not limited to, grand openings, sales and new or discounted products;



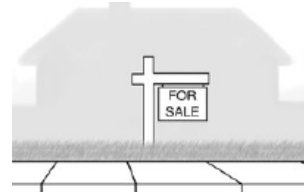
Sign for illustrative purposes

“reader board” means a sign which provides for a changeable message through the use of an electronically displayed message or other similar means and which forms an integral part of the sign;



Sign for illustrative purposes

“real estate sign” means a temporary sign erected on a site by the owner or agent of the owner of the site, advertising the site for sale or lease, but does not include an inflatable sign;



Sign for illustrative purposes

“roof sign” means any sign placed on or over a roof or a parapet of a building;



Sign for illustrative purposes

“sign” means any structure, device or object used to identify, advertise or attract attention to any product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business;

“sign area” means the combined surface area on a single side of a sign on which advertising could be or is intended to be placed;

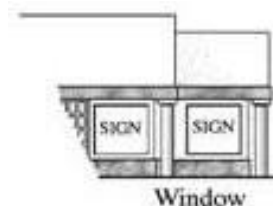
“temporary sign” means a sign, not permanently installed, intended to be featured for a short period of time, and for a special, unique, limited activity or sale, but does not include an a-board or portable sign;

“wall sign” means any panel, lettering or display painted directly on the exterior wall of the building;



Sign for illustrative purposes

“window sign” means a sign which is painted on, attached to, or applied to the inside surface of a window and intended to be viewed from the outside.



Sign for illustrative purposes

(4) Signs Not Requiring A Permit

The following signs shall not require a development permit provided each sign complies with the regulations of this bylaw.

- (a) temporary signs promoting the sale or lease of real estate, providing that
 - (i) there shall not be more than one sign on any lot in a residential area. Such signs shall not exceed 1.5 m² (16 ft²).
 - (ii) in commercial and industrial areas, there shall not be more than one sign for each frontage and the area of such sign shall not exceed 11.5 m² (123 ft²).
- (b) temporary signs of building contractors relating to construction work in progress on the land on which the sign is erected, provided that
 - (i) the sign is wholly situated upon the site of the structure or land use to which it refers,
 - (ii) the sign shall not project over public property,
 - (iii) only one sign shall be permitted upon each site and limited in size to a maximum of 3 m² (32 ft²), and
 - (iv) the sign shall be removed prior to occupancy of the building;
- (c) notices of identification in respect of the land or building on which they are displayed, or professional, business and tradename plates relating to the occupants of the land or buildings on which they are displayed, providing that
 - (i) each name plate shall not exceed 0.2 m² (2 ft²), and
 - (ii) such sign may be illuminated to Electrical Certification Standards but not flashing;
- (d) window signs located inside a building used for non-residential purposes;
- (e) A-board signs provided that:
 - (i) such signs do not display third-party advertising; and
 - (ii) these signs meet all other requirements in this Part;
- (g) directional signs situated on private property provided that:
 - (i) the sign is a freestanding sign and is appropriately located adjacent to the entrance, exit or drive-thru;
 - (ii) the sign face area does not exceed 0.5 m² and that the sign height does not exceed 1.5 m (4.9 ft); and
- (h) point-of-purchase signs not visible from a public right-of-way, such as drive-thru menus and car wash menus;
- (i) promotional advertising signs on private property in commercial or industrial

Districts advertising a special promotion on the premises, to a maximum duration of fourteen (14) days; and

- (j) the first permanent sign placed on a building or site on private property, provided the sign meets the provisions of this Part.

(5) General Provisions

- (a) A sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings.
- (b) No approval shall be granted for a sign which will overhang a street, sidewalk or other Town property until the applicant enters into an encroachment agreement with the Town.
- (c) Where a sign projects over public property, a minimum clearance of 2.5 m (8 ft.) above ground level shall be maintained.
- (d) A larger clearance of 4.6 m (15 ft.) shall be maintained where a sign is located or projects into or over a driveway or other area of vehicle movement.
- (e) A sign shall not obstruct the view of or be liable to be confused with any authorized traffic sign, signal or device or otherwise pose a potential hazard to traffic.
- (f) A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
- (g) The owner of a sign shall be responsible for maintaining their sign in a proper state of repair and shall
 - (i) Keep it properly painted at all times;
 - (ii) Insure that all structural members and guy wires are properly attached to the sign and building and meet proper safety standards; and
 - (iii) Clean all sign surfaces as it becomes necessary.
- (h) With the exception of billboard signs, freestanding signs related to a comprehensively planned commercial area, freestanding signs used solely by community organizations and reader boards, the subject matter of all signs shall relate to the use or ownership of the property on which the sign is located.
- (i) A sign shall not obstruct the use of a fire escape, fire exit, door, flue, air intake, exhaust, window, or interferes with any electrical or telephone wires or associated supports, but shall not include a window sign permitted by this Bylaw. Notwithstanding, signs shall not be located such that they interfere with any opening required for ventilation;

- (j) No person shall erect, construct or maintain a sign or sign structure so as to create a hazard for pedestrian or vehicular traffic.

(6) Sign Removal

- (a) Where any sign no longer fulfils its function under the terms of this Land Use Bylaw, the Development Officer may order the removal of the sign and the lawful owner of the sign or where applicable, the registered property owner, shall upon order:

- (i) remove the sign and all related structural components within thirty (30) days, or a reasonable time frame established by the Development Officer, from the date of receipt of such notice;

- (ii) restore the immediate area around the sign to the satisfaction of the Town; and

- (iii) bear all the costs related to such removal and restoration.

- (b) The Development Officer may

- (i) revoke any development permit where a sign for which such permit was issued violates the conditions of the permit or any of the provisions of this Land Use Bylaw;

- (ii) order the owner to stop work on a sign if a permit has not been issued; or

- (iii) require the removal or repair of any sign or its supporting structure which, in his or her opinion, is or has become, dilapidated or unsafe, or is in such a state of disrepair as to constitute a hazard or which has been erected or maintained contrary to the provisions of this By-law.

- (c) The Development Officer may remove and impound any sign that, they believe on reasonable grounds, is not authorized pursuant to this Bylaw:

- (i) in the case of a sign for which a permit is issued, after seven (7) days' notice to the sign permit holder, delivered to the address shown on the permit; or

- (ii) in the case of a sign for which no permit has been issued, without prior notice to any person.

- (d) Notwithstanding subsection (c), no sign which is located in or upon or which is affixed to a building shall be removed without either the consent of the owner of the building, the consent of the owner of the sign or a court order.

- (e) Following the impounding and removal of a sign, a notice shall be sent to the owner of the sign (if known) or to the owner of the premises from which the sign is removed, advising of the removal. The owner of the sign may secure its release

from impound upon payment in full of all applicable impounding and storage charges at the rates specified in Schedule B of this Bylaw.

- (f) An impounded sign which has not been redeemed within thirty (30) days of the date of the service of notice as specified in subsection (10) may be disposed of by the municipality without further notice to any person and without any liability to compensate the owner of the sign.
- (g) A person who fails to comply with any of the provisions of Part 4.0 shall be guilty of an offence and subject to the penalties set out in Schedule B.

(7) Fascia Signs

- (a) No fascia sign shall be lower than 2.5 m (8 ft.) above grade, except in the case of a sign intended solely for the information of pedestrians in which case the height shall be determined by the Development Authority having regard, amongst other things to public safety.
- (b) No fascia sign on a single storey building shall be higher than the eaveline of the building.
- (c) No fascia sign on a building of two or more storeys shall be higher than the sill level of the second floor windows or the equivalent height in the case of a sign attached to a windowless wall, unless otherwise approved by the Development Authority.

(8) Projecting/Blade Signs

- (a) No part of a projecting sign shall be less than 2.5 m (8 ft.) above finished grade.
- (b) No projecting sign on a single storey building shall be higher than the eaveline of the building.
- (c) No projecting sign on a building or two or more storeys shall be higher than the sill level of the second floor windows or the equivalent height in the case of the sign attached to a windowless wall, unless otherwise approved by the Development Authority.
- (d) The maximum size for projecting signs shall be 0.9 m² (10 ft²).
- (e) Only one (1) projecting sign may be erected on each street frontage of a building, unless otherwise approved by the Development Authority.
- (f) Project a maximum of 1.0 m (3.3 ft) over a sidewalk.
- (g) Projecting signs in the CB District on 50 Street between 49 Avenue and 53 Street, shall:
 - (i) be located at or below the level of the second floor windows;

- (ii) complement the architecture and coordinate with other streetscape improvements and development;
- (iii) not employ backlit construction or be encircled with flashing or neon lights; and
- (iv) have a maximum size of 0.6 m² (6.0 ft²).

(9) Freestanding Signs

- (a) With the exception of signs used solely by community organizations, a freestanding sign shall be situated wholly upon the site of the building or land use to which the sign refers.
- (b) A sign shall not project over the property line.
- (c) No freestanding sign is to exceed 9 m (30 ft) in height or 9 m² (97 ft²) in sign area, except that a sign identifying a neighbourhood commercial site in or adjacent a residential area shall have a maximum permitted height of 7.5 m (25 ft) and a maximum permitted sign area of 4.6 m² (50 ft²).
- (d) Only one freestanding sign shall be allowed on each site.
- (e) Notwithstanding subsections (c) and (d), if a freestanding sign is to be located in a shopping centre or intended to serve a commercial area planned as a unit, more than one freestanding sign may be permitted and the total sign area may be increased to a maximum of 27.3 m² (294 ft²) and the maximum height shall be 11 m (36 ft).
- (f) Where more than one freestanding sign is permitted, freestanding signs on the same parcel shall be separated by a minimum distance of 15 m (49.2 ft) from each other.

(10) Billboards

- (a) No billboard or any portion thereof shall be erected or placed in the Highway Commercial District (HWY-C), Industrial District (I), Privately Serviced Industrial District (I-PS), or Reserved for Future Development District (RD).
- (b) Subject to Section 3.8 (Non-conforming Uses and Buildings) of this Land Use Bylaw, all existing billboards are to be considered as non-conforming structures.
- (c) Billboard signs shall:
 - (i) have a maximum sign area of 11.9 m² (128 sq ft);
 - (ii) have a maximum height above grade of 7.0 m (22.9 ft);
 - (iii) not project beyond the boundary of a parcel upon which the billboard is

located;

- (iv) be separated by a minimum distance of 30.0 m (98.4 ft) from other large self-supporting freestanding type signs.

- (d) Only one (1) billboard sign may be erected per site.

(11) Portable Signs

- (a) No portable sign shall be higher than 2.0 m (7 ft) above grade or larger than 3 m² (32 ft²) in sign area.
- (b) Portable signs shall be situated wholly upon the site of the business or land use to which the advertising of the sign refers.
- (c) No portable sign shall be placed on any Town owned property without the approval or consent of the Town CAO or designate.
- (d) Portable signs are intended for temporary on-site advertising relating to the commercial activities of the landowner or tenants. Third-party advertising is not permitted on portable signs with the exception only of promotions of community or not-for-profit organizations.
- (e) A portable sign shall be stabilized, but shall not use unsightly or potentially hazardous methods.
- (f) A portable sign shall not interfere with pedestrian and/or vehicular traffic.
- (g) No portable sign shall be located within 3.0 m (9.8 ft) of any access/egress to/from a property.
- (h) The number of portable signs permitted on a parcel shall be limited to one (1), except for:
 - (i) parcels with a total parcel frontage length of less than 30.5 m (100 ft) on which no portable sign may be placed within 15.2 m (50 ft) of another portable or freestanding sign on the subject or neighbouring parcels;
 - (ii) multi-tenant parcels with a total parcel frontage length that is greater than 61 m (200 ft) on which one (1) additional portable sign may be permitted for each additional 30.5 m (100 ft) of parcel frontage over the 61 m (200 ft); and
 - (iii) in no case shall portable signs be closer than 15.2 m (50 ft) to any other portable or freestanding sign.

(12) Awnings and Awning Signs

- (a) Awnings shall be constructed of durable, colour-fast material.

- (b) Awnings shall be tightly stretched over a ridged metal frame in order to minimize the accumulation of dirt through sagging, and also to improve their neat appearance.
- (c) Minimum clearance shall be 2.5 m (8 ft).

(13) Canopy Signs

- (a) Canopy signs shall be attached to the structure to which they refer.
- (b) Canopy signs may be attached to any or all faces of the canopy.
- (c) Under canopy signs shall not exceed a depth of 0.3 m (1 ft) and shall not project beyond the outer edge of the canopy.
- (d) Canopy signs attached to the face of the canopy or under the canopy shall have a minimum clearance to the finished grade of 2.5 m (8 ft).

(14) Roof Signs

- (a) The Town shall be satisfied that the purpose of the sign cannot be achieved by another type of sign.
- (b) Roof Top Signs will only be allowed if:
 - (i) located in a commercial or industrial district;
 - (ii) the message of the sign is limited to the buildings on or the land use of the parcel on which the sign is situated;
 - (iii) the maximum sign area shall be 9 m² (97 ft²). Sign area shall be exclusive of pylons, supports and structural members if such pylons, supports and structural members are free of any message and are constructed such that they do not form part of the message;
 - (iv) the sign shall not project more than 2.43 m (8 ft) vertically above the roof line, and no portion of the sign shall project horizontally beyond the roof line. These measurements of projection shall include pylons, supports, and structural members whether or not such pylons, supports and structural members have any message or are constructed such that they form part of the message;
 - (v) structural support elements shall be designed or concealed such that they are not visible; and
 - (vi) a qualified member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing shall design or approve the design of the sign.

(15) Wall Signs

- (a) A wall sign shall not exceed 3.1m (10 ft) in height and 9.14 m (30 ft) in length.
- (b) Only one wall sign per wall shall be permitted.
- (c) No wall sign on a building of two or more storeys shall be higher than the sill level of the second floor windows or the equivalent height in the case of a sign on a windowless wall, unless otherwise approved by the Development Authority.

(16) Reader Board

- (a) A reader board may form part of a freestanding sign, billboard sign or fascia sign where all provisions relating to the respective type of sign are satisfied.
- (b) A reader board sign may display digital text and images but no text or image shall involve any visible effects including but not limited to scrolling, action, motion, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.
- (c) The minimum hold time at which text and images shall be refreshed or change shall be no less than 6 seconds.

(17) A-Board Signs

- (a) Only one (1) A-board sign permitted per business on a site.
- (b) A-board signs shall:
 - (i) be constructed of a material such that a rigid frame is provided, be of a painted finish, be neat and clean, and be maintained in such condition;
 - (ii) be a maximum of 0.61 m (2.0 ft) wide and 0.91 m (3.0 ft) high;
 - (iii) be on display only during those hours that the business is open;
 - (iv) be placed directly in front of or as close as possible to the building in which the business is located;
 - (v) not display third-party advertising; and
 - (vi) not impede the view of pedestrians or street traffic.
- (c) For businesses with zero front setbacks, one (1) A-board sign may be placed on Town property adjacent the front property boundary provided that the sign shall be placed as close as practical to any tree, garbage bin, or other piece of street furniture where available in front of the business in order to maintain the maximum area possible for pedestrian passage.

(18) Other Signs

- (a) The Development Authority may approve other signs subject to the general provisions of subsection (4).

5.1 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1A)

GENERAL PURPOSE

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses on large size urban lots.

PERMITTED USES

Accessory residential buildings
Detached dwellings

DISCRETIONARY USES

Accessory buildings and uses
Adult care housing
Duplexes existing at the date of passage of this Land Use Bylaw
Home occupations –class 1
Parks
Playgrounds
Public utility buildings

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings
	720 m ² (7,750 ft. ²) on interior parcel
	740 m ² (7,966 ft. ²) on corner parcel
	All other uses
	At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached dwellings
	20 m (66 ft) for an interior parcel
	21.5 m (71 ft) for a corner parcel
	All other uses
	At the discretion of the Subdivision Authority
Minimum Front Yard	6 m (20 ft.)
Minimum Side Yard	2 m (7 ft) except:
	(a) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access

- (b) on the street side of a corner site, a minimum of 4.5 m (15 ft.)
- (c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision

Minimum Rear Yard 10 m (33 ft.) except where the lot backs directly onto another lot in which case a minimum of 12 m (39 ft.) will be required

Minimum Floor Area of Dwelling 130 m² (1400 ft.²) at ground level

Maximum Building Height 10 m (33 ft.) for principal building(s) only

Maximum Parcel Coverage 40% including all accessory buildings

OTHER REQUIREMENTS

- (1) The Development Authority has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- (2) All houses are required to contribute to a variety of design. The Development Authority reserves the right to require alternatives should it be deemed necessary in the interest of the subdivision at large. The transition between different house styles must be made in as smooth a fashion as possible (e.g. from two-storey to a bungalow transition can be made with a bi-level or split level).
- (3) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
- (4) Exposed foundations should be kept to a minimum and must be fully parged.
- (5) Generally there will be no restrictions to the type of siding material used. Extensive use of brick will be encouraged. Every front elevation must include some brick or stone.
- (6) More emphasis on the architectural design of roof lines and exterior detailing will be required. The use of cedar shakes or high grade interlocking shingles or tiles will be recommended. Siding and trim colours must complement those of adjacent lots.
- (7) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.
- (8) [Deleted Bylaw 1470-A9]

5.2 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1B)

GENERAL PURPOSE

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses on conventional size urban lots.

PERMITTED USES

Accessory residential buildings
Detached dwellings
Home occupations – class 1

DISCRETIONARY USES

Accessory buildings and uses
Adult care housing
Bed and breakfast establishments
Child care facilities
Duplexes existing at the date of passage of this Land Use Bylaw
Home occupations – class 2
Manufactured Homes meeting the requirements of Section 3.37 (Manufactured Homes)
Parks
Playgrounds
Public utility buildings
Secondary suites

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings
	560 m ² (6,028 ft. ²) on interior parcel
	600 m ² (6,458 ft. ²) on corner parcel
	All other uses
	At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached dwellings
	15.85 m (52 ft) for an interior parcel
	17.35 m (57 ft) for a corner parcel
	All other uses
	At the discretion of the Subdivision Authority
Minimum Front Yard	6 m (20 ft.)

Minimum Side Yard	1.5 m (5 ft) except: (a) on the street side of a corner site, a minimum of 3 m (10 ft.) (b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision
Minimum Rear Yard	9 m (30 ft.) except where the lot backs directly onto another lot in which case a minimum of 11 m (36 ft.) will be required
Minimum Floor Area of Dwelling	110 m ² (1184 ft. ²) at ground level
Maximum Building Height	9.5 m (31 ft.) for principal building(s) only
Maximum Parcel Coverage	40% including all accessory buildings

OTHER REQUIREMENTS

- (1) The Development Authority has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- (2) Houses with similar floor plans and exterior elevations shall be separate from each other by three houses, unless the house style, roof pitch, and exterior materials and treatment are substantially different.
- (3) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
- (4) Exposed foundations should be kept to a minimum and must be fully parged.
- (5) It is encouraged that a variety of materials be used on any one street. Generally there will be no restrictions to the type of siding material used; however, the Development Authority reserves the right to require changes to ensure variety between adjacent homes and as it is deemed in the best interest of the subdivision.
- (6) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.
- (7) [Deleted Bylaw 1470-A9]

5.3 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1C)

GENERAL PURPOSE

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses on compact urban lots.

PERMITTED USES

- Accessory residential buildings
- Detached dwellings
- Home occupations – class 1

DISCRETIONARY USES

- Accessory buildings and uses
- Adult care housing
- Bed and breakfast establishments
- Child care facilities
- Duplexes
- Home occupations – class 2
- Manufactured Homes meeting the requirements of Section 3.37 (Manufactured Homes)
- Parks
- Playgrounds
- Public utility buildings
- Secondary suites contained within the principal building

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area

Detached dwellings

- 460 m² (4,951 ft.²) on interior parcel
- 510 m² (5,490 ft.²) on corner parcel

Duplexes

- 230 m² (2,476 ft.²) per dwelling unit on an interior parcel
- 280 m² (3,014 ft.²) per dwelling unit on a corner parcel

All other uses

- At the discretion of the Subdivision Authority

Minimum Parcel Width

Detached dwellings

- 12.8 m (42 ft) for an interior parcel

14.7 m (48 ft) for a corner parcel

Duplexes

7.5 m (25 ft) per dwelling unit on an interior parcel

9.0 m (30 ft) per dwelling unit on a corner parcel

All other uses

At the discretion of the Subdivision Authority

Minimum Front Yard

6 m (20 ft.)

Minimum Side Yard

1.5 m (5 ft) except:

(a) on the street side of a corner site, a minimum of 3 m (10 ft.)

(b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision

Minimum Rear Yard

8 m (26 ft.) except where the lot backs directly onto another lot in which case a minimum of 9 m (30 ft.) will be required

**Minimum Floor
Area of Dwelling**

80 m² (861 ft.²) at ground level

Maximum Building Height

9.5 m (31 ft.) for principal building(s) only

Maximum Parcel Coverage

40% including all accessory buildings

OTHER REQUIREMENTS

- (1) The Development Authority has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- (2) Houses with similar floor plans and exterior elevations shall be separate from each other by three houses, unless the house style, roof pitch, and exterior materials and treatment are substantially different.
- (3) Exposed foundations should be kept to a minimum and must be fully parged.
- (4) It is encouraged that a variety of materials be used on any one street. Generally there will be no restrictions to the type of siding material used; however, the Development Authority reserves the right to require changes to ensure variety between adjacent homes and as it is deemed in the best interest of the subdivision.
- (5) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
- (6) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.

5.4 RESIDENTIAL NARROW LOT DISTRICT (R-1N)

GENERAL PURPOSE

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses on narrow urban lots in new neighbourhoods in accordance with an overall concept plan or outline plan approved by Town Council.

PERMITTED USES

Accessory residential buildings
Detached dwellings

DISCRETIONARY USES

Accessory buildings and uses
Child care facilities
Parks
Playgrounds
Public utility buildings
Show homes

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	Detached dwellings
	380 m ² (4090 ft ²) on interior parcel
	420 m ² (4521 ft ²) on corner parcel
	All other uses
	At the discretion of the Subdivision Authority
Minimum Parcel Width	Detached dwellings
	10.5 m (34 ft. in the front and 9.2 m (30 ft) along the rear parcel boundary for an interior parcel
	11.65 m (38 ft) in the front and 10.35 m (34 ft) along the rear parcel boundary for a corner parcel
	All other uses
	At the discretion of the Subdivision Authority
Minimum Parcel Depth	Detached dwellings
	36.6 m (120 ft)
	All other uses
	At the discretion of the Subdivision Authority

Minimum Front Yard	5 m (16 ft)
Minimum Side Yard	1.25 m (4 ft) except: (a) on the street side of a corner lot, a minimum of 2.4 m (8 ft) (b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision
Minimum Rear Yard	7.5 m (25 ft)
Minimum Floor Area of Dwelling	63 m ² (678 ft ²) at ground level
Maximum Building Height	9.5 m (31 ft) for principal building(s) only
Maximum Parcel Coverage	45% including all accessory buildings

OTHER REQUIREMENTS

1. In order to ensure that there is not an excessive amount of on street parking, a two vehicle parking pad shall be constructed in the rear of the parcel. The location of all vehicle parking pads shall be approved by the Development Authority.
2. In order to ensure a pleasing neighbourhood appearance, there shall be a common architectural theme with the house oriented to the street with such features as front porches and verandas. The proposed theme shall be approved by the Development Authority.
3. The Development Authority, having regard for the siting and appearance of adjoining residences and other residences within the block face, may increase the front yard requirement to improve sunlight exposure, views, privacy and to add general interest to the streetscape.
4. Identical houses with similar front elevations must be separated by a minimum of one parcel unless finishing treatments (colour/building materials) are substantially different to the satisfaction of the Development Authority.
5. The Development Authority shall require a graduated transition between different house styles which shall be accommodated by varied roof lines, architectural projections, and/or the interjection of bi-level or split level designs between one-storey and two-storey designs. House setbacks shall be staggered.
6. Side windows shall be arranged to keep the incidence of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
7. In order to ensure that the front landscape is not dominated by either garages or driveways, there shall be no front driveways or front yard garages allowed in this District.
8. In order to ensure that there is access to the rear yard, all parcels in this District shall have rear lane access.
9. The front yard shall have a tree or shrub plantings to the satisfaction of the Development Authority.

10. All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
11. Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.

6.0 RESIDENTIAL MEDIUM DENSITY DISTRICT (R-2)

GENERAL PURPOSE

The purpose of this district is to provide areas for the development of single detached dwelling units and two dwelling unit housing.

PERMITTED USES

- Accessory residential buildings
- Detached dwellings
- Duplexes
- Home occupations – class 1

DISCRETIONARY USES

- Accessory buildings and uses
- Adult care housing
- Bed and breakfast establishments
- Child care facilities
- Funeral homes without crematorium (on Lot D, Plan 6234MC)
- Group homes
- Home occupations – class 2
- Manufactured homes meeting the requirements of Section 3.37 (Manufactured Homes)
- Parks
- Playgrounds
- Public uses
- Public utility buildings
- Religious assemblies
- Row housing
- Secondary suites contained within the principal building
- Stacked row housing

[Bylaw 1470-A21]

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area

- Detached dwellings
 - 460 m² (4,951 ft.²) on interior parcel
 - 510 m² (5,490 ft.²) on corner parcel
- Duplexes with access to a lane
 - 230 m² (2,476 ft.²) for each dwelling unit on an interior parcel
 - 280 m² (3,014 ft.²) for each dwelling unit on a corner parcel

	<p>Duplexes with no access to a lane</p> <p>280 m² (3,014 ft.²) for each dwelling unit on an interior parcel</p> <p>320 m² (3,444 ft.²) for each dwelling unit on a corner parcel</p>
	<p>Row housing</p> <p>190 m² (2,045 ft.²) for each dwelling unit on an interior parcel</p> <p>275 m² (2,960 ft.²) for each dwelling unit on a corner parcel</p>
	<p>All other uses</p> <p>At the discretion of the Subdivision Authority</p>
Minimum Parcel Width	<p>Detached dwellings</p> <p>12.8 m (42 ft) for an interior parcel</p> <p>14.7 m (48 ft) for a corner parcel</p> <p>Duplexes</p> <p>7.5 m (25 ft) per dwelling unit on an interior parcel</p> <p>9.0 m (30 ft) per dwelling unit on a corner parcel</p> <p>Row housing</p> <p>6.0 m (20 ft) per dwelling unit on an interior parcel</p> <p>9.0 m (30 ft) per dwelling unit on a corner parcel or end unit</p> <p>All other uses</p> <p>At the discretion of the Subdivision Authority</p>
Minimum Front Yard	<p>Detached dwellings, duplex and row housing</p> <p>6 m (20 ft.)</p> <p>All other uses</p> <p>As determined by the Development Authority</p>
Minimum Side Yard	<p>1.5 m (5 ft) except:</p> <p>(a) on the street side of a corner site or the end unit of a row housing building, a minimum of 3 m (10 ft.)</p> <p>(b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision</p> <p>All other uses</p> <p>As determined by the Development Authority</p>
Minimum Rear Yard	<p>Detached dwelling, duplexes and row housing</p> <p>7.5 m (25 ft.) except where the lot backs directly onto another lot in which case a minimum of 9 m (30 ft.) will be required</p>

All other uses
As determined by the Development Authority

Maximum Building Height 9.5 m (31 ft) for principal building(s) only

Maximum Parcel Coverage 50% including all accessory buildings

OTHER REQUIREMENTS

- (1) The Development Authority has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- (2) No part of a front yard of a site developed for row housing shall be used for motor vehicle parking.
- (3) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
- (4) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.

7.0 RESIDENTIAL MULTI-FAMILY DISTRICT (R-3)

GENERAL PURPOSE

The purpose of this district is to provide for the development of a variety of multi-family housing types.

PERMITTED USES

- Accessory residential buildings
- Apartments
- Fourplexes
- Home occupations – class 1
- Row housing
- Stacked row housing

[Bylaw 1470-A21]

DISCRETIONARY USES

- Accessory buildings and uses
- Adult care housing
- Bed and breakfast establishments
- Child care facilities
- Detached dwellings existing as of the date this bylaw is adopted
- Duplexes existing as of the date this bylaw is adopted
- Home occupations – class 2
- Multiple housing developments
- Parking facilities
- Parks
- Playgrounds
- Public uses
- Public utility buildings
- Religious assemblies
- Secondary suites contained within the principal building

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area

Apartments

- 82 m² (883 ft.²) for each bachelor and one bedroom dwelling unit
- 102 m² (1,098 ft.²) for each dwelling unit with more than one bedroom

Fourplexes

- 90 m² (969 ft.²) for each dwelling unit

[Bylaw 1470-A19]

	<p>Row housing</p> <p>190 m² (2,045 ft.²) for each dwelling unit on an interior parcel</p> <p>275 m² (2,960 ft.²) for each dwelling unit on a corner parcel</p> <p>Multiple housing developments</p> <p>90 m² (969 ft.²) for each apartment dwelling unit</p> <p>275 m² (2,960 ft.²) for each row housing dwelling unit</p> <p>150 m² (1,615 ft.²) for each fourplex dwelling unit</p> <p>320 m² (3,444 ft.²) for each duplex dwelling unit</p> <p>All other uses</p> <p>As determined by the Subdivision Authority</p>
Maximum Parcel Area	<p>Apartments</p> <p>1.2 ha (3 acres)</p> <p>Multiple housing developments</p> <p>2.4 ha (6 acres)</p>
Minimum Parcel Width	<p>Apartments</p> <p>30.48 m (100 ft.)</p> <p>Fourplexes</p> <p>15.24 m (50 ft.)</p> <p>Row housing</p> <p>6.0 m (20 ft) per dwelling unit on an interior parcel</p> <p>9.0 m (30 ft) per dwelling unit on a corner parcel or end unit</p> <p>All other uses</p> <p>At the discretion of the Subdivision Authority</p>
Minimum Front Yard	<p>Apartments [Bylaw 1470-A19]</p> <p>8 m (26 ft.)</p> <p>All other residential developments</p> <p>6 m (20 ft.) except where fronting onto a collector or arterial street where 8 m (26 ft.) will be required</p> <p>All other uses</p> <p>As determined by the Development Authority</p>
Minimum Side Yard	<p>Apartments</p>

	3 m (10 ft.) except 6 m (20 ft.) on the street side of a corner parcel
	Fourplexes 1.5 m (5 ft.) except 3 m (10 ft.) on the street side of a corner parcel [Bylaw 1470-A19]
	Row housing 1.5 m (5 ft.) except 3 m (10 ft.) on the street side of a corner parcel or the end unit of a row housing building
	All other uses As determined by the Development Authority
Minimum Rear Yard	Apartments 12 m (39 ft.)
	Fourplexes 10 m (33 ft.)
	Row housing 8 m (26 ft.) except where the lot backs onto another lot in which case a minimum of 9 m (30 ft.) will be required
	All other uses As determined by the Development Authority
Maximum Building Height	Apartments 13.5 m (44 ft.) for principal building only
	Fourplexes and row housing 9.5 m (31 ft.) for principal building only
	Lot 17B, Block 10, Plan 922 2318 9.5 m (31 ft.) for principal building only [Bylaw 1470-A7]
	All other uses As determined by the Development Authority
Maximum Parcel Coverage	Apartments and Fourplexes 40% including all accessory buildings
	Row housing 50% including all accessory buildings

All other uses

As determined by the Development Authority

Landscaped Area

Apartments, fourplexes, row housing and multiple housing developments must have

- (a) At least 30% of the parcel area landscaped; and
- (b) A landscaped area at least 4 m (13 ft.) in perpendicular depth from the building wall and extending at least 1 m (3 ft.) on each side of all windows and patio doors of living rooms, dining rooms and bedrooms [Bylaw 1470-A19]

Landscaping Materials

Despite Section 3.29 and for development fourplexes only, trees shall be provided at a rate of one tree for every 84 m² (904 ft²) of the required landscaped area and shrubs shall be provided at a rate of one shrub for every 40 m² (430 ft²) of the required landscaped area.

[Bylaw 1470-A19]

OTHER REQUIREMENTS

- (1) In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed development with existing uses on or adjacent to the site.
- (2) The Development Authority has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- (3) No part of a front yard of a site developed for apartments, fourplexes or row housing shall be used for motor vehicle parking.
- (4) For all multiple housing developments incorporating row housing, fourplexes or duplexes, each dwelling unit shall have a minimum outdoor living space, the length of which is a distance of 7.5 m (25 ft.) measured from the exterior wall of the dwelling unit and extending across the width of the dwelling unit. The outdoor living space of adjacent dwelling units shall not overlap. The outdoor living space shall not be used for motor vehicle parking.
- (5) On sites developed for apartments and other multiple housing developments, the facade of the buildings, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.
- (6) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
- (7) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.

8.1 RESIDENTIAL MANUFACTURED HOME LOT DISTRICT (R-MHL)

GENERAL PURPOSE

The purpose of this district is to provide areas for the development of manufactured homes on permanent foundations on separately registered lots.

PERMITTED USES

- Accessory residential buildings
- Home occupations – class 1
- Manufactured homes

DISCRETIONARY USES

- Accessory buildings and uses
- Child care facilities
- Home occupations – class 2
- Parks
- Playgrounds
- Public uses
- Public utility buildings

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area

- Manufactured homes
 - 460 m² (4,951 ft²) on interior parcel
 - 510 m² (5,490 ft²) on corner parcel

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

Minimum Parcel Width

- Manufactured homes
 - 10.8 m (35 ft.) for an interior parcel
 - 12.4 m (41 ft.) for a corner parcel

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

Minimum Front Yard

- 6 m (20 ft.) except where fronting onto a collector street where 8 m (24 ft.) will be required

Minimum Side Yard	1.5 m (5 ft) except: (a) in a laneless subdivision, one unobstructed side yard of at least 3 m (10 ft.), excluding corner sites with alternate rear access (b) on the street side of a corner site, a minimum of 3 m (10 ft.) (c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision
Minimum Rear Yard	6 m (20 ft.)
Minimum Floor Area	80 m ² (860 ft ² .) for manufactured homes
Maximum Building Height	7.5 m (25 ft.) for principal building(s) only No accessory or attached structure shall exceed the height of the manufactured home on the same parcel
Maximum Parcel Coverage	45% including all accessory buildings

OTHER REQUIREMENTS

- (1) All manufactured homes shall have CSA (Canadian Standards Association) certification. If a particular manufactured home has been damaged or structurally altered, the manufactured home must be certified as safe by a Provincial or Town Building Inspector.
- (2) The Development Authority reserves the right to refuse a development permit for a manufactured home that is of poor appearance or condition.
- (3) It shall be the responsibility of the owner to place the manufactured home on a secure foundation or base in accordance with the requirements of the Alberta Building Code. Skirting is to be completed within 30 days of the manufactured home being placed on the parcel.
- (4) All accessory structures, such as patios, porches, additions and storage facilities shall be designed and constructed so as to match the exterior appearance of the manufactured home on the same parcel.
- (5) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced.
- (6) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first.

8.2 RESIDENTIAL MANUFACTURED HOME PARK DISTRICT (R-MHP)

GENERAL PURPOSE

The purpose of this District is to provide an area for the development of a comprehensively designed park that allows manufactured home sites to be leased or owned as part of a condominium.

PERMITTED USES

- Accessory residential buildings
- Home occupations – class 1
- Manufactured homes in a manufactured home park
- Manufactured home parks

DISCRETIONARY USES

- Accessory buildings and uses
- Child care facilities
- Convenience stores solely serving a manufactured home park
- Home occupations – class 2
- Parks
- Playgrounds
- Public uses

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

For the purpose of this District, it is recognized that lots in manufactured home parks may not be legally registered parcels where title can be transferred. The term “lot” in this District means an area of land for the placement of a manufactured home and for the exclusive use of its occupants.

Minimum Lot Area 440 m² (4736 ft²)

The minimum lot area requirement shall not apply to manufactured home parks existing prior to the adoption of this Land Use Bylaw provided the minimum yard requirements are satisfied

Minimum Yard Requirements Manufactured homes shall be at least

- (a) 4.5 m (15 ft.) from one another
- (b) 7.5 m (25 ft.) from any park boundary
- (c) 3 m (10 ft.) from any internal access road or common parking area
- (d) 1.5 m (5 ft.) from any side lot line
- (e) 4.5 m (15 ft.) from any rear lot line

Minimum Manufactured Home Width	4.2 m (14 ft.)
Minimum Manufactured Home Floor Area	65 m ² (700 ft. ²)
Maximum Building Height	7.5 m (25 ft.) for principal building(s) only No accessory or attached structure shall exceed the height of the manufactured home on the same lot
Maximum Lot Coverage	45% including all accessory buildings
Maximum Density	17 manufactured homes per hectare (7 per acre)
Minimum Park Area	2.02 ha (5 acres)
Maximum Park Area	8.08 ha (20 acres)

OTHER REQUIREMENTS: MANUFACTURED HOME PARKS

- (1) Manufactured home parks shall be used for residential purposes including those uses and their associated facilities which, in the opinion of the Development Authority, are clearly provided to serve the needs of the park residents.
- (2) A plan for the manufactured home park must be approved by the Development Authority. This plan shall include the following:
 - (a) park access, road system, walkway system and lot pattern showing dimensions,
 - (b) proposed location of manufactured home for every lot,
 - (c) guidelines governing the design and materials to be used in the construction of carports, patios, porches, storage buildings, skirting, fences, fuel storage and supply facilities, and other attached or detached structures,
 - (d) location of parking spaces for every proposed lot, as well as visitor parking areas,
 - (e) provisions for on-site containerized garbage collection facilities,
 - (f) area designated for recreational and/or playground use,
 - (g) proposed landscaping in the park,
 - (h) provisions for outdoor lighting,
 - (i) identification and directional signs, and

- (j) storage compound for trucks, trailers, campers, snowmobiles, boats, etc.
- (3) The development of the park must be completed in conformance with the approved plan and related conditions.
- (4) The park owner shall ensure that each manufactured home is levelled, blocked and skirted within 30 days of being placed on a lot.
- (5) A manufactured home lot may be used only for the placement of one manufactured home.
- (6) All lot lines shall be clearly defined on the ground by permanent flush stakes or markers with a lot number or other address system.
- (7) Residents shall be informed of their responsibilities with respect to the Land Use Bylaw by the park owner who shall be responsible for developing and operating the park in compliance with this Bylaw.

Recreation Area and Landscaping

- (8) A minimum of 10 percent of the total area of a manufactured home park shall be set aside for recreational and/or playground use.
- (9) Each park shall provide on its perimeter a landscaped area of not less than 3 m (10 ft.) in width or other edge treatment satisfactory to the Development Authority.
- (10) All areas of a park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities including playgrounds, shall be landscaped.

Vehicular-Pedestrian Areas

- (11) All park roads shall have at least a 12 m (39 ft.) right-of-way and a paved carriageway of not less than 8 m (26 ft.) in width.
- (12) Internal pedestrian walkways, where provided, shall have a hard surfaced width of 1.5 m (5 ft.).
- (13) Two off-street parking spaces shall be provided on or adjacent to each manufactured home lot.
- (14) The owner of the park shall provide parking spaces for visitors at locations approved by the Development Authority. One parking space shall be provided for every two manufactured homes.
- (15) The park owner shall be responsible for the removal of snow from all internal pedestrian walkways and park vehicular areas and park streets, excluding individual parking spaces.

Storage Areas

- (16) A screened storage compound equivalent to 20 m² (215 ft.²) for every manufactured home lot in the park shall be provided for trucks, trailers, campers, snowmobiles, boats, etc.

Utilities

- (17) Each manufactured home lot is required to have Town water and sanitary sewer service. The park must be adequately drained and connected to the Town's storm sewers, should the Development Authority determine the need.
- (18) All utility services, including all wires and conduits, shall be installed underground.
- (19) All service buildings must be accessible by a park street.

9.0 LOW DENSITY RESIDENTIAL DISTRICT (LDR)

GENERAL PURPOSE

The purpose of this district is to provide for low density, large lot residential development which is designed to accommodate possible further subdivision and development to typical urban densities.

PERMITTED USES

Accessory residential buildings
Detached dwellings
Home occupations – class 1

DISCRETIONARY USES:

Home occupations – class 2
Parks
Public utility buildings

DEVELOPMENT STANDARDS

In addition to the general provisions contained in Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	2024 m ² (0.5 acres)
Maximum Parcel Area	4047 m ² (1.0 acres)
Minimum Parcel Width	25 m (82 ft.)
Minimum Front Yard	8 m (26 ft.)
Maximum Front Yard	To the satisfaction of the Development Authority bearing in mind possible further subdivision to an urban density
Minimum Side Yard	3 m (10 ft.)
Maximum Side Yard	To the satisfaction of the Development Authority bearing in mind possible further subdivision to an urban density
Minimum Rear Yard	10 m (33 ft.)
Minimum Floor Area of Dwelling	130 m ² (1400 ft ²) at ground level
Maximum Building Height	10 m (33 ft.) for principal building(s) only

Maximum Parcel Coverage	20% including all accessory buildings
Maximum Accessory Building Floor Area	Notwithstanding section 3.9 (11), 100 m ² (1076 ft ²)

OTHER REQUIREMENTS

- 1) All buildings shall be sited so as to facilitate future subdivision to urban density. A concept plan or similar plan acceptable to the Town may be required to demonstrate how future intensification or subdivision to a more urban density could occur.
- 2) A deferred services agreement addressing future extension and connection to municipal water and sewer systems shall be required as a condition of subdivision.
- 3) All dwellings shall be tied into the municipal sewer system where available. Until municipal sewer service is made available only closed holding tank sewer systems will be permitted.
- 4) All dwellings shall be tied into the municipal water system where available. Until municipal water service is made available, private water wells will be permitted.
- 5) All power supplies are to be underground.
- 6) All bylaws pertaining to domestic livestock shall apply. No livestock or poultry, with the exception of dogs, cats, and such other domestic pets as are kept indoors, shall be permitted in this district.

10.0 CENTRAL BUSINESS DISTRICT (CB)

GENERAL PURPOSE

The purpose of this District is to provide a unique area where a variety of commercial, institutional, cultural and residential uses can be encouraged and developed to serve the Town and surrounding rural area.

PERMITTED USES

- Accessory buildings and uses
- Convenience stores
- Gas bars
- Health services
- Offices: administrative, business and professional
- Parks
- Personal services
- Restaurants
- Retail stores

DISCRETIONARY USES

- Adult entertainment
- Alcohol sales
- Animal services
- Apartments
- Arts or crafts studios
- Bus depots
- Cannabis Store [Bylaw 1470-A54]
- Car washes
- Casinos
- Child care facilities
- Commercial recreation and entertainment
- Commercial schools
- Drinking establishments (adult entertainment permitted)
- Drinking establishments (adult entertainment prohibited)
- Dwelling accommodation above the ground floor
- Essential public services
- Existing dwellings (no alterations or additions allowed)
- Existing dwelling having up to 1,150 ft² of combined floor space on all floors above grade on Lot 5, Block 5, Plan 944R [Bylaw 1470-A20]
- Financial services
- Funeral homes
- Home occupations – class 1
- Home occupations – class 2
- Hotels
- Light equipment rental shops
- Light repair services
- Medical and dental laboratories

Mixed use developments
 Mobile commercial sales
 Parking facilities
 Printing, lithographing and publishing establishments
 Private clubs
 Public uses
 Public utility buildings
 Radio transmitting stations, towers and equipment (fire, police and taxis)
 Religious assemblies
 Sales and service outlets for automobiles, trucks, recreation vehicles
 Service stations
 Shopping centres
 Signs where no other principal use, other than parking facilities, exists
 Video arcades
 Other similar uses

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	280 m ² (3,014 ft ²)
Minimum Parcel Width	7.62 m (25 ft)
Minimum Front Yard	Nil unless otherwise specified by the Development Authority
Minimum Side Yard	Nil except that (a) a site adjacent a residential district: 3 m (10 ft.) (b) on a laneless site, one obstructed side yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	Nil except where (a) a rear yard abuts a residential district in which case the rear yard shall be a minimum of 6 m (20 ft.) (b) loading, parking and/or garbage storage areas are required in the rear yard
Maximum Building Height	10 m (33 ft.) adjacent a residential district; for principal buildings only
Maximum Parcel Coverage	95% including all buildings, parking facilities, storage areas and display areas
Landscaped Area	Nil except for all areas of a site not covered by buildings, driveways, parking, storage or display areas

SPECIAL REQUIREMENTS

Yards Abutting a Residential District

- (1) Where the a parcel in the Central Business District (CB) abuts a residential district
 - (a) No open storage or outdoor display shall be permitted in the abutting yard(s);
 - (b) No parking space shall be allowed in such yard(s) within 6 m (20 ft.) of a lot line;
 - (c) No outdoor eating or drinking area shall be located within 15.2m (50 ft) of an adjacent residential property in a residential district
- (2) Adequate screening or buffering shall be provided to the satisfaction of the Development Authority

Restrictions of Open Storage or Outdoor Display

- (3) No open storage or outdoor display shall be permitted except for special occasions or temporary uses.

Garbage Storage

- (4) Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage Bylaw.

Dwelling Units

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

11.0 HIGHWAY COMMERCIAL DISTRICT (HWY-C)

GENERAL PURPOSE

The purpose of this District is to provide areas for highway and service commercial uses located on high visibility major roadways and having high standards of appearance and design.

PERMITTED USES

- Accessory buildings and uses
- Convenience stores
- Drive-in businesses
- Gas bars
- Health services
- Hotels
- Motels
- Personal services
- Restaurants
- Retail stores
- Sale and service outlets for automobiles, trucks, or recreation vehicles

DISCRETIONARY USES

- Adult entertainment
- Alcohol sales
- Animal services
- Cannabis Store [Bylaw 1470-A54]
- Car washes
- Child Care Facilities [Bylaw 1470-A12]
- Commercial recreation and entertainment
- Commercial Schools [Bylaw 1470-A12]
- Crematoriums
- Drinking establishments (adult entertainment permitted)
- Drinking establishments (adult entertainment prohibited)
- Dwelling units for the occupancy of the owner, operator or caretaker
- Essential public services
- Feed Mills and Grain Elevator on Lot 3, Block 1, Plan 772 1583 [Bylaw 1470-A26]
- Feed Mills and Grain Elevator on Lot 4, Block 1, Plan 772 1583 & Lot 1 & 2, Plan 7681T [Bylaw 1470-A45]
- Funeral homes
- Home occupation – class 1 on Lot 6, Block 2, Plan 944R [Bylaw 1470-A25]
- Light equipment rental shops
- Livestock auction markets
- Mini-storage warehouses
- Mobile commercial sales
- Parking facilities
- Public uses
- Public utility buildings
- Radio transmitting stations, towers and equipment (fire, police and taxis)
- Religious assemblies
- Sales and service outlets for farm and heavy equipment, building supplies and mobile homes
- Shopping centres
- Signs where no other principal use, other than parking facilities, exists
- Veterinary clinics

Veterinary hospitals

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following requirements shall apply:

Minimum Parcel Area	0.3 ha (0.74 acre)
Minimum Parcel Width	30 m (98 ft.) adjacent a service or local road 45 m (148 ft.) without a service or local road
Minimum Front Yard	9 m (30 ft.) adjacent a service or local road
Minimum Side Yard	3 m (10 ft.) except that (a) a site adjacent to a residential district: 6 m (20 ft.) (b) in a laneless site, one unobstructed side yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)
Maximum Building Height	10 m (33 ft.) adjacent a residential district
Maximum Parcel Coverage	85% including all buildings, parking facilities, storage areas and display areas
Landscaped Area	The minimum amount of site area to be landscaped shall be 15 %. A landscaped area at least 3 m (10 ft.) wide adjacent any residential parcel and any property boundary with a road, except where there is a driveway, shall be provided. All areas of the site not covered by buildings, driveways, and parking, storage and display areas shall be landscaped.

SPECIAL REQUIREMENTS

Open Storage and Screening

- (1) Where a lot is to be used primarily for open storage or outdoor display within this District, the following restrictions shall apply
 - (a) no open storage or outdoor storage display shall be permitted within any required minimum front yard or other yard of the site abutting a residential district; and
 - (b) the area devoted to open storage or outdoor display shall not exceed 50% of the total site area unless otherwise approved by the Development Authority.

Yards Abutting a Residential District

- (2) Where the a parcel in the Highway Commercial District (HWY-C) abuts a residential district
 - (a) No open storage or outdoor display shall be permitted in the abutting yard(s);
 - (b) No parking space shall be allowed in such yard(s) within 6 m (20 ft.) of a lot line;
 - (c) No outdoor eating or drinking area shall be located within 15.2m (50 ft) of an adjacent residential property
 - (3) Adequate screening or buffering shall be provided to the satisfaction of the Development Authority
 - (4) Feed Mills and Grain Elevator on Lot 3, Block 1, Plan 772 1583, Lot 4, Block 1, Plan 772 1583, and Lot 1 & 2, Plan 7618T are subject to the following conditions:
 - (a) Gravel surrounding the railroad tracks shall be maintained to ensure that no mud, dirt or similar material is tracked onto 50 Street; and
 - (b) The operation of the Feed Mill and Grain Elevator shall not allow any dust to escape beyond their parcel boundaries which, in the opinion of the Development Authority, is excessive and adversely affects the surrounding area; and
 - (c) No noise, or a disturbance, which may be heard in a residential building shall be created between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday, and between the hours of 10:00 p.m. and 9:00 a.m. on Sunday.
- [Bylaw 1470-A26]

Garbage Storage

- (1) Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage Bylaw and garbage storage areas shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority. Screening shall take the form of berming, landscaping or solid fencing or any combination of the foregoing.

12.0 LOCAL COMMERCIAL DISTRICT (LC)

GENERAL PURPOSE

The purpose of this District is to allow for a limited range of moderate scale commercial establishments which provide for the sale of a variety of convenience goods and services in close proximity to residential areas and located along collector or arterial roads.

PERMITTED USES

- Accessory buildings or uses
- Convenience stores
- Gas bars

DISCRETIONARY USES

- Animal Services
- Car washes
- Drive-in businesses
- Dwelling accommodation above the ground floor
- Health services
- Neighbourhood shopping centre
- Personal services

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha (0.5 ac)
Maximum Parcel Area	0.8 ha (2.0 ac)
Minimum Parcel Width	30.48 m (100 ft.)
Minimum Front Yard	6 m (20 ft.)
Minimum Rear Yard	3 m (10 ft.) except abutting a residential parcel, where it shall be 6 m (20 ft.)
Minimum Side Yard	3 m (10 ft.) except abutting a residential parcel, where it shall be 6 m (20 ft.)
Maximum Building Height	10 m (33 ft.) for principal building(s) only
Maximum Parcel Coverage	75% including all buildings, parking facilities, storage areas and display areas
Landscaped Area	A minimum of 3 m (10 ft.) wide area adjacent any residential

parcel and any property boundary with a road, except where there is a driveway, shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

SPECIAL REQUIREMENTS

Yards Abutting a Residential District

- (1) Where the a parcel in the Local Commercial District (LC) abuts a residential district
 - (a) No open storage or outdoor display shall be permitted in the abutting yard(s);
 - (b) No parking space shall be allowed in such yard(s) within 6 m (20 ft.) of a lot line;
 - (c) No outdoor eating or drinking area shall be located within 15.2 m (50 ft) of an adjacent residential property
- (2) If a development in this district abuts a residential parcel the abutting yard shall be a minimum of 6 m (20 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

Restrictions of Open Storage or Outdoor Display

- (3) No open space or outdoor display shall be permitted except for special occasions or temporary uses.

Garbage Storage

- (4) Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage Bylaw and garbage storage areas shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.

Dwelling Units

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

13.0 ESTABLISHED INDUSTRIAL DISTRICT (I-ES)

GENERAL PURPOSE

The Established Industrial District is intended to provide areas within areas of the community developed at the time of passage of this bylaw for:

- a) a wide range of manufacturing, assembling, fabricating, processing and storage of goods, some of which may carry out a portion of their operation outdoors or require outdoor storage areas; and/or.
- b) a limited number of supporting commercial or other uses that may be appropriate due to the building and parcel requirements found in industrial areas;

PERMITTED USES

Accessory buildings and uses
Arts and craft studios
Business support services
Food caterers
Freight and transportation depots
Light equipment rental shops
Light repair services
Mini-storage warehouses
Municipal shops and storage yards
Professional, financial and office support services
Radio transmitting stations, towers and equipment (fire, police and taxis)
Repair and contracting services
Sales and service outlets for farm and heavy equipment, building supplies and mobile homes
Veterinary clinics
Warehouses

DISCRETIONARY USES

Adult entertainment
Agricultural processing
Auto body and paint shops
Auto wreckers
Bulk fuel sales and stations
Cannabis Facility [Bylaw 1470-A54]
Car washes
Commercial recreation and entertainment
Commercial schools
Concrete or cement products manufacture
Crematoriums
Dangerous goods occupancies
Dwelling units for the occupancy of the owner, operator or caretaker
Feed mills and grain elevators

Fertilizer storage and distribution (excluding anhydrous ammonia)
 Flour mills
 Heavy equipment assembly, sales and service
 Manufacturing industries
 Microbrewery – on Lot 9, Block 1, Plan 132 0553 only
 Open storage yards
 Parking facilities for uses located in this District
 Private clubs
 Public utility buildings
 Recycling depots
 Retailing and wholesaling of goods or products directly related to the principal industrial use of the site or manufactured on the site
 Seed cleaning plants
 Service stations
 Sewage treatment facilities
 Signs where no other principal use, other than parking facilities, exists
 Slaughter houses
 Solid waste transfer stations
 Veterinary hospitals

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 of this Land Use Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha (0.5 ac)
Minimum Parcel Width	15.2 m (50 ft.) except where abutting a highway without a service road or local road in which case 45.72 m (150 ft.) shall be required
Minimum Front Yard	9 m (30 ft.), except where abutting a highway without a service road or local road in which case it shall be determined by the Development Authority
Minimum Side Yard	3 m (10 ft.) except (a) where a fire resistant wall is provided, no side yard is required (b) in a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)

SPECIAL REQUIREMENTS

Appearance

- (1) Extensions to existing buildings, where these abut a street, shall be constructed with compatible materials to the existing buildings and be satisfactory to the Development Authority.

Outdoor Storage and Display

- (2) No outdoor storage or display shall be permitted in any front yard, the minimum side yard abutting a street or the minimum side or rear yard abutting a residential district.
- (3) All storage of materials, products or equipment shall be screened from residential districts to the satisfaction of the Development Authority.
- (4) The Development Authority may require special screening and/or berming of any open storage area.
- (5) Wrecked or damaged vehicles which might be located on a property shall be stored in an enclosure satisfactory to the Development Authority.

Yards Abutting a Non-industrial District

- (1) If a development in this district abuts a non-industrial parcel the abutting yard shall be a minimum of 6 m (20 ft) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

14.0 INDUSTRIAL EXPANSION DISTRICT (I-EX)

GENERAL PURPOSE

The purpose of this District is to provide areas for a wide range of manufacturing, assembling, fabricating, processing and storage of goods, some of which may carry out a portion of their operation outdoors or require outdoor storage areas within new development and expansion areas of the community.

PERMITTED USES

Accessory buildings and uses
Arts and craft studios
Business support services
Food caterers
Freight and transportation depots
Light equipment rental shops
Light repair services
Mini-storage warehouses
Municipal shops and storage yards
Professional, financial and office support services
Radio transmitting stations, towers and equipment (fire, police and taxis)
Repair and contracting services
Sales and service outlets for farm and heavy equipment, building supplies and mobile homes
Veterinary clinics
Warehouses

DISCRETIONARY USES

Adult entertainment
Agricultural processing
Auto body and paint shops
Bulk fuel sales and stations
Cannabis Facility [Bylaw 1470-A54]
Car washes
Commercial recreation and entertainment
Commercial schools
Concrete or cement products manufacture
Crematoriums
Dangerous goods occupancies
Dwelling units for the occupancy of the owner, operator or caretaker
Feed Mills and grain elevators
Fertilizer storage and distribution (excluding anhydrous ammonia)
Heavy equipment assembly, sales and service
Flour mills
Heavy equipment assembly, sales and service
Manufacturing industries
Open storage yards
Parking facilities for uses located in this District
Private clubs

- Public utility buildings
- Recycling depots
- Retailing and wholesaling of goods or products directly related to the principal industrial use of the site or manufactured on the site
- Seed cleaning plants
- Service stations
- Sewage treatment facilities
- Signs where no other principal use, other than parking facilities, exists
- Slaughter houses
- Solid waste transfer stations
- Veterinary hospitals

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 of this Land Use Bylaw, the following standards shall apply:

Minimum Parcel Area	0.2 ha. (0.5 ac)
Minimum Parcel Width	15.2 m (50 ft.) except where abutting a highway without a service road or local road in which case 45.72 m (150 ft.) shall be required
Minimum Front Yard	9 m (30 ft.) except where abutting a highway without a service road or local road in which case it shall be determined by the Development Authority
Minimum Side Yard	3 m (10 ft.) except <ul style="list-style-type: none"> (a) where a fire resistant wall is provided, no side yard is required (b) in a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)

SPECIAL REQUIREMENTS

Appearance

- (1) Extensions to existing buildings, where these abut a street, shall be constructed with compatible materials to the existing buildings and be satisfactory to the Development Authority.

Outdoor Storage and Display

- (2) No outdoor storage or display shall be permitted in any front yard, the minimum side yard abutting a street or the minimum side or rear yard abutting a residential district.

- (3) All Storage of materials, products or equipment shall be screened from residential districts to the satisfaction of the Development Authority.
- (4) The Development Authority may require special screening and/or berming of any open storage area.
- (5) Wrecked or damaged vehicles which might be located on a property shall be stored in an enclosure satisfactory to the Development Authority.

Yards Abutting a Non-industrial District

- (1) If a development in this district abuts a non-industrial parcel the abutting yard shall be a minimum of 6 m (20 ft) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

15.0 PRIVATELY SERVICED INDUSTRIAL DISTRICT (I-PS)

GENERAL PURPOSE

The purpose of this District is to provide areas for a range of manufacturing, assembling, fabricating, processing and storage of goods, some of which may carry out a portion of their operation outdoors or require outdoor storage areas. This district is to be implemented in areas that will allow for the long-term and indefinite provision of private water and private wastewater services; not being connected to municipal water and wastewater services will preclude certain water intensive uses from being developed in these locations.

PERMITTED USES

- Accessory buildings or uses
- Arts and craft studios
- Business support services
- Food caterers
- Freight and transportation depots
- Light equipment rental shops
- Light repair services
- Mini-storage warehouses
- Municipal shops and storage yards
- Professional, financial and office support services
- Radio transmitting stations, towers and equipment (fire, police and taxis)
- Repair and contracting services
- Sales and service outlets for farm and heavy equipment, building supplies and mobile homes
- Veterinary clinics
- Warehouses

DISCRETIONARY USES

- Adult entertainment
- Auction Mart
- Auto body and paint shops
- Auto wreckers
- Bulk fuel sales and stations
- Cannabis Facility [Bylaw 1470-A54]
- Commercial recreation and entertainment
- Commercial schools
- Concrete or cement products manufacture
- Crematoriums
- Dangerous goods occupancies
- Dwelling units for the occupancy of the owner, operator or caretaker
- Grain elevators
- Fertilizer storage and distribution (excluding anhydrous ammonia)
- Heavy equipment assembly, sales and service
- Manufacturing industries
- Open storage yards

Parking facilities for uses located in this District
 Private clubs
 Public utility buildings
 Recycling depots
 Retailing and wholesaling of goods or products directly related to the principal industrial use of the site or manufactured on the site
 Seed cleaning plants
 Service stations
 Signs where no other principal use, other than parking facilities, exists
 Veterinary hospitals

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following standards shall apply:

Minimum Parcel Area	1 ha. (2.47 ac)
Minimum Parcel Width	30.4 m (100ft.) except where abutting a highway without a service road or local road in which case 45.72 m (150 ft.) shall be required
Minimum Front Yard	9 m (30 ft.) except where abutting a highway without a service road or local road in which case it shall be determined by the Development Authority
Minimum Side Yard	3 m (10 ft.) except (a) where a fire resistant wall is provided, no side yard is required (b) in a laneless site, one unobstructed yard shall be a minimum of 6 m (20 ft.) excluding corner sites with alternate rear access
Minimum Rear Yard	6 m (20 ft.)
Landscaped Area	The minimum amount of site area to be landscaped shall be the minimum front yard, excluding driveways, the minimum side yard abutting a street or a residential district and the minimum rear yard adjacent a residential district, and areas immediately around and containing on-site private water and wastewater facilities.

SPECIAL REQUIREMENTS

Private Servicing

- (1) No structures shall be developed in a way that impacts the function of an on-site development's private water and wastewater system, or the ability to access and/or

service those systems.

- (2) Private wastewater services must conform to the minimum distance separations as per the most up to date Alberta Private Sewage Systems Standard of Practice.
- (3) Private water wells must be approved by the appropriate provincial authorities and conform to the standards established through the Water Act (Alberta Regulation 205/1998) including any subsequent amendments.

Appearance

- (4) Extensions to existing buildings, where these abut a street, shall be constructed with compatible materials to the existing buildings and be satisfactory to the Development Authority.

Outdoor Storage and Display

- (5) No outdoor storage or display shall be permitted in any front yard, the minimum side yard abutting a street or the minimum side or rear yard abutting a residential district.
- (6) All storage of materials, products or equipment shall be screened from residential districts to the satisfaction of the Development Authority.
- (7) The Development Authority may require special screening and/or berming of any open storage area.
- (8) Wrecked or damaged vehicles which might be located on a property shall be stored in an enclosure satisfactory to the Development Authority. [Bylaw 1470-A33]

Lot 1, Block 2, Plan 082 0732

- (9) At the time of subdivision, an Environmental Reserve Easement having a minimum width of 15m along both sides of Buffalo Creek shall be provided. With the exception of approved storm water outfalls, no buildings, structures or site improvements or any other changes to the existing natural vegetation within 15m of Buffalo Creek shall be allowed.

16.0 PUBLIC USE DISTRICT (P)

GENERAL PURPOSE

The purpose of this District is to provide an area for the development of publicly and privately owned cultural, educational, institutional and recreational uses. Its secondary purpose is to protect environmentally sensitive areas by restricting development to minimal and environmentally compatible uses.

PERMITTED USES

- Accessory buildings or uses
- Cultural and recreation facilities
- Essential public services
- Golf courses
- Natural environment area
- Parks
- Playgrounds
- Playing fields
- Public uses
- Public utility buildings
- Religious assemblies

DISCRETIONARY USES

- Adult care housing on Lot 2, Plan 6699KS and Lot 22, Block 36, Plan 762 2445
[Bylaw 1470-A40]
- Cemeteries
- Child care facility
- Commercial recreation and entertainment
- Parking facilities
- Signs

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following standards shall apply:

All Requirements	As determined by the Development Authority and in accordance with the General Regulations of this Land Use Bylaw
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17.0 RESERVED FOR FUTURE DEVELOPMENT DISTRICT (RD)

GENERAL PURPOSE

The purpose of this District is to protect the land from premature subdivision and development until such time as Council determines the specific land use(s) that may occur within the area taking into account such matters as growth, serviceability and the future development land requirements of the Town.

PERMITTED USES

Agricultural operations lawfully existing at the date of adoption of this Land Use Bylaw
Uses lawfully existing at the date of adoption of this Land Use Bylaw

DISCRETIONARY USES

Uses and/or buildings which will not, in the opinion of the MPC, materially alter the use of the land lawfully existing at the time this Land Use Bylaw came into effect, and would not conflict with future expansion of urban development
Public utility buildings
Sales and service outlets for farm and heavy equipment, building supplies and mobile homes on Lot 1, Block 2, Plan 082 0732 [Bylaw 1470-A31]

DEVELOPMENT STANDARDS

In addition to the general provisions of Section 3.0 (General Land Use Regulations) of this Land Use Bylaw, the following standards shall apply:

Minimum Parcel Area	All of the land contained in the existing certificate of title, unless otherwise approved by the MPC having regard to the intended use of the smaller parcel of land and the form of subsequent subdivision and development planned for the area.
All Other Requirements	As determined by the MPC

18.0 DIRECT CONTROL DISTRICT (DCD)

GENERAL PURPOSE

The purpose of this District is to provide for the development of land uses under individually unique circumstances requiring site-specific controls where the application of conventional land use districts would be inappropriate or inadequate.

USES

In approving a bylaw to apply Direct Control District to a particular site, Council shall specify those uses that may be allowed.

DEVELOPMENT STANDARDS

In approving a bylaw to apply Direct Control District to a particular site, Council shall establish the development standards that apply.

ADMINISTRATIVE PROVISIONS

- (1) This District shall only be applied where the following conditions are met:
 - (a) The development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and the surrounding area and its compatibility with the scale and character of the surrounding development and uses;
 - (b) The use of any other district contained in this Land Use Bylaw on the site would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of such district be utilized; and
 - (c) The development is of a unique form or nature not contemplated or reasonably regulated by another district.
- (2) In addition to the information required by this Bylaw for an amendment application, the applicant shall also provide the following:
 - (a) Support rationale explaining why the proposed district is desirable for the site having regard for the conditions listed in subsection (1) above;
 - (b) A list of uses proposed for the site;
 - (c) An explanation of the methods used to obtain public input and written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to any concerns;
 - (d) Plans and elevation drawings that would help substantiate the need for the district and establish the development standards that would apply to the site; and

- (e) Any other information as may be required by the Development Officer to evaluate the proposed development and its potential impacts.
- (3) In approving a bylaw for a Direct Control District for a particular site, Council may specify:
- (a) Those uses that may be decided upon by a Development Authority; and
 - (b) Those development standards for which a variance may be granted.

SITES SUBJECT TO DIRECT CONTROL

The allowable uses and specific regulations for a particular site subject to Direct Control are described in the applicable bylaw listed below:

<u>Legal Description</u>	<u>Bylaw No.</u>	<u>Date Passed</u>
Lot 1, Block 6, Plan 072 9064	1470-A1	January 25, 2010
Lot 2, Block 2, Plan 012 4685		
Lots 6-9, Block 10, Plan P	1470-A2	January 25, 2010
Lot 8, Block 14, Plan L	1470-A3	April 26, 2010
Lot 20, Block 13, Plan L		
Lot 19, Block 13, Plan L		
Lot 23-26, Block 12, Plan L		
Lot 20, Block 12, Plan L		
Lot 14-16, Block 12, Plan L		
Lot 27, Block 13, Plan 042 0549		
Lot 28, Block 13, Plan 042 0549		
Block 13, Plan 982 1164		
Lot 30-33, Block 12, Plan 902 2003		
Lot 27-29, Block 12, Plan 892 2773		
Lot 10A, Block 16, Plan 762 0251		
Lot A, Block 17, Plan XIV		
Lot 12, Block 15, Plan XIV		
Lot 1-9, Block 16, Plan XIV		
Lot 5-13, Block 17, Plan XIV		
Part of NW 27-35-28-4	1470-A4	April 26, 2010
lying west of the Canadian Pacific Railway right-of-way		

Direct Control Bylaw No. 1470-A1 Provision for Lot 1, Block 6, Plan 072 9064 and Lot 2, Block 2, Plan 012 4685

General Purpose:	To establish site specific regulations to accommodate a golf course and accessory uses.
Uses:	Accessory Buildings Golf Courses Golf Club House

Golf Pro Shop
Tournament House

- Development Authority: For development permit applications, the development authority shall be the Development Officer.
- Development Criteria:
- a) The maximum building height shall be 10 m (33 ft.).
 - b) The minimum front yard setback adjacent to Highway 54 and any public road shall be 12 m (39 ft.).
 - c) Landscaping and surface treatment of the site shall be limited to a 20 meter environmental reserve setback from the edge of the lake shore.
 - d) The siting and general appearance of buildings, landscaping, fencing and surface treatment of the site shall be to the satisfaction of the Development Authority.
 - e) The removal of trees and/or shrubs around the bed and shore of the lake shall only be done for the removal of deadfall and other debris for the safety of the patrons. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.

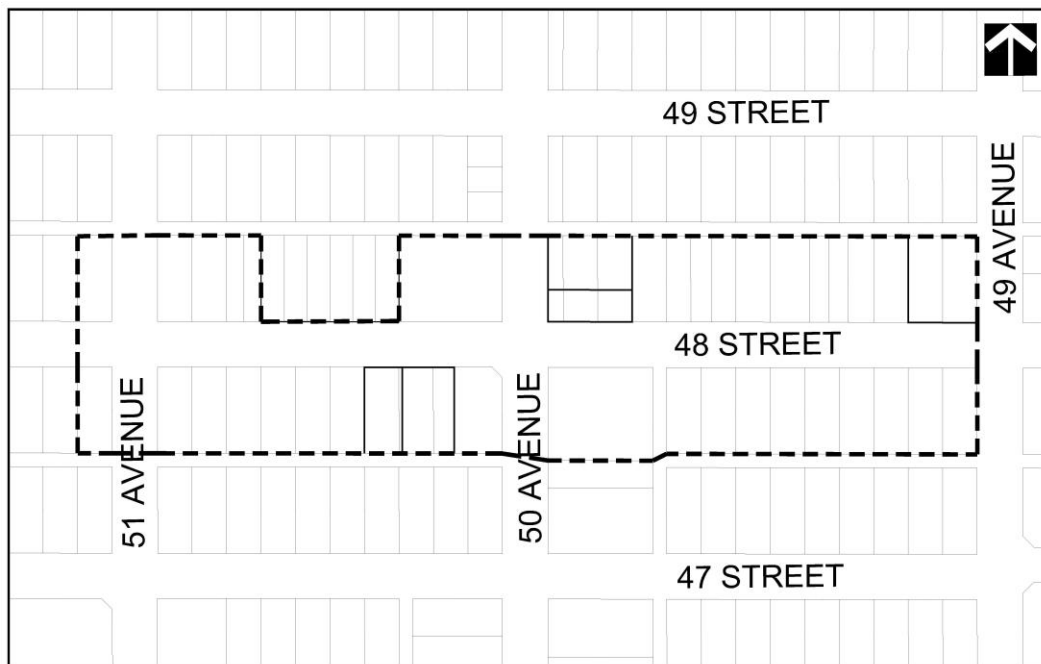
Direct Control Bylaw No. 1470-A2 Provision for Lots 6-9, Block 10, Plan P

- General Purpose: The purpose of these regulations is to maintain the historic value of the Dr. Henry George Residence, a Provincial Historic Resource, also known as the Kemp House, and ensure onsite uses are compatible with surrounding uses.
- Uses:
- Education
 - Public Uses
 - Bed and Breakfast
 - Detached Dwelling
 - Tea House
- Development Authority: For development permit applications, the development authority shall be the Development Officer.
- The development authority shall be the Municipal Planning Commission.
- Development Criteria:
- a) In accordance with the *Alberta Historical Resources Act*, no person shall destroy, disturb, alter, restore, or repair a building or structure on a site that has been designated a Provincial Historic Resource without written approval from the Minister responsible for the *Alberta Historical Resources Act*;
 - b) All development standards shall be subject to the approval of the Development Authority.

The following character-defining elements contribute to the historic value and shall be conserved:

- i) style, elements, contours and structure of the building;
- ii) characteristics of the house that give the building its distinctive appearance, shape and configuration;
- iii) red brick façade with segmental arches over windows;
- iv) cedar shingled gable on hip roof, featuring decorative cresting, corbelled chimney and prominent gable centered on the primary window fenestration pattern;
- v) raised ground floor wraparound verandah supported by posts;
- vi) elements of the interior, including floor plan, decorative arches, tongue and groove flooring, and door and window trim;
- vii) elements of landscape, including large front lawn, garden, maple tree and pine trees;

Direct Control Bylaw No.1470-A3 The regulations applicable to Bylaw No.1470-A3, Direct Control (DCD) apply to the area as shown on the sketch below and is comprised of the lands legally described as follows:



Lot 8, Block 14, Plan L
 Lot 20, Block 13, Plan L
 Lot 19, Block 13, Plan L
 Lot 23-26, Block 12, Plan L
 Lot 20, Block 12, Plan L
 Lot 14-16, Block 12, Plan L
 Lot 27, Block 13, Plan 042 0549
 Lot 28, Block 13, Plan 042 0549
 Block 13, Plan 982 1164
 Lot 30-33, Block 12, Plan 902 2003
 Lot 27-29, Block 12, Plan 892 2773
 Lot 10A, Block 16, Plan 762 0251
 Lot A, Block 17, Plan XIV
 Lot 12, Block 15, Plan XIV
 Lot 1-9, Block 16, Plan XIV
 Lot 5-13, Block 17, Plan XIV

General Purpose: To establish site specific development control for the development of a mixture of low to medium density residential and commercial land uses. This district should be a transitional area where developments within this land use district would provide a variety of housing options, commercial and residential uses within the same structure, and where residents have the opportunity to live and work.

Permitted Uses: Accessory Buildings and Uses
 Accessory Residential Building
 Detached Dwellings
 Fourplexes [Bylaw 1470-A18]
 Offices: Administrative, Business and Professional

Discretionary Uses: Adult Care Housing

 Animal Services
 Apartments
 Child Care Facilities
 Convenience Stores
 Duplexes
 Dwelling Units above a Ground Floor Commercial
 Health Services
 Home Occupations – Class 1
 Indoor Car Showroom on Lot 3, Blk 16, Plan RN14 [Bylaw 1470-A29]
 Parking Facilities
 Personal Services
 Playgrounds
 Public Uses
 Religious Assemblies
 Retail Stores
 Row Housing
 Signs subject to section 4.0

- i) a-board signs,
- ii) awning and canopy signs,

iii) fascia signs.

Development Authority: The Development Authority for discretionary uses shall be the Municipal Planning Commission.

The Development Authority for permitted uses shall be the Development Officer.

Development Standards:

- a) All development shall be subject to an approved site plan;
- b) Unless otherwise described in this section, the standards to be applied to the use and development of the subject site are at the discretion of the Development Authority;
- c) Minimum side yard building setback: 1.5m (5 ft), unless otherwise determined by the Development Officer taking into account adjacent uses and onsite constraints;
- d) Maximum building height: 9.5m (30ft) for principal building(s) only
- e) Minimum Front Yard: 6.0m (20ft)
- f) Maximum Parcel Coverage: 50% including all accessory buildings
- g) All driveways, parking pads and areas used for vehicle storage shall be hard surfaced
- h) Front yard sodding and landscaping must be completed as soon as seasonal work allows or within one year of occupancy, whichever occurs first

Commercial use parcels located within the transitional mix use developments:

- i) No open storage or outdoor display shall be permitted
- j) Parking, Access and Loading: All on-site parking shall be located at the rear of the building, taking access from a lane wherever possible. All other parking, access and loading requirements shall be in accordance with the Land Use Bylaw.
- k) If a development in this district abuts a residential parcel it shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83m (6ft) in height and providing sufficient visual screening shall be provided.
- l) Garbage shall be stored in garbage containers constructed and located in accordance with the Town's garbage Bylaw and garbage storage areas shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.

Dwelling units within the mixed use developments and developments incorporating dwelling units above the ground floor shall:

- m) Have an entrance that is separate and distinct from the entrance of any non-residential component of the building;
- n) Not be located below the second floor;

- o) Not be located on the same floor as non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.

Direct Control Bylaw No.1470-A4 Provisions for Part of NW 27-35-28-4 lying west of the Canadian Pacific Railway right-of-way as shown on Schedule A and the Land Use District Map

- General Purpose: To establish site specific development control to accommodate a zoo and ensure compatibility with adjacent land uses.
- Uses: Accessory Buildings and Uses
Campground
Dwelling Units for the Occupancy of the owner, operator or caretaker
Environmentally Friendly Operations
Institutional Service Facility
Parking Facilities
Zoo
Zoo Composting
- Development Authority: Council shall be the Development Authority for all approvals under this bylaw.
- Development Standards: a) All development shall be subject to an approved site plan.
b) Unless otherwise described in this section, the standards to be applied to the use and development of the subject site are at the discretion of the Development Authority.
c) The operation of the Zoo must comply with the Government of Alberta Standards for Zoos in Alberta.
d) Perimeter fencing that is sufficient to contain animals shall be provided around the area in use as a zoo to the satisfaction of the Development Authority.
e) Public access to the area in use as a zoo shall be controlled in a manner that is satisfactory to the Development Authority.
f) Development of the subject site shall be undertaken in a manner that does not interfere with the Waskasoo Creek and retention of existing mature vegetation along Waskasoo Creek.

Direct Control Bylaw No.1470-A35 Provisions for Block A, Plan S

- General Purpose: The purpose of these regulations is to allow for a small multiple housing development in the form of a gated, bare land condominium.
- Uses: Accessory Residential Buildings
Home Occupation – Class 1
Multiple Housing Development comprising detached dwellings or duplexes.

Development Authority: The Development Authority shall be the Municipal Planning Commission.

- Development Criteria:
- a) A private access road having a minimum width of 7.5 m and a paved hard surface shall provide access to all dwelling units. No dwelling unit shall have direct access from 59 Street.
 - b) Any gate between a private access road and 59 Street must be entirely contained on private property and not project or open into the public road. A fire box that provides emergency services access to the site, shall be provided as part of the gate structure.
 - c) Maximum density is either 3 detached dwelling units or 6 duplex units.
 - d) Maximum parcel coverage shall be 40%.
 - e) Maximum building height shall be 9.5 m.
 - f) The side of a dwelling that faces the private road shall be deemed the front of the dwelling.
 - g) No building shall be closer to the private access road than 6 m.
 - h) All buildings shall be setback at least 1.5 m from the boundaries of Block A, Plan S.
 - i) Each dwelling unit shall have a private outdoor amenity space measuring 7 m from the rear of the dwelling across the width of the dwelling.
 - j) Notwithstanding Section 3.10 Vehicle Access to Buildings, accessory buildings shall be setback from the rear lane a minimum of 2 m.
 - k) Unit boundary lines shall be no closer than 11 m from water's edge.
 - l) All building shall be at least 18 m from water's edge.

SCHEDULE A

Direct Control Bylaw No. 1470-A49 Provisions for Lot 4, Block 3, Plan 082 0732

General Purpose: To establish site specific requirements for limited amounts of commercial development prior to the availability of full municipal water and wastewater services on a uniquely shaped lot in proximity to future residential development and along a main entrance to the community.

Uses: Accessory buildings

Billboard signs
Convenience stores
Gas bars
Hotels
Mobile commercial sales
Motels
Outdoor storage yard for recreational vehicles

Development Authority: The Development Authority shall be the Municipal Planning Commission.

Development Criteria:

a.) Despite the provisions stated elsewhere in this Land Use Bylaw, yards between buildings and property lines shall be provided as follows:

a minimum 6m (20 ft) yard along the north boundary, west boundary, and south boundary along Highway 54 and south boundary along 42 Avenue; and

a minimum 11m (36 ft) yard along the east boundary to account for future widening of Woodland Road.

b.) Maximum building height shall be 10m (33 ft).

c.) Maximum parcel coverage shall be 85% of the site and includes all buildings, parking and vehicle maneuvering areas, storage areas and display areas.

- d.) Minimum landscaped area shall be a landscaped strip at least 3m (10 ft) wide adjacent any property boundary along a road. All areas of the site not used by buildings, driveways, and parking or storage areas shall be landscaped.
- e.) Landscaping materials to be placed in the minimum required landscaped area described in clause d shall consist of eleven (11) beds spaced approximately 30m to 35m apart with each bed containing:
 - i. 3 deciduous trees with a minimum caliper width of 50 mm (2 in) at 0.46m (1.5 ft) above the root ball; and
 - ii. 2 coniferous trees with a minimum height of 1.8m (6 ft) above the root ball; and
 - iii. 8 deciduous shrubs with a minimum height of 0.61m (2 ft) above the root ball; and
 - iv. 4 coniferous shrubs with a minimum height of 0.38m (1 ft) above the root ball; and
 - v. A mulch bed area measuring at least 15m parallel to the parcel boundary.

The space between each mulch bed shall be grassed.

- f.) Screen fencing along the portion of the north property boundary shared with the future residential area or existing dwelling shall be provided to the satisfaction of the Development Authority. Additional screen fencing along other property boundaries may be required at the discretion of the Development Authority. No fencing shall be allowed within the minimum yard along the east property boundary.
- g.) Parking shall be provided as required under Section 3.20 of this Land Use Bylaw.
- h.) Signs may be permitted in accordance with Section 4.0 of this Land Use Bylaw.
- i.) Private water and wastewater services meeting all applicable Provincial regulations and standards shall be allowed until such time as municipal services are available. The Development Authority may refuse an application where the volume of water required and/or the volume of effluent generated requires municipal services.
- j.) A gravel outdoor storage yard for recreation vehicle storage may be allowed provided a paved apron into the site is provided. The requirement for a paved apron may be deferred if the roadway used to provide direct access the site is not yet paved or suitably finished to an urban collector standard. All other uses shall require paved access, parking and driving surfaces.
- k.) Despite Section 3.3 of this Land Use Bylaw, the Development Authority may approve more than one main building on the site.

Town of Innisfail Land Use Bylaw – Schedule B

Specified Penalties for Offences under the Land Use Bylaw

<u>Description of Offence</u>	<u>First Offence</u>	<u>Second Offence</u>	<u>Third or Subsequent Offence</u>
Section 2.3 and 2.4 Displaying a sign without a required permit	\$500.00	\$1,000.00	\$5,000.00
Section 4.0 Displaying a sign in contravention of this Bylaw	\$500.00	\$1,000.00	\$5,000.00
Displaying a sign in contravention of the conditions of a development permit	\$500.00	\$1,000.00	\$5,000.00
Section 2.3 and 2.4 Commence development without a permit	\$500.00	\$1,000.00	\$5,000.00
Section 3.13 Breach of restrictions on corner sites	\$150.00	\$250.00	\$500.00
Section 3.19 Breach of restrictions on objects prohibited or restricted in yards	\$150.00	\$250.00	\$500.00
Section 3.9 Accessory building in contravention of this Bylaw	\$150.00	\$250.00	\$500.00

<u>Item</u>	<u>Authorized Charge</u>
Impounding of signs	\$100.00 per sign
Storage of signs: less than or equal to 1.5 m ²	\$3.00 per sign per day
Storage of signs: greater than 1.5 m ²	\$5.00 per sign per day