

# *Land Use Bylaw 717/13*

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The Town of  
**Elk Point**



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## BYLAW NO. 717/13 - LAND USE BYLAW

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Town of Elk Point duly assembled, hereby enacts as follows:

## PART ONE - GENERAL

### 1.1 TITLE

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

### 1.2 PURPOSE

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

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

### 1.3 INTERPRETATION

In this Bylaw:

- (1) **"abut"** or **"abutting"** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- (2) **"accessory building"** means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same parcel of land;



- (3) **"accessory use"** means a use customarily incidental and subordinate to the principal use or building and located in the same parcel of land with such principal use or building;
- (4) **"Act"** means the Municipal Government Act, 1994, as amended, and any Regulations made pursuant thereto;
- (5) **"adjacent land"** means land that is contiguous to a particular parcel of land and includes: land that would be contiguous if not for a highway, road, river or stream.
- (6) **"agricultural industry"** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
- (7) **"alternative energy system"** means any system that harnesses natural elements such as wind, solar, water (including rainwater) or geothermal sources to generate electrical, thermal, or mechanical energy and does not utilize any form of non-renewable resources. The use of rainwater for irrigation and watering of plants is not included in this definition:
- (8) **"amenity area"** means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership;
- (9) **"amusement establishment, indoor"** means a development providing recreational facilities with table games and/or electronic games, played by patrons for entertainment. Major amusement establishments include billiard parlours and electronic games arcades with tables and/or games, and bowling alleys;
- (10) **"amusement establishment, outdoor"** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- (11) **"animal hospitals"** means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- (12) **"apartment"** means a dwelling containing three (3) or more dwelling units, but shall not mean row housing. Apartments include, but are not limited to, dwellings commonly referred to as triplexes, fourplexes, sixplexes, and the like;
- (13) **"auctioneering establishment"** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;

- (14) **"automotive and equipment repair shop"** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;
- (15) **"automotive and minor recreational vehicles sales/rentals/service establishment"** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and minor recreational vehicle sales/rental/service establishments include automobile dealerships, car rental agencies and motorcycle dealerships, but do not include dealerships for the sale of trucks with a gross vehicle weight rating greater than 4000 kg (8818.5 lbs), or the sale of recreational vehicles with either a gross vehicle weight rating greater than 6000 kg (13,227.7 lbs) or a length greater than 6.7 m (22.0 ft.);
- (16) **"basement"** means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
- (17) **"bed and breakfast establishment"** means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public;
- (18) **"boarding house"** means a development, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Boarding houses may include student co-operative housing, lodges for senior citizens, but not group homes;
- (19) **"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 road;
- (20) **"building area"** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;
- (21) **"building height"** means the vertical distance measured from the grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device;

- (22) **"business support services establishment"** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
- (23) **"c-can containers"** means a metal freight container 8' by 8' by 20' and/or 8' by 8' by 40' used for storage, permitted only in the industrial park area;
- (24) **"canopy"** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (25) **"carport"** means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- (26) **"cemetery"** means a development for the entombment of the deceased, which may include the following accessory developments: crematories, cineraria, columbaria, and mausoleums. Cemeteries may include memorial parks, burial grounds and gardens of remembrance;
- (27) **"chattel"** means a movable item of personal property;
- (28) **"commercial school"** means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- (29) **"community recreation service"** means a development without fixed seats, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents' organization;
- (30) **"convenience retail store"** means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 185 m<sup>2</sup> (1991.3 ft<sup>2</sup>). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and person care items, hardware, and/or printed matter;
- (31) **"corner site"** means a site with boundary lines on two separate roads which intersect at an angle of less than one hundred and thirty five (135) degrees, or a single road that curves such that the arc of the inside boundary of the road is less than 45 m (147.6 ft.) in radius over an angle of more than one hundred and thirty-five (135) degrees) at the subject site. For the purposes of this definition, a road shall not include a lane;

- (32) **"Council"** means the Council of the Town of Elk Point;
- (33) **"curb cut"** means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site;
- (34) **"day care facility"** means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage, but does not include overnight accommodation. Day care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting programmes which satisfy this definition. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- (35) **"day home"** means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations. For the purposes of this Bylaw, day homes shall be considered to be major home occupations;
- (36) **"deck"** means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;
- (37) **"density"** means a measure of the average number of persons or dwelling units per unit of area;
- (38) **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- (39) **"development"** means:
- (a) an excavation or stockpile and the creation of either of them, or
  - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
  - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (40) **"Development Authority"** means the Development Authority established pursuant to the Act and this Bylaw;

- (41) **"Development Authority Officer"** means the Development Authority Officer established and appointed pursuant to the Act and this Bylaw;
- (42) **"development permit"** means a document issued pursuant to this Bylaw authorizing a development;
- (43) **"discontinued"** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;
- (44) **"discretionary use"** means the use of land or a building provided for in this Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made, at the discretion of the Development Authority;
- (45) **"domestic pet"** means an animal which is normally kept inside a dwelling. Domestic pets includes, dogs, cats, parrots, and similar-sized animals, but does not include livestock;
- (46) **"double fronting site"** means a site which abuts two roads and which is not a corner site;
- (47) **"drive-in business"** means a development which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- (48) **"drive-in restaurant"** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;
- (49) **"duplex"** means a dwelling containing two (2) dwelling units which are located at least in part one above the other, and which may share a common wall;
- (50) **"dwelling"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. Dwellings include single detached dwellings, semi-detached dwellings, duplexes, row housing, apartments, and manufactured home units;
- (51) **"dwelling unit"** means a complete dwelling, a self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking, living and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;

- (52) **"eating and drinking establishment"** means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in restaurant. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit;
- (53) **"entertainment establishment"** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;
- (54) **"equipment rental establishment"** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;
- (55) **"excavation"** means any breaking of ground, except common household gardening and ground care;
- (56) **"exhibition and convention facility"** means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres;
- (57) **"extended medical treatment facility"** means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;
- (58) **"exterior wall"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft.);
- (59) **"family care facility"** means a development which provides resident care service in a dwelling unit to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Family care facilities include foster or boarding homes for children and group homes;

- (60) **"fence"** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (61) **"flanking site"** means a corner site on which a side line is abutting onto a road;
- (62) **"fleet services"** means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services and moving or cartage firms;
- (63) **"floor area"** means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in and apartment shall be included in the calculation of floor area;
- (64) **"foundation"** means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- (65) **"front line"** means the boundary line of a site lying adjacent to a road. In the case of a corner site, the shorter of the two boundary lines adjacent to the road shall be considered the front line. In the case of a double fronting site, both boundary lines adjacent to the roads shall be considered front lines;
- (66) **"front yard"** means a yard extending across the full width of a site from the front line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve;
- (67) **"frontage"** means the length of the front line. On double fronting sites, all front lines shall be considered frontage;
- (68) **"funeral services"** means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral services includes funeral homes and undertaking establishments;
- (69) **"garage"** means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles and includes a carport;
- (70) **"gas bar"** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
- (71) **"geothermal energy"** means a renewable source of energy that employs the use of a heat pump to warm or cool air by utilizing the constant temperatures of the earth;

- (72) **"general contractor service"** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only;
- (73) **"general industrial use"** means a development where;
- (a) raw materials are processed, and/or
  - (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
  - (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
  - (d) goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
  - (e) materials, goods and equipment are stored and/or transhipped, and/or
  - (f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or
  - (g) personnel are trained in general industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. General industrial uses include motor vehicle body and paint shops, but does not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the general industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors.



- (74) **"general retail establishment"** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments includes convenience retail stores but does not include warehouse sales, or developments where gasoline, new or used motor vehicles, alcohol, heavy agricultural and/or industrial equipment are sold or rented;
- (75) **"government services"** means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;
- (76) **"grade"** means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (77) **"greenhouse and plant nursery"** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products;
- (78) **"gross leasable area"** means the floor area of a building, plus the horizontal area contained within the exterior of the basement walls, excluding the floor areas of mechanical and utility rooms, public washrooms, stairwells, and elevators;
- (79) **"ground floor area"** means the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but excluding open decks, patios, and steps, cornices, eaves and similar projections. Site coverage shall include air wells, and all other space within a building except inner or outer courts;
- (80) **"group care facility"** means a development which provides resident care services to seven (7) or more individuals. These individuals may be handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. Group care facilities include supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities, but not major institutional care facilities such as hospitals or group homes;
- (81) **"group home"** means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults;

- (82) **"half storey"** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
- (83) **"health service"** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical, chiropractic, and dental offices, health clinics and counselling services;
- (84) **"highway commercial use"** means a development serving the travelling public which relies on a highly visible location in proximity to a highway or a major traffic thoroughfare. Highway commercial uses include eating and drinking establishments, services stations, gas bars, convenience retail stores, hotels, and motels;
- (85) **"home occupation, major"** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in Section 2.1 of Part 2 of Schedule B of this Bylaw. A major home occupation may have up to one (1) employee, other than those resident in the dwelling unit, and more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, dressmaking, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and tutoring. The distinctions between major home occupations and minor home occupations are more fully described in Section 2.1 of Part 2 of Schedule B of this Bylaw;
- (86) **"home occupation, minor"** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in Section 2.1 of Part 2 of Schedule B of this Bylaw. A minor home occupation will have no employees, other than those resident in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home occupation. The distinctions between minor home occupations and major home occupations are more fully described in Section 2.1 of Part 2 of Schedule B of this Bylaw;

- (87) **"hotel"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include minor and major eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and minor alcohol sales, but shall not include any establishment where there is a dance floor larger than 5 m<sup>2</sup> (55 ft<sup>2</sup>) unless specifically approved by the Development Authority;
- (88) **"household"** means:
- (a) a person, or
  - (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
  - (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;
- (89) **"household repair service"** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;
- (90) **"industrial warehouse"** means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes;
- (91) **"industrial vehicle and equipment sales/rentals/service establishment"** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental/service establishments do not include truck and recreational vehicle sales/rental/service establishments or automotive and minor recreational vehicles sales/rental/service establishments;
- (92) **"institutional use"** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region;
- (93) **"internal site"** means a site which is bordered by only one (1) road;

- (94) **"kennel"** means a development in which domestic pets are maintained, boarded, trained, cared for, bred, or raised for remuneration or for sale;
- (95) **"landscaping"** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (96) **"lane"** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10 m (32.8 ft.) or less, and 6.0 m (19.7 ft.) or more in width, or an alley as defined in the Highway Traffic Act, as amended;
- (97) **"libraries and cultural exhibits"** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- (98) **"limited agriculture"** means an agricultural operation which involves the raising of crops, but not livestock;
- (99) **"limited contractor service"** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- (100) **"livestock"** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- (101) **"lot"** means:
- (a) a quarter section, or
  - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

- (102) **"maintenance"** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
- (103) **"manufactured home"** means a building or structure prefabricated or factory built in one or two sections that is constructed on a chassis, may or may not be equipped with wheels, is designed to be moved from one place to another, provides self-contained year round residential accommodation, is complete and ready for occupancy when placed on a site except for incidental connection to utilities, and is built to CSA Z240 Standard. A manufactured home does not include a modular home or a single detached dwelling.
- (104) **"manufactured home park"** means any site on which two (2) or more occupied manufactured home units are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park;
- (105) **"manufacturing"** means the use of land, buildings or structures for the purpose of assembly, making, preparing, inspecting, finishing, treating, altering, repairing, storing or adapting for the sale of goods;
- (106) **"medium industrial use"** means a development which would be considered to be a general industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the medium industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions which may be offensive or hazardous to human health, safety or well-being; the storage of toxic, flammable or explosive products in significant quantities; or large-scale outdoor storage that is unsightly or visually offensive. Medium industrial uses may include petro-chemical industry, rendering plants, and alfalfa processing plants;
- (107) **"minor repair shop"** means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;
- (108) **"modular home"** means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy.

- (109) **"motel"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include minor or major alcohol sales, or an establishment where there is a dance floor;
- (110) **"municipality"** means the Town of Elk Point;
- (111) **"non-conforming building"** means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or 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;
- (112) **"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;
- (113) **"nuisance"** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- (114) **"occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- (115) **"off-street parking lot"** means a parking area which is located on a parcel of land and not accessory to a particular use or development;
- (116) **"offensive"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

- (117) **"office use"** means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies;
- (118) **"oilfield support services"** means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage of shipping of such materials, goods and equipment, including petrochemical products and supplies, providing such storage is in accordance with the requirements of the Environmental Protection and Enhancement Act and Petroleum Tank Association of Alberta;
- (119) **"outdoor storage"** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- (120) **"owner"** means the person shown as the owner of land on the assessment roll prepared under the Act;
- (121) **"parcel of land"** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (122) **"parking area"** means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building, and, if so, is commonly referred to as a parkade;
- (123) **"parking space"** means an area set aside for the parking of one (1) vehicle;
- (124) **"patio"** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level;
- (125) **"permitted use"** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made provided that the proposed development complies in all respects with this Bylaw;
- (126) **"personal service shop"** means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;

- (127) **"place of worship"** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (128) **"principal building"** means a building which:
- (a) occupies the major or central portion of a site;
  - (b) is the chief or main building among one or more buildings on the site, or
  - (c) constitutes by reason of its use the primary purpose for which the site is used.
- (129) **"principal use"** means the primary purpose or purposes for which a building or site is used;
- (130) **"private club"** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;
- (131) **"project"** when used as a noun means a development comprising one or more multi-family dwellings, a zero lot line development, a manufactured home park, a shopping centre, or any multiple use building;
- (132) **"protective and emergency services"** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities;
- (133) **"public education facility"** means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;



- (134) **"public park"** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;
- (135) **"public use"** means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by any public utility. However, public uses shall not include office uses, protective and emergency services, and major and minor utility services;
- (136) **"public utility"** means a public utility, as defined in the Act;
- (137) **"public utility building"** means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- (138) **"rear line"** means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road;
- (139) **"rear yard"** means a yard extending across the full width of a site from the rear line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve;
- (140) **"recreational facility"** means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;
- (141) **"recycling depot"** means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
- (142) **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (143) **"rentable unit"** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;

- (144) **"repair service establishment"** means a development used primarily for the repair, refinishing or reconditioning of consumer goods such as, but not limited to, electronic equipment, office equipment, household appliances, clothing and footwear, bicycles, etc. The repaired, refinished or reconditioned consumer goods, as referred to above, may be sold on the premises but the retail sales component must be clearly secondary to the primary use. Automobiles or any other motorized vehicles such as, but not limited to, trucks, recreational vehicles or buses are not included in the definition of consumer goods described above;
- (145) **"road"** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act and includes a highway, but does not include a lane;
- (146) **"row housing"** means a dwelling or a number of dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access at grade to the outside, but shall not mean "apartment";
- (147) **"secondary suite"** means a subordinate self-contained dwelling unit, separate from the dwelling unit in a single detached dwelling, having a common access with the primary dwelling unit;
- (148) **"self-service storage facility"** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer's goods or wares. The maximum height of lockers shall be 3.0 m (9.8 ft.). Self-service storage facilities do not include any outdoor storage;
- (149) **"semi-detached dwelling"** means a dwelling containing two (2) dwelling units which share a common wall, and which are located one entirely beside the other;
- (150) **"service station"** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops;
- (151) **"shopping centre"** means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;
- (152) **"show home"** means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;

- (153) **"side line"** means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (154) **"side yard"** means a yard extending from the side line to the nearest exterior wall of the principal building situated on the site, and lying between the front and rear yards on the site, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve;
- (155) **"sight line triangle"** means the triangular area formed by a line drawn between two (2) points on the curbs of intersecting roads 8 m (26.2 ft.) from the point where the curbs would meet if extended or 5 m (16.4 ft.) from that point in the case of an intersecting lane and road or driveway and road;
- (156) **"sign"** means that which is indicated in Schedule C of this Bylaw;
- (157) **"single detached dwelling"** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single detached dwelling is a dwelling which is constructed on-site.
- (158) **"site"** means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- (159) **"site area"** means the total area of a site;
- (160) **"site boundaries"** means the boundaries of a site which enclose the site at its perimeter;
- (161) **"site coverage"** means the sum of the ground floor areas of all buildings on a site;
- (162) **"site depth"** means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- (163) **"site width"**, unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- (164) **"small animal breeding and boarding establishment"** means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;

- (165) **“solar panel”** means a device used to convert energy contained within the sun’s rays into electrical (photovoltaic) or heat energy and may be a single unit or an array of units into a single panel;
- (166) **"stall"** means an area of land upon which a manufactured home unit is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular manufactured home unit;
- (167) **"storey"** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey;
- (168) **"structural alterations"** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- (169) **"Subdivision and Development Appeal Board"** means the Subdivision and Development Appeal Board established pursuant to the Act through the municipality’s Subdivision and Development Appeal Board Bylaw;
- (170) **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality’s Subdivision Authority Bylaw;
- (171) **"substandard lot"** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- (172) **"surveillance suite"** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development;
- (173) **"temporary building"** means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development;
- (174) **"temporary use"** means a use that has been allowed to be located and/or operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos;

- (175) **"truck and recreational vehicle sales/rentals/service establishment"** means a development where new or used trucks with a gross vehicle weight rating of 4000 kg (8818.5 lbs) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000 kg (13,227.7 lbs) or greater or a length greater than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental/service establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refuelling and/or washing facilities as an integral part of the operation;
- (176) **"trucking establishment"** means a facility for the purpose of storing and dispatching trucks and tractor trailers for transporting goods;
- (177) **"use"** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- (178) **"utility services"** means a development of a public utility or a public utility building or a government service function. Utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs or storm water management facilities; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;
- (179) **"veterinary clinic"** means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- (180) **"warehouse sales establishment"** means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores;
- (181) **"wind tower"** means the vertical component of a wind energy system that elevates the wind turbine generator or any mechanical transmission system and the attached blades above the ground. A wind tower may be a single pole, a three or four-sided self-supporting tower or a freestanding tower structure supported by guy wires;
- (182) **"workshop"** means a small establishment where manufacturing or craftwork is carried on by a business;

- (183) **"yard"** means a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw;

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

## 1.4 METRIC AND IMPERIAL MEASUREMENTS

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

## 1.5 DATE OF RECEIPT

Where a subdivision or development permit approval or refusal, subdivision or development appeal notice, notice to reclassify lands or notice of appeal hearing is sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta. In the event of a dispute, the Interpretation Act, as amended, shall apply.

## 1.6 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw, the Town of Elk Point is divided into the following Districts:

|  |      |
|--|------|
| Single Detached Residential District               | R1   |
| Medium Density Residential District                | R2   |
| High Density Residential District                  | R3   |
| Residential Small Holdings District                | R4   |
| Manufactured Home Subdivision Residential District | RMH1 |
| Manufactured Home Park Residential District        | RMH2 |
| Central Commercial District                        | C1   |
| Highway Commercial District                        | C2   |
| Industrial District                                | M    |
| Light Industrial Residential District              | MR   |
| Community District                                 | P    |
| Institutional District                             | I    |
| Urban Reserve District                             | UR   |
| Highway Overlay District                           | HO   |
| Direct Control District                            | DC   |

- (2) For the purposes of this Bylaw, the R1, R2, R3, R4, RMH1, and RMH2 Districts shall be considered to be Residential Districts, the C1 and C2 Districts shall be considered to be Commercial Districts, M and MR shall be considered to be Industrial Districts, and the P and I Districts shall be considered to be Public Districts.
- (3) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
  - (a) Where District boundaries are shown to approximate the following, they shall be deemed to be:
    - (i) the lot boundaries, or
    - (ii) the municipal boundaries, or
    - (iii) the centre lines of railway rights-of-way, or
    - (iv) the centre lines of the right-of-way of a road or lane.
  - (b) In circumstances not covered by Subsection (a), the location of the boundary shall be determined:
    - (i) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
    - (ii) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (5) Where Districts have been established in accordance with a proposed subdivision of land, the boundaries of the District shall be understood to conform to the boundaries of the certificate of title or as shown on the Plan of Survey or Descriptive Plan when it is registered in a Land Titles Office. Prior to the registration, the District boundaries shall be determined on the basis of the dimensions stated in the proposed plan of subdivision or on the scale of the Land Use District Map where dimensions are not provided.
- (6) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

- (7) After the Council has fixed a District boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (8) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.
- (9) Subsections (3) to (8) above also apply to the overlay regulatory areas and their boundaries shown on the Land Use District Map.

### **1.7 ESTABLISHMENT OF LAND USE DISTRICT REGULATIONS**

Land Use District regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B hereto.

### **1.8 ESTABLISHMENT OF SIGN REGULATIONS**

Sign regulations shall be as set forth in the Schedule of Sign Regulations, being Schedule D hereto.

### **1.9 NON-APPLICABILITY OF BYLAW**

This Bylaw does not apply to roads or lanes.



## PART TWO - AGENCIES

### 2.1 DEVELOPMENT AUTHORITY

- (1) The Development Authority for the municipality is hereby established.
- (2) The Development Authority shall be:
  - (a) the Development Authority Officer; and/or
  - (b) the Municipal Planning Commission; and/or
  - (c) in the DC1 District, the Council

with their duties and responsibilities as indicated in this Bylaw.

### 2.2 DEVELOPMENT AUTHORITY OFFICER

- (1) The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Authority Officer is hereby established.
- (2) The Development Authority Officer shall be appointed by resolution of the Council.
- (3) The powers, duties and functions of the Development Authority Officer shall be those described in this Bylaw.
- (4) The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it or by the Development Authority Officer.
- (5) The Development Authority Officer shall
  - (a) keep and maintain for inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto and ensure that copies are available at a reasonable charge and
  - (b) make available for inspection by the public during all reasonable hours, a register of all applications for development permits, including the decisions thereon.
- (6) In addition to his/her other duties, the Development Authority Officer shall be a designated officer for the purposes of inspection, remedy, enforcement, or action pursuant to Section 542 of the Act.
- (7) In addition, the Development Authority Officer may have other duties as directed by Council.



### **2.3 MUNICIPAL PLANNING COMMISSION**

The Municipal Planning Commission, as established by Council by Bylaw, shall perform such duties as are specified for it in this Bylaw.

### **2.4 COUNCIL**

The Council shall perform such duties that are specified for it in this Bylaw.

### **2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

The Subdivision and Development Appeal Board shall perform such duties as are specified in Part Four of this Bylaw.

## **PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES**

### **3.1 CONTROL OF DEVELOPMENT**

No development other than that indicated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### **3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

The following development shall not require a development permit:

- (1) the carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations;
- (2) the completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
- (3) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
- (4) the construction, completion, alteration, maintenance, or repair of public works, public services, and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (5) the construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
- (6) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;
- (7) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation;

- (8) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, provided that such signs are a maximum of 0.6 m<sup>2</sup> (6.5 ft<sup>2</sup>) in area and provided further that such signs are placed or erected no closer than 3 m (9.8 ft.) to a road right-of-way;
- (9) the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building;
- (10) the placement of a portable sign on a site provided that the requirements of Section 2.4 of Schedule C of this Bylaw are satisfied;
- (11) the erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 1.4 of Part 1 of Schedule B hereof;
- (12) hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that such hard-surfacing does not exceed 8 m (26 ft.) in width;
- (13) accessory buildings which are accessory to a dwelling and entirely portable, and which are less than 11.2 m<sup>2</sup> (120.6 ft<sup>2</sup>) in size, unless the accessory building does not meet the minimum distance requirements outlined in Part 2 of Schedule B of this Bylaw;
- (14) a patio in a Residential District that meets the minimum required yard requirements outlined in Part 2 of Schedule B of this Bylaw;
- (15) boarding and foster care within a dwelling unit, provided the use, in the opinion of the Development Authority, is not a boarding house, a day home, a day care facility, a group home, a family care facility, or a group care facility;
- (16) extensive agriculture on lots 8 ha (20 acres) or more in area in an Urban Reserve (UR) District;
- (17) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit; and
- (18) the demolition or removal of any building or structure for the erection of which a development permit would not be required pursuant to subsections (4) through (17) above, both inclusive.

## 3.3 NON-CONFORMING BUILDINGS AND USES

- (1) If a development permit has been issued on or before the day on which this Land Use bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot or site may not be exceeded or transferred in whole or in part to any other part of the lot or site and no additional buildings may be constructed upon the lot or site while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building,
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.5(9) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (7) Except as noted in Section 2.1 of Schedule B, the land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

## 3.4 DEVELOPMENT PERMIT APPLICATIONS

- (1) An application for a development permit shall be made to the Development Authority Officer in writing, in the form required by the Development Authority Officer, and shall be accompanied by:
  - (a) a site plan in duplicate showing:
    - (i) the boundaries of the site including any lots that may make up the site,
    - (ii) all of the existing and proposed buildings on the site,
    - (iii) the front, rear, and side yards, if any,
    - (iv) any provision for off-street loading, vehicle standing, and parking areas, and
    - (v) access and egress points to the site;
  - (b) an indication of the proposed uses; and
  - (c) an indication of the ownership of the land and the interest of the applicant therein.
- (2) Each application for a development permit shall be accompanied by a fee as established by Council.
- (3) The Development Authority Officer may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
  - (a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
  - (b) the height and horizontal dimensions of all existing and proposed buildings;
  - (c) outlines of roof overhangs on all buildings;
  - (d) existing and proposed grades on the site and on adjacent sites, roads and lanes;
  - (e) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;

- (f) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
  - (g) drainage plans;
  - (h) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - (i) future development plans for a site which is to be partially developed through the applicable development permit;
  - (j) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
  - (k) in the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
  - (l) any other information or tests required by the Development Authority, at his sole discretion, respecting the site or adjacent lands, including an environmental screening of the site; and
  - (m) a statutory declaration indicating that the information supplied is accurate.
- (4) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in his sole opinion, the information supplied by the applicant in accordance with Subsections (1) and (3) hereof is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in his sole opinion, that the development permit application is complete.
- (5) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required by Subsections (1) and (3) hereof or where, in his sole opinion, the information supplied by the applicant is sufficient to properly evaluate the application.



## 3.5 DECISION PROCESS AND RE-APPLICATION

- (1) The Development Authority Officer shall:
  - (a) receive and review all applications for a development permit;
  - (b) refer to the Municipal Planning Commission for its consideration and decision all applications for a development permit for a permitted use which does not comply with the regulations of this Bylaw and all applications for a development permit for a discretionary use;
  - (c) refer to the Council for its consideration and decision all applications for a development permit within a DC1 District; and
  - (d) consider and decide on all other applications for a development permit.
- (2) In making a decision, the Development Authority Officer may
  - (a) approve the application unconditionally,
  - (b) approve the application subject to those conditions he considers appropriate,
  - (c) approve the application permanently or for a limited period of time, or
  - (d) refuse the application.
- (3) In making a decision, the Municipal Planning Commission may
  - (a) approve the application unconditionally,
  - (b) approve the application subject to those conditions the Municipal Planning Commission considers appropriate,
  - (c) approve the application permanently or for a limited period of time,
  - (d) refuse the application, or
  - (e) return the application to the Development Authority Officer for decision, in which case the Development Authority Officer shall act in accordance with Subsection (2) hereof.
- (4) In making a decision, the Council may
  - (a) approve the application unconditionally,

- (b) approve the application subject to those conditions Council considers appropriate,
  - (c) approve the application permanently or for a limited period of time, or
  - (d) refuse the application.
- (5) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality
  - (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct or pay for the construction of
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,
  - or both;
  - (c) to install or pay for the installation of public utilities or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy; and/or
  - (f) to give security to ensure that the terms of the agreement are carried out.
- (6) The Development Authority may require that as a condition of issuing a development permit, the applicant undertake construction in accordance with and complete the site plans, landscaping plans, drainage plans, and grading plans submitted, and undertake any remedial measures recommended or required by any engineering or environmental screening reports provided to the Development Authority during the development permit application process.
- (7) The erection of a building on any site may be prohibited where it would otherwise be allowed under this Bylaw when, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer for the supply of required improvements as specified under Subsection (5), including payment of the costs of installing or constructing any such facilities by the developer.

- (8) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.
- (9) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
- (a) the proposed development would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (10) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this Subsection.
- (11) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, at his discretion, the Development Authority may or may not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (12) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made by him on a development permit application was either
- (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
  - (b) based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority,

the Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under Part Four of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.

- (13) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted in writing by the Development Authority.

## **3.6 DEVELOPMENT PERMITS AND NOTICES**

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date notification is given of a decision on a development permit as described in Subsection (3) hereof. 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 Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a development permit has been issued, the Development Authority Officer shall:
  - (a) immediately post a notice of the decision conspicuously on the property for which the development permit application has been issued; and/or
  - (b) immediately mail a notice in writing to all owners of land adjacent to the subject site, and to those other owners of land who, in the sole opinion of the Development Authority Officer, may be affected; and/or
  - (c) cause a notice of the decision to be published in a newspaper circulating in the municipality.
- (4) The notice indicated in Subsection (3) shall state:
  - (a) the legal description and the street address of the site of the proposed development,
  - (b) the uses proposed for the subject development,
  - (c) any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Officer when the development permit was approved,
  - (d) the date the development permit was issued, and

- (e) how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- (5) The decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

## PART FOUR - APPEALS

### 4.1 APPEAL PROCEDURE

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
  - (a) refuses or fails to issue a development permit to a person, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding Subsection (1) above, if a development permit is issued directly by the Council, there shall be no appeal to the Board.
- (3) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (4) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit by Council within a DC1 District.
- (5) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (6) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board within fourteen (14) days after
  - (a) the date a notice of the decision or permit issued by the Development Authority was given in accordance with Section 3.6(3) of this Bylaw; or
  - (b) the date an order was given in accordance with Section 5.1(1) of this Bylaw; or
  - (c) the forty (40) day period or any extension referred to in Section 3.5(10) has expired.

### 4.2 APPEAL HEARING

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the appeal hearing to:

- (a) the appellant and the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those land owners who were notified under Section 3.5(4) and any other person that the Board considers to be affected by the order, decision or permit; and
  - (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority under Section 5.1,as the case may be.
- (4) At the appeal hearing referred to in Subsection (1), the Board shall hear:
  - (a) the appellant or any other person acting on his behalf;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

## 4.3 DECISION

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
  - (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.





## PART FIVE - ENFORCEMENT

### 5.1 CONTRAVENTION

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

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to

  - (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
  - (ii) demolish, remove or replace the development, and/or
  - (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be.
- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

- (5) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (6) Violation Tickets
- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
  - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Town.
  - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
  - (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
  - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
  - (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

## **PART SIX - ADMINISTRATION**

### **6.1 APPLICATION TO AMEND BYLAW**

- (1) A person may apply to have this Bylaw amended, by applying in writing to the Town, in care of the Development Authority, furnishing reasons in support of the application and paying the fee therefore required under Section 6.2(1)(a).
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

### **6.2 FORM OF APPLICATION**

- (1) All applications for amendment to this Bylaw shall be made on the form as determined by the Development Authority, and shall be accompanied by:
  - (a) an application fee as established by Council for each application;
  - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land;
  - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable; and
  - (d) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.
- (2) Where the amendment is to change the District applicable to a site, the Development Authority may require that the applicant undertake and provide an environmental screening of the site as part of the amendment application.

### **6.3 AMENDING BYLAWS**

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

### **6.4 SCHEDULES**

Schedules A, B, and C are adopted as part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

### **6.5 REPEALING EXISTING CONTROLS**

Bylaw No. 622/03, as amended, is hereby repealed.



### 6.6 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

### 6.7 Attached Figures

Various Figures are included within this Bylaw for information purposes, but they do not form part of this Bylaw unless specifically referenced to in the text of the Bylaw.

READ A FIRST TIME IN COUNCIL THIS 14<sup>th</sup> DAY OF JANUARY, A.D. 2013

\_\_\_\_\_  
"Parrish Tung"

Mayor

\_\_\_\_\_  
"Myron Goyan"

Town Manager

READ A SECOND TIME IN COUNCIL THIS 25<sup>h</sup> DAY OF MARCH, A.D. 2013

\_\_\_\_\_  
"Parrish Tung"

Mayor

\_\_\_\_\_  
"Myron Goyan"

Town Manager

READ A THIRD TIME IN COUNCIL THIS 25<sup>th</sup> DAY OF MARCH, A.D. 2013

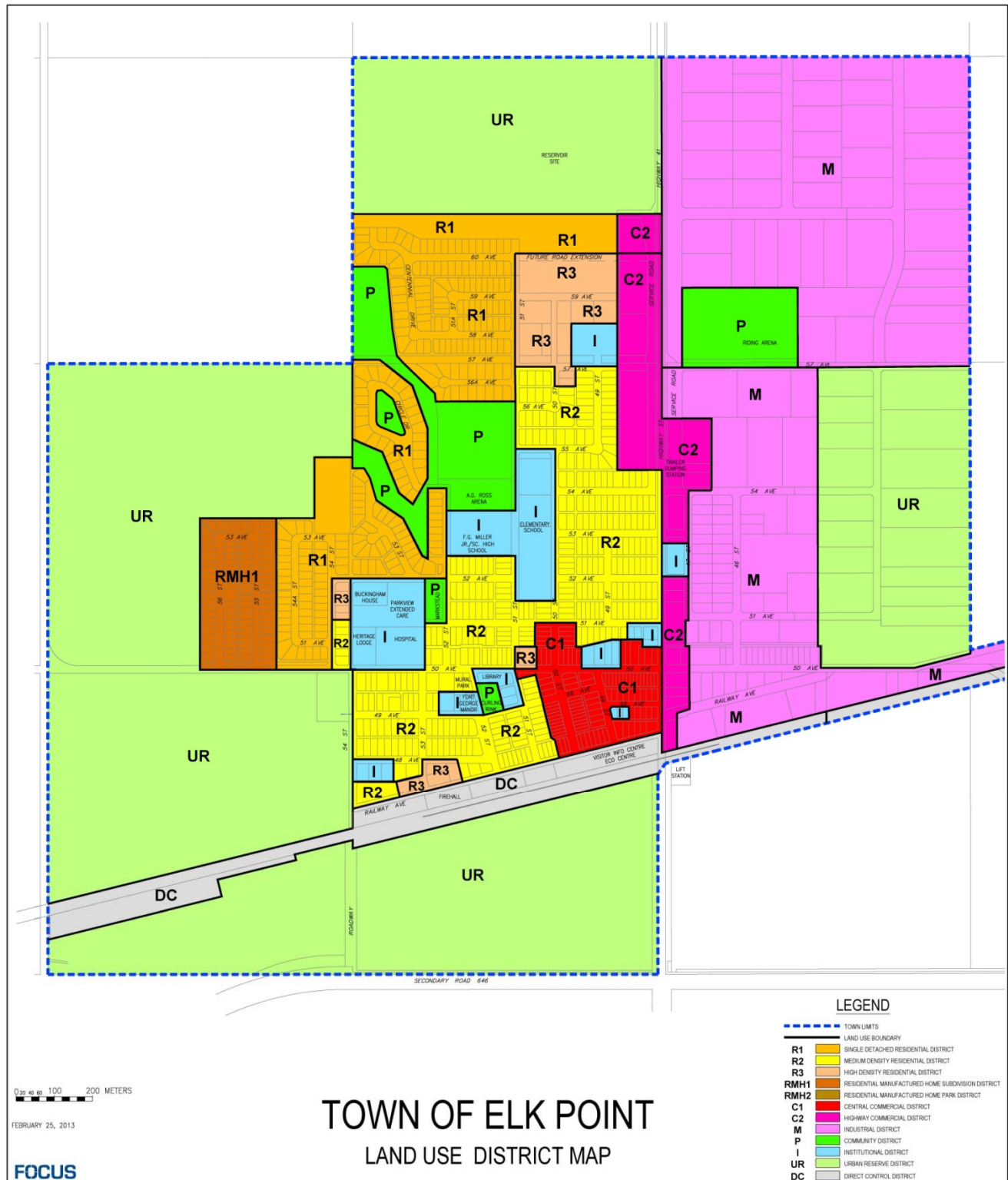
\_\_\_\_\_  
"Parrish Tung"

Mayor

\_\_\_\_\_  
"Myron Goyan"

Town Manager

## SCHEDULE "A" – LAND USE DISTRICT MAP



**SCHEDULE B - LAND USE DISTRICT REGULATIONS****PART 1 - GENERAL PROVISIONS**

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

**1.1 SUBDIVISION OF LAND**

- (1) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.
- (2) Subject to Subsection (3) below, any application to subdivide land in the municipality shall conform with the Act, regulations made pursuant to the Act, and this Bylaw.
- (3) The Subdivision Authority may approve an application for subdivision or a bare land condominium plan even though the proposed subdivision or bare land condominium plan does not comply with the regulations of this Bylaw if, in the opinion of the Subdivision Authority:
  - (a) the proposed subdivision or bareland condominium plan would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - (b) the proposed subdivision or bareland condominium plan conforms with the use prescribed for that land or building in this Bylaw.

**1.2 DWELLING UNITS ON A LOT**

- (1) No permit shall be granted for the erection of more than one dwelling unit on a single family parcel of land.
- (2) Notwithstanding subsection (1), where permitted in this Bylaw, the Development Officer may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling unit:
  - (a) Is contained in a building that, or in buildings each of which, is designed for or divided into 2 or more dwelling units;
  - (b) Is a manufactured home forming part of a park for manufactured homes; or

- (c) Is a building, as defined in the Condominium Property Act, that is the subject of a condominium plan to be registered in a land titles office under that Act.

## 1.3 SUBSTANDARD LOTS

With the approval of the Development Authority the minimum site area, site depth, and site width may be less in the case of existing substandard lots which are held in separate title from abutting substandard lots as of the date of the approval of this Bylaw.

## 1.4 FENCES

- (1) Notwithstanding any regulation respecting required minimum yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, if a proposed fence does not conform with the regulations of this Section of this Bylaw, a development permit is required prior to the erection or construction of the fence.
- (3) Unless otherwise provided in this Bylaw, no fence, wall or hedge in a Residential District shall be:
  - (a) higher than 2.0 m (6.6 ft.) above grade in side yards and rear yards; or
  - (b) higher than 1.0 m (3.3 ft.) above grade in front yards; or
  - (c) higher than 1.0 m (3.3 ft.) above grade within 7.5 m (24.6 ft.) of the intersection of lanes, roads, or any combination of them.
- (4) Notwithstanding Subsection (3) above, in the case of a double fronting site or a corner site in a Residential District, a fence shall be allowed no higher than:
  - (a) 1.0 m (3.3 ft.) at no less than 3.1 m (10.0 ft.) from the property line, or
  - (b) 1.3 m (4.3 ft.) at no less than 4.6 m (15.0 ft.) from the property line, or
  - (c) 1.6 m (5.25 ft.) at no less than 6.1 m (20.0 ft.) from the property line, or
  - (b) 2.0 m (6.6 ft.) at no less than 7.5 m (24.6 ft.) from the property line, oralong one (1) front yard in the case of double fronting sites and along the side yard adjacent to a road in the case of corner sites.
- (5) Unless otherwise provided in this Bylaw, no fence, wall or hedge in a Commercial District, an Industrial District, or a Public District shall be:



- (a) higher than 2.75 m (9.0 ft.) above grade in side yards and rear yards; or
  - (b) higher than 2.0 m (6.6 ft.) above grade in front yards; or
  - (c) higher than 2.0 m (6.6 ft.) above grade within 6.1 m (20.0 ft.) of the intersection of lanes, roads, or any combination of them.
- (6) No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the M District and in the UR District. If barbed wire is allowed, it shall not be allowed below a height of 2.0 m (6.6 ft.) unless the Development Authority, at his sole discretion, allows barbed wire at a lower height where, in his opinion, dwellings would not be in proximity to the fence proposed.
- (7) No electrification of fences shall be allowed.
- (8) The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (4.9 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
  - (a) outdoor storage areas,
  - (b) garbage collection areas, and
  - (c) loading or vehicle service areas.
- (9) Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.
- (10) All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.2 m (3.9 ft.) nor more than 2.1 m (6.9 ft.) in height, along any side lines adjacent to any Residential District.
- (11) All commercial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1.8 m (5.9 ft.) in height for screening. In addition, garbage containers and outdoor storage shall be screened and accessible for convenient pickup to the satisfaction of the Development Authority.

## **1.5 LANDSCAPING**

- (1) Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality's landscaping standards. Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.

- (2) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- (3) When the implementation of landscaping plans is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year of the occupancy or the commencement of operation of the proposed development.
- (4) The owner of the site or his successors or assignees shall be responsible for proper maintenance of the landscaping. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size.
- (5) When no lane separates commercial or industrial development from residential development, a landscaped buffer between the uses shall be required. A landscaped buffer may be required where a lane separates such uses. The planting and width of the buffer shall be as required by the Development Authority.

## **1.6 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

- (1) No person shall keep or permit in any part of any yard in any Residential District:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
  - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located;
  - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
  - (d) any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 4000 kg (8818.3 lbs.) for longer than is reasonably necessary to load or unload the vehicle.
  - (e) any fur bearing animals, fowl, or livestock, other than domestic pets, that is, pets that are kept within the dwelling unit.
- (2) In addition, no commercial, recreational, or agricultural vehicles shall be kept, stored, or parked in the front yard unless the vehicle is parked on a paved driveway.

## 1.7 PROJECTION INTO YARDS

- (1) The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted for canopies, balconies, eaves, box-outs, chimneys, gutters, sills, steps/stairs, and, in addition, cantilevers may be permitted to encroach into the front and rear yards only:
  - (a) Front Yard: 2.0 m for balconies; and 1.0 m for cantilevers, eaves, gutters, landings, and window sills (see Figure 1).
  - (b) Rear Yard: 2.0 m for balconies; and 1.0 m for box-outs, cantilevers, eaves, gutters, landings, and window sills (see Figure 2).
  - (c) Side Yard (Interior): 1.0 m for balconies; and 0.6 m for box-outs, eaves, gutters, landings and window sills (see Figure 1).
  - (d) Side Yard (Exterior): 1.0 m for balconies; and 0.6 m for box-outs, cantilevers, eaves, gutters, landings and window sills (see Figure 2).
- (2) For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.
- (3) No projection will be permitted if, in the opinion of the Development Officer, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.
- (4) No projection will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished grade to the lowest point of the projection is maintained.
- (5) The projection length limitations are as follows:
  - (a) The individual projection maximum length shall not exceed 3.0 m; and
  - (b) The sum of all projections maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

FIGURE 1: PERMITTED PROJECTIONS - FRONT AND INTERIOR SIDE YARD SETBACKS

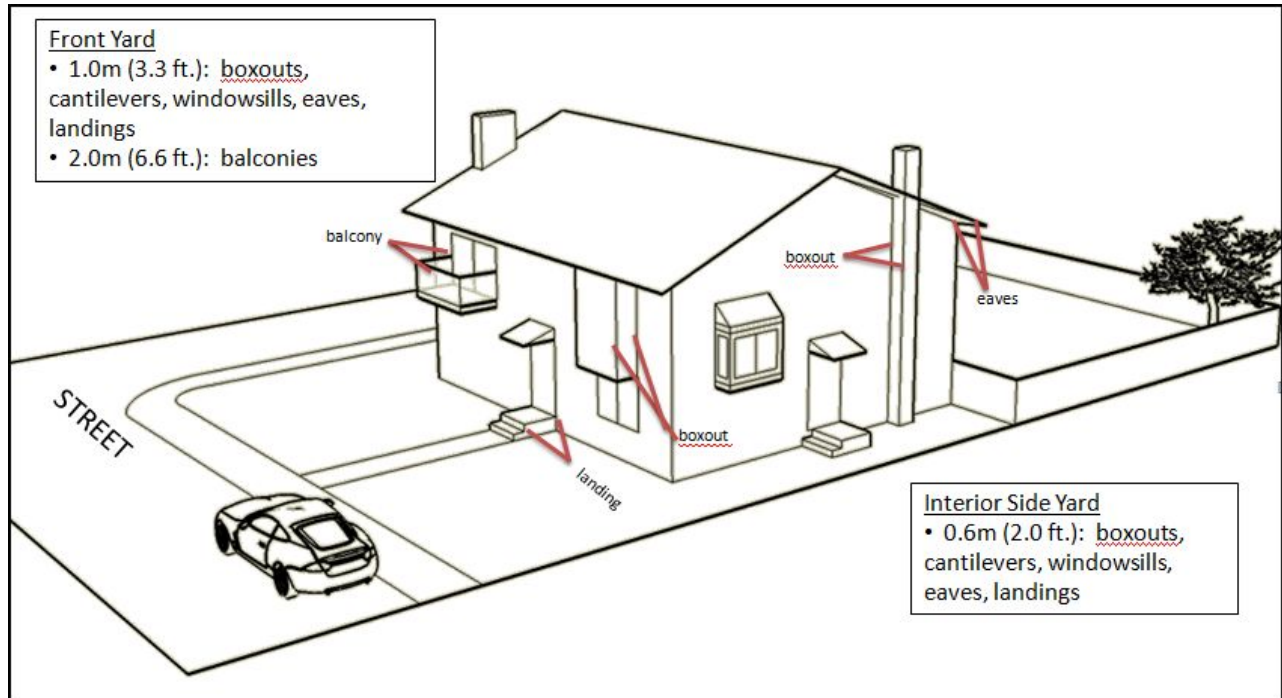
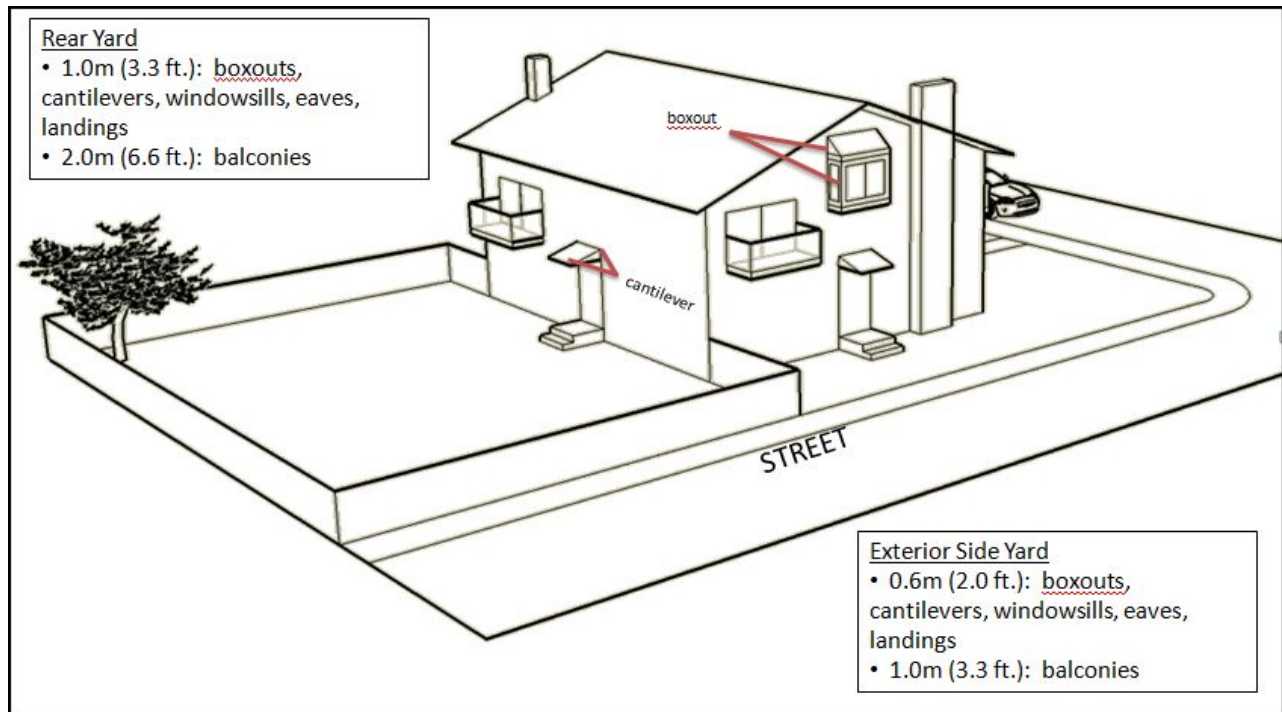


FIGURE 2: PERMITTED PROJECTIONS - REAR AND EXTERIOR SIDE YARD SETBACKS



## **1.8 CORNER SITES AND DOUBLE FRONTING SITES**

- (1) In the case of double fronting sites, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.

## **1.9 SITE LINE PROTECTION**

- (1) On corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines (or their projections) and a straight line joining points on the road right-of-way lines 4.5 m (14.8 ft.) from their intersection.
- (2) At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from their intersection.
- (3) This Section 1.9 does not apply in the C1 District, except where an existing building is set back from the property line sufficient to allow for the regulations provided by Subsections (1) and (2).
- (4) Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in Subsections (1) and (2) such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.

## **1.10 SITE GRADING AND DRAINAGE**

In all cases, site grades shall be established to not allow one site to drain onto an adjacent site except where drainage conforms to an acceptable local or subdivision drainage plan.

## 1.11 BUILDING EXTERIORS

- (1) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
- (2) The design, character, and appearance of all buildings shall:
  - (a) be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,
  - (b) be suited to the purpose of the District in which it is located, and
  - (c) comply with the provision of any statutory plan applicable to the design, character or appearance of the building.

## 1.12 NUISANCE

- (1) No activity may be undertaken which, in the opinion of the Development Authority, constitutes a nuisance on a private or public site by reason of the generation of noise, vibration, heat, humidity, glare, smoke, dust, other particulate matter, or odour.
- (2) Sites and buildings in all District shall be maintained in a clean and tidy condition, free from all rubbish and debris.
- (3) Garbage shall be stored in weather-proof and animal-proof containers and screened from adjacent sites, and roads, and shall be in a location easily accessible for pick-up.
- (4) All commercial developments adjacent to residential uses shall be screened to the satisfaction of the Development Authority.

## 1.13 ENVIRONMENTAL SCREENING

Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to the guidelines of CSA Z768-94, prior to a development permit being issued. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

## **1.14 HAZARDOUS MATERIALS**

- (1) The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 2000 gal. (9080 l) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 400.0 ft. (121.9 m) from assembly, institutional, commercial or residential buildings.
- (2) LPG containers with a water capacity of less than 2000 gal. (9080 l) shall be located in accordance with regulations under the Safety Codes Act.
- (3) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- (4) No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- (5) No development shall create or discharge toxic materials in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- (7) No tanks for the storage of anhydrous ammonia shall be allowed within the municipality.

## **1.15 UTILITY EASEMENTS**

No development other than landscaping or a fence shall be constructed or placed on a utility easement unless, in the sole opinion of the Development Authority, the development does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and

## **1.16 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS**

Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken.

## **1.17 RELOCATION OF BUILDINGS**

In making his decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a development permit if the building, in his sole opinion, is or will be incompatible with the neighbourhood.

**1.18 TOP SOIL EXCAVATION**

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of the development, a minimum topsoil coverage of 6.0 inches (15.0 cm) and the affected area shall be landscaped to the satisfaction of the Development Authority.

**1.19 ALTERNATIVE ENERGY SYSTEMS**

- (1) Alternative energy systems shall require a development permit application which shall include the following information where applicable:
  - (a) The manufacturers specifications indicating: the SWES rated output in kilowatts; safety features and sound characteristics; type of material used in tower, blade, and/or rotor construction; and CSA or ULC approval, if applicable.
  - (b) Potential for electromagnet interference.
  - (c) Nature and function of over-speed controls which are provided.
  - (d) Specifications on the foundation and/or anchor design, including location and anchoring of any guy wires.
  - (e) Information demonstrating that the system will be used primarily to reduce on-site consumption of electricity, natural gas or propane.
  - (f) Location of existing buildings, improvements, roads, lanes and public utilities both on the applicant's property and all adjacent properties.
- (2) Any wind tower (including all attachments and equipment) to be installed, shall not exceed the manufacturers recommended weight and wind load capacities.
- (3) Wind towers must either be certified to meet ULC standards or be certified by the manufacturer or a qualified professional engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of the Province of Alberta that it is capable of withstanding the weight and wind load for the area it is installed.
- (4) Ground mounted Wind Towers, prior to installation of the wind turbine, shall not be less than 8.3 metres (27 feet) nor greater than 20.1 metres (66 feet) in height. If roof mounted the tower shall not be less than 3 metres (10 feet) and no more than 4.6 metres (15 feet) above the highest point on the roof.
- (5) No part of a wind tower structure, including guy wires, blades or tail vane may be placed closer than 3 metres (10 feet) to the side or rear property boundaries and/or structures. In addition, towers shall be setback a minimum of the distance equal to the height of the structure from roads, lanes, utility lines and any developed adjacent property.
- (6) No above ground portion of any component of any alternative energy system shall be located in a front or side yard.



- (7) For lots 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) or less, the maximum diameter of the wind turbine blades shall be 3 metres (10 feet). For lots greater than 929 m<sup>2</sup> (10,000 ft<sup>2</sup>), the maximum rotor blade diameter shall be 3.7 metres (12.1 feet).
- (8) One wind turbine at a size specified in Section 7 shall be installed on a tower and used to provide electricity for a primary residence. A second, smaller wind turbine, not to exceed a rotor diameter of 1.5 metres (5 feet), may also be installed on the same lot and used to provide electricity for a garage, workshop or utility shed and may be roof installed.
- (9) All wind energy systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy system or to control the rotors in the case of a system failure or when wind speeds are beyond the capacity of the system to control.
- (10) All wind energy systems shall have lightning arresters installed and properly grounded.
- (11) Sounds from residential wind energy systems shall not exceed 60 dbA at average wind speeds for the area, measured at the closest neighbouring inhabited dwelling. This level, however, may be exceeded when wind speeds are above average.
- (12) No residential or commercial wind energy system shall be installed until evidence is provided that the electric power distribution utility and the sales utility have been informed of the customer's intent to install an interconnected customer owned generator. Off-grid systems are exempt from this requirement.
- (13) Electrical wires, including grounding wires, from a wind tower to the building being serviced shall be underground. A wind energy system, including all wiring, shall meet all applicable provincial electrical code requirements, including permit requirements and be inspected by an electrical inspector having jurisdiction within the corporate limits of the Town of Elk Point.
- (14) Any alternative energy system shall be operated and shielded so as to prevent any electro-magnetic interference. Any system found in violation of this policy shall be required to cease operation until such time as the problem is resolved.
- (15) Small wind turbines with a rotor diameter of less than one metre that use direct current solely for decorative or yard lighting or used strictly for ornamental purposes are exempt from permit requirements and restrictions listed in this section.
- (16) Brand names or advertising associated with any alternative energy system or the system's installation shall not be visible from any public area, including lanes, streets and highways.
- (17) Any alternative energy system shall be located and screened, to the extent possible, by land forms, natural vegetation and other means to minimize its visual impact on adjacent residences, public roads, trails, or other public areas. Towers and other supporting structures shall be painted a single, neutral, non-reflective, non-glossy color (earth tones, grey, black) that, to the

extent possible, visually blends the system with the surrounding natural and built environments.

- (18) Upon abandonment or termination of any alternative energy system's use, the entire facility and all components associated with the system, including towers or support structures, shall be removed and the site restored to its pre-construction condition.
- (19) Solar panels may be installed on the roof of any building or may be ground mounted in the rear or side yard.
- (20) If a roof mounted solar panel requires raising of the top of the panel for solar alignment, the top of the panel shall not project above the highest roofline by more than 0.3 metres (1 foot).
- (21) All plumbing, reservoirs, pumps and other equipment associated with solar or geo-thermal heating or cooling systems shall require plumbing, electrical and building permits as required and meet all applicable provincial plumbing, electrical and building code and any other municipal requirements.
- (22) Geothermal installations must be stamped by a qualified professional engineer registered under the "Engineering, Geological, and Geophysical Professions Act" of the Province of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- (23) Geothermal installations must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided that documented proof be provided that shows the exception meets or exceeds the CSA-C448 standard.
- (24) All geothermal systems installed within the Town of Elk Point shall be a closed loop system. Open loop systems are not allowed.
- (25) Heat-transfer fluids used within a geothermal system shall be of the most environmentally friendly type available at the time of installation such as propylene glycol. In no case may ethylene glycol based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas or propane be used.

**PART 2 - ACCESSORY USE REGULATIONS**

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

**2.1 GENERAL REGULATIONS**

- (1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- (2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a garage suite – above grade, garage suite – at grade, and surveillance suites, where allowed in this Bylaw.
- (3) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the main building on a site or the commencement of the main use on a site, and not before the main building is constructed or the main use commences.
- (4) Where a building is attached to a main building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the main building and not an accessory building, and all the minimum yard requirements of the main building shall apply.
- (5) No person shall construct or permit the construction of an accessory building, or group of accessory buildings, such that, individually or collectively, the gross floor area of the accessory building or buildings would along with the main building, exceed the maximum site coverage allowed on the site.
- (5) Accessory buildings shall not be located in a front yard.
- (6) Accessory buildings shall not be located on an easement or a utility right-of-way.

**2.2 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS**

- (1) Unless otherwise provided, in Residential Districts:
  - (a) an accessory building shall not exceed one storey or 4.5 m (14.8 ft.) in height unless approved by the Development Authority as a garage suite – above grade;
  - (b) where an open carport is attached to a dwelling, the minimum required side yard may, at the discretion of the Development Authority, be reduced to 1.2 m (3.9 ft.); and
  - (c) the total area of the accessory buildings shall not exceed twelve percent (12%) of the site area.

- (2) Accessory buildings in Residential Districts shall be located:
- (a) no closer to a lane than 1.0 m (3.0 ft.) from the rear line providing there is no encroachment of any part of the building onto the lane, except that where a single garage door faces a lane abutting the site the garage shall be no closer than 5.5 m (18.0 ft.) from the lane;
  - (b) no closer than 4.5 m (14.8 ft.) from a side line adjacent to a road;
  - (c) no closer than 1.0 m (3.3 ft.) from any other side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building. In such a case, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line;
  - (d) such that no roof overhang is located within 0.3 m (1.0 ft.) of a side or rear line; and
  - (e) no closer than 2.0 m (6.6 ft.) to a main building.
- (3) All decks and verandas in Residential Districts shall be located such that they do not project into minimum required yards.
- (4) Notwithstanding Subsection (3) above, any deck or veranda which the Development Authority allows, at his sole discretion, to project into a minimum required front yard in a Residential District, may be roofed but shall not be enclosed.

## **2.3 ACCESSORY BUILDINGS IN DISTRICTS OTHER THAN RESIDENTIAL DISTRICTS**

In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.

## **2.4 TEMPORARY STRUCTURES (TENT GARAGES)**

- (1) A temporary structure may not be erected without permission of the Development Officer which may be granted as follows:
- (a) In a residential district provided that:
    - (i) No such temporary structure shall have be more than 3.0 metres in height or set back less than 1 metre from the side and rear property lines; and
    - (ii) The owner enters into an agreement to remove such a structure in accordance with the terms and conditions stipulated by the Development Officer;
    - (iii) There shall be no more than one temporary structure per site;
    - (iv) A temporary structure must be placed in the rear yard only;
    - (v) In the case of a pre-manufactured temporary structure, the elevations shall be subject to approval of the Development Officer; and

- (vi) The structure is completed in accordance with the terms stipulated by the Development Officer, provided that the temporary structure development permit shall expire at the end of one year, unless renewed by the Development Officer for a further term, and that such temporary structure must comply with this Bylaw.
- (2) If an owner fails to comply with the terms and conditions of a temporary structure development permit, the Development Officer may remove or cause to be removed such structure as the case may be, the costs of which shall be charged against the lands upon which the temporary structure is situated and shall be payable by the owner to the Town on demand.
- (3) A temporary structure shall not be used as a dwelling.

## **2.5 HOME OCCUPATIONS**

- (1) Home occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the home occupation is to be located.
- (2) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his opinion, the home occupation is or has become detrimental to the amenities of the neighbourhood in which it is located or if there is any change or intensification of the home occupation as originally approved.
- (3) The Development Authority may, in his sole discretion, place time limits on the period for which a development permit for a home occupation is valid.
- (4) All home occupations shall comply with the following requirements:
  - (a) No home occupation shall change the principal character or external appearance of the dwelling involved or of any accessory buildings.
  - (b) Home occupations shall be incidental and subordinate to the main use of the dwelling.
  - (c) No more than 20% or 30 m<sup>2</sup> (323 ft<sup>2</sup>), whichever is less, of the dwelling unit shall be occupied by the home occupation.
  - (d) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
  - (e) The dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>) in area.

- (f) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- (g) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- (h) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- (i) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the home occupation is located.
- (j) Only one (1) commercial vehicle, of a capacity not exceeding 1.0 tonne (2400 lbs), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be allowed.
- (k) Home occupations shall not involve:
  - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- (5) A minor home occupation shall also comply with the following regulations. If it does not, it shall be considered to be a major home occupation and an approved development permit will be necessary to operate:
  - (a) All sales relating to the minor home occupation shall occur off the premises.
  - (b) No person shall be employed on-site other than a resident of the dwelling unit.
  - (c) There shall be no more than five (5) client or customer visits to the minor home occupation per week.
  - (d) Storage related to the business activity and the business activity itself shall only be allowed inside the dwelling and not in an accessory building or outside on the site. A minor home occupation does not involve the display of goods in the interior of the residence.
- (6) A major home occupation shall also comply with the following regulations:

- (a) There may be a limited volume of on-premises sales; however, no commodity other than the product of the business shall be sold on the premises.
- (b) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the major home occupation is located.
- (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
- (d) The number of clients or customers on-site shall not exceed six (6) at any time.
- (e) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or accessory buildings.
- (f) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.

## PART 3 - PARKING AND LOADING PROVISIONS

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

### 3.1 PARKING AREAS

- (1) Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated from the following table.

Table 1 – Parking Requirements

| Use of a Building or Site   | Minimum Number of Parking Spaces   |
|---|--|
| <b>Residential Uses</b> <ul style="list-style-type: none"> <li>- Multi family dwellings</li> <li>- Seniors apartments</li> <li>- Boarding houses</li> <li>- Senior citizen homes</li> <li>- Secondary suites</li> <li>- All other dwellings</li> <li>- Manufactured home parks</li> </ul>   | 1.5 per dwelling unit<br>1 per dwelling unit, or as required by the Development Authority<br>1 per bedroom<br>1 per dwelling unit<br>1 per bedroom<br>2 per dwelling unit<br>In addition to 2 per dwelling unit, 1 visitor parking space per 4 manufactured home units   |
| <b>Commercial and Industrial Uses</b> <ul style="list-style-type: none"> <li>- Eating and drinking establishments</li> <li>- Eating and drinking establishments (take out)</li> <li>- Drive thru restaurants</li> <li>- Other drive thru businesses</li> <li>- Hotels and motels</li> <li>- Bed and breakfast establishments</li> <li>- Home occupations</li> <li>- All other commercial uses</li> <li>- All industrial uses</li> </ul> | 1 per 5 seating spaces<br>1 per 13 m <sup>2</sup> (140 ft <sup>2</sup> ) of gross leasable area plus 1 per 3 employees on maximum shift<br>2 per drive thru window<br>2 per drive thru window<br>1.5 per rentable unit<br>1 per bedroom<br>1 in addition to the requirements for the residential use<br>1 per 28 m <sup>2</sup> (301.4 ft <sup>2</sup> ) of gross leasable area<br>1 per 46 m <sup>2</sup> (495 ft <sup>2</sup> ) of gross leasable area |
| <b>Institutional Uses</b> <ul style="list-style-type: none"> <li>- Places of Public Assembly</li> <li>- Schools (elementary/junior high)</li> <li>- High schools</li> <li>- Commercial schools</li> <li>- Hospitals and similar uses</li> <li>- Nursing homes</li> </ul>  | 1 per 5 seating spaces<br>2 per classroom<br>3 per classroom<br>1 per student<br>2 per bed<br>0.75 per bed   |

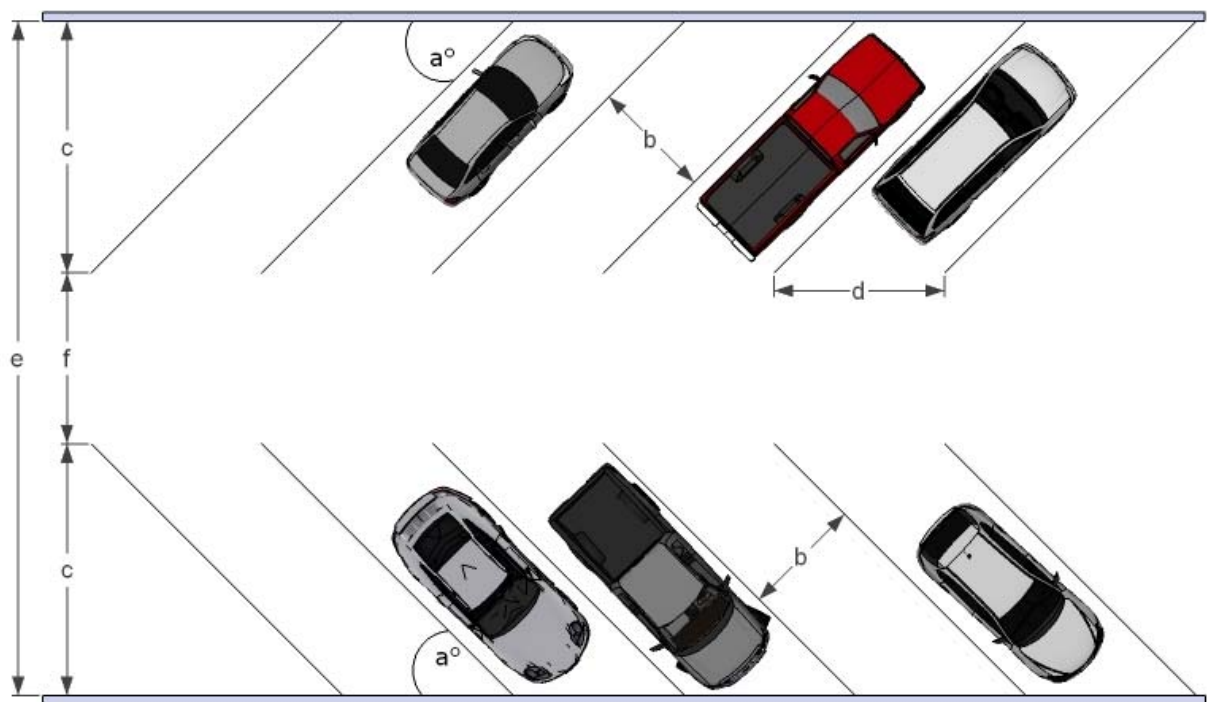


- (a) In the case of a use not specifically mentioned, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
  - (b) Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
  - (c) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
  - (d) If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfil the requirements of this Bylaw.
- (2) At the sole option of the Development Authority, a developer may pay money to the municipality in lieu of providing parking spaces. The amount of money will be determined by the Council and be based on the amount of money needed to acquire land and to develop the required number of parking spaces on adjacent lands.
- (3) Surfacing and Drainage
  - (a) All parking areas shall be clearly marked, landscaped and adequately lit with lighting away from adjacent sites, adequately graded and drained to dispose of all stormwater run-off, contain the necessary curb cuts, and surfaced in a manner to match the road or lane from which the parking area gains access.
  - (b) The approach or access to every off-street parking area shall be surfaced in the same manner as the adjoining road from which access is gained.
  - (c) Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- (4) All parking areas shall conform to the requirements shown in Table 1.

Table 2 – Required Parking Stall Dimensions

| (a)<br>Parking<br>Angle<br>(in degrees) | (b)<br>Width of<br>Space in<br>m (ft) | (c)<br>Stall Depth<br>Perpendicular<br>to Aisle | (d)<br>Width of Space<br>Parallel to<br>Manoeuvring<br>Aisle in m (ft) | (e)<br>Overall<br>Depth in<br>m (ft) | (f)<br>Width of<br>Manoeuvring<br>Aisle in m (ft) |
|---|---------------------------------------|---|--|--------------------------------------|---|
| 0                                       | 2.7 (9)                               | 2.7 (9)   | 7.0 (23)   | 9.1 (30)                             | 3.6 (12)  |
| 30                                      | 2.7 (9)                               | 5.2 (17)  | 5.5 (18)   | 14.0 (46)                            | 3.6 (12)  |
| 45                                      | 2.7 (9)                               | 5.9 (19)  | 4.0 (13)   | 15.2 (50)                            | 4.0 (13)  |
| 60                                      | 2.7 (9)                               | 6.1 (20)  | 3.1 (10)   | 18.3 (60)                            | 6.1 (20)  |
| 90                                      | 2.7 (9)                               | 6.1 (20)  | 2.7 (9)  | 19.5 (64)                            | 7.3 (24)  |

Figure 3 – Parking Guide to Correspond with Table 1



## 3.2 OFF-STREET LOADING AREAS

- (1) Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- (2) When required by the Development Authority, loading spaces shall:

- (a) have dimensions of not less than 3.5 m (11.5 ft.) in width, 7.5 m (24.6 ft.) in length, and 4.0 m (13.1 ft.) in height above grade;
  - (b) have vehicular ingress to, and egress from, a road or lane either directly or by a clearly defined traffic aisle such that no backing or turning movements of vehicles going to or from the loading space shall cause interference with traffic in the abutting road or lane;
  - (c) be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
  - (d) be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority;
  - (e) be surfaced in the same manner as the adjacent road or lane; and
  - (f) be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft.) and not more than 2.0 m (6.6 ft.) in height.
- (3) The number of loading spaces required to be provided in a development shall be as follows:
- (a) For a retail, industrial, warehouse, or similar development,
    - (i) one (1) space for a development of less than 460 m<sup>2</sup> (4951.6 ft<sup>2</sup>) of gross leasable area, plus
    - (ii) one (1) space for the next 1840 m<sup>2</sup> (19,805.6 ft<sup>2</sup>) of gross leasable area or fraction thereof in a development, plus
    - (ii) one (1) additional space for each additional 2300 m<sup>2</sup> (24,757.0 ft<sup>2</sup>) of gross leasable area or fraction thereof in a development.
  - (b) For an office use, place of public assembly, convalescent home, institution, club or lodge, school or any similar use, one (1) space for a development of less than 2800 m<sup>2</sup> (30,139.9 ft<sup>2</sup>) of gross floor area, and one (1) additional space for each additional 2800 m<sup>2</sup> (30,139.9 ft<sup>2</sup>) of gross floor area or fraction thereof.
  - (c) For multi-family dwellings, one (1) space for each twenty (20) dwelling units or fraction thereof.
  - (d) Any other building or use shall provide loading spaces as required by the Development Authority.
  - (e) Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

## PART 4 - SPECIAL USE PROVISIONS

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

### 4.1 BED AND BREAKFAST ESTABLISHMENTS

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

- (1) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved.
- (2) Cooking facilities shall not be located within the sleeping units.
- (3) A bed and breakfast establishment shall only be developed as an accessory use to a dwelling unit.
- (4) In addition to the above, a bed and breakfast establishment shall comply with all of the requirements for a major home occupation described in this Bylaw.

### 4.2 DRIVE-IN BUSINESSES

- (1) Location
  - (a) A drive-in business may be located only where it can be shown, to the satisfaction of the Development Authority, that the development would not:
    - (i) impede safe traffic movement entering and exiting the site;
    - (ii) interfere with the functioning of surrounding roads or the enjoyment of any neighbouring residential uses; and
    - (iii) create unsafe traffic circulation on the site.
  - (b) A drive-in business may be located in a shopping centre or other multiple use development at the discretion of the Development Authority.
- (2) Site Area and Coverage
  - (a) Except as provided in Subsection (b) hereof or Table 2, the minimum site area for a drive-in business shall be 560 m<sup>2</sup> (6028 ft<sup>2</sup>), and the minimum frontage shall be 30 m (98.4 ft.).

Table 2 – Site Area and Site Coverage for Drive-in Businesses

| Type of Business                                  | Site Area (Minimum)  | Site Coverage (Maximum)    |
|---|--|----------------------------|
| Drive-thru restaurant                             | 560 m <sup>2</sup> (6,026 ft <sup>2</sup> )  | 20%                        |
| Gas bars (not associated with other developments) | 60 m <sup>2</sup> (646 ft <sup>2</sup> ) for each fuel pump not including the area | 15%                        |
| Service stations                                  | 740 m <sup>2</sup> (7,965 ft <sup>2</sup> )  | 25% including pump islands |
| Car washes  | 560 m <sup>2</sup> (6,028 ft <sup>2</sup> )  | 20%                        |
| Service stations and car wash together            | 1,110 m <sup>2</sup> (11,948 ft <sup>2</sup> )                                     | 20%                        |

- (b) Where a drive-in business forms part of a shopping centre of multiple use development, the minimum site area, maximum site coverage, and maximum building floor area may be varied at the discretion of the Development Authority.

### (3) Queuing Space

- (a) Queuing space and traffic circulation shall be provided in accordance with the following:
- (i) a drive in business shall provide a minimum of three (3) in-bound and one (1) outbound queuing spaces per service window or service bay,
  - (ii) queuing spaces must be a minimum of 6.5 m (21.3 ft.) long and 3.0 m (9.8 ft.) wide.
- (b) With the exception of a drive-through restaurant, a queuing space does not include any space occupied by a motor vehicle during the provision of service.

### (4) Site and Building Requirements

- (a) All parts of the site to which vehicles may have access shall be paved and drained to the satisfaction of the Development Authority.
- (b) The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- (c) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- (d) In addition to the fencing, landscaping, and environmental protection requirements indicated in Part 1 of this Schedule B, a berm and/ or fence shall be erected and maintained by the developer of a drive-in business along any site lines abutting or across a lane or walkway from a Residential District.

- (e) If a car wash is located on a site which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.
- (f) No car wash shall be developed unless the Development Authority, as a condition of the approval of the car wash, has included within his approval conditions respecting the disposition of all used water and chemicals, which shall be undertaken only in accordance with conditions established by the Development Authority.

## 4.3 MOTELS

- (1) Notwithstanding the provisions of the District in which it is located, a motel shall have a minimum required front yard of 7.5 m (24.6 ft.), and minimum side and rear yards of 3.0 m (9.8 ft.).
- (2) The minimum floor area of a rentable unit shall be 26 m<sup>2</sup> (279.9 ft<sup>2</sup>).

## 4.4 SHOPPING CENTRES

- (1) The maximum building height shall be 10.7 m (35.1 ft.) or two (2) storeys, whichever is greater.
- (2) The maximum floor area shall be equal to the site area.
- (3) Notwithstanding Schedule C of this Bylaw, one (1) pole sign or one (1) ground identification sign, but not a lighted signs of the flashing or animated type, not exceeding 10.7 m (35.1 ft.) in height shall be allowed on a site, provided no portion of the sign shall project over a road or lane.
- (4) All shopping centres shall satisfy the Development Authority as to:
  - (a) the orientation, exterior design, and architectural appearance of buildings,
  - (b) the location of development in relation to adjacent land uses,
  - (c) vehicular traffic flow patterns within and access to and from the site,
  - (d) safe pedestrian access and egress within the site and from any pedestrian way, and
  - (e) the location of exterior signs.
- (5) A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located.

- (6) The Development Authority may require any other matters, regulations, or conditions relating to the development as, in his opinion, are necessary, having regard to the nature of the proposed shopping centre development and adjacent land uses.

## 4.5 PLACES OF WORSHIP

- (1) The site on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 900 m<sup>2</sup> (9688 ft<sup>2</sup>) except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1390 m<sup>2</sup> (14,962 ft<sup>2</sup>).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.
- (3) A place of worship may be located in any District if it is an accessory use to a permitted or discretionary use in that District.
- (4) Notwithstanding any other provision of this Bylaw to the contrary, a portion of the required minimum number of parking spaces may be located on a site other than that of the subject place of worship if it is demonstrated to the satisfaction of the Development Authority that such off-site parking spaces are available for the use of the patrons of the place of worship.

## 4.6 CONVERSION OF SINGLE DETACHED DWELLINGS TO OTHER USES

- (1) In considering any application for the conversion of a single detached dwelling into an other use, the Development Authority shall ensure that the Development complies with the following requirements:
  - (a) The use shall be listed as a permitted or a discretionary use in the District in which the single detached dwelling is located.
  - (b) Parking shall be provided in accordance with this Bylaw, except that on-street parking may be taken into account and a number of on-street parking stalls subtracted from the number of off-street parking stalls required at the discretion of the Development Authority.
  - (c) Off-street parking shall be located at the rear of the main building and accessible from the lane only, except in the case of a corner site where parking may be allowed between the side of the main building and the road, if the parking is screened from adjacent roads to the satisfaction of the Development Authority.
  - (d) Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains a height, exterior finish, design and coverage to the satisfaction of the Development Authority.

- (e) Existing healthy vegetation should be retained whenever possible and to the satisfaction of the Development Authority.
- (f) All signs shall be in keeping with Schedule C of this Bylaw.

## **4.7 SHOW HOMES**

- (1) Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.
- (2) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

## **4.8 DAY CARE FACILITIES**

- (1) In considering a development permit application, the Development Authority shall consider, among other matters, if the development would be suitable for the proposed location, taking into account, among other matters, potential traffic, proximity to park and recreation areas, isolation of the site from dwellings, buffering or other techniques limiting interference with other uses and the peaceful enjoyment of nearby dwellings, and consistency in term of intensity of use with other development in the area.
- (2) The Development Authority shall establish the maximum number of children for which care may be provided, having regard for the nature of the facility, the density of the District in which the day care is located, and potential impacts, including traffic, on the other uses in the vicinity of the development.

## **4.9 MANUFACTURED HOME UNITS**

- (1) Manufactured home units shall have Canadian Standard Association Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be
  - (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units,
  - (b) considered as part of the main building, and
  - (c) erected only after obtaining a Development Permit.
- (3) A manufactured home unit shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home unit.



- (4) The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit, and this relationship shall be determined by the Development Authority.
- (5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit.
- (6) Furniture, domestic equipment, or seasonally-used equipment shall be stored in adequate covered storage or screened area, either individually on the stall or lot or communally, which storage facility shall conform to the Regulations passed under the Safety Codes Act.
- (7) The following regulations apply to all manufactured home units:
  - (a) The hitch and wheels are to be removed from the manufactured home unit.
  - (b) All manufactured home units shall be placed on a foundation or base. The manufactured home unit is to be attached by means of bolting or otherwise to the foundation or base.
  - (c) The lot or stall is to be fully landscaped within one (1) year from the date of issuance of the development permit for the manufactured home unit.
- (8) The following regulations also apply to manufactured home parks:
  - (a) The stalls shall be located at least 3.0 m (9.8 ft.) from a property boundary line. This 3.0 m (9.8 ft.) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
  - (b) All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9 m (29.5 ft.) with a paved carriage way of at least 4.5 m (14.8 ft.).
  - (c) A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.3 ft.) in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents.
  - (d) Visitor parking spaces shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
  - (e) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
  - (f) All municipal utilities shall be provided underground to stalls.
  - (g) A minimum of 5% of the gross site area shall be devoted to recreational use.

- (h) All areas not occupied by manufactured home units and their additions, roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
- (i) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
- (j) Manufactured home park facilities shall be arranged to create a homelike atmosphere. This objective may be achieved by variations in street pattern, block shapes, and the location of manufactured home unit stalls.
- (k) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (l) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (m) Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- (n) Manufactured home units shall be separated from each other by at least 6.1 m (20.0 ft.). Any porch or addition to the manufactured home unit shall be regarded as part of the manufactured home unit for the purpose of this separation.
- (o) The minimum distance between a manufactured home unit and the front, side, or rear lines of its stall shall be 3.0 m (9.8 ft.).
- (p) The minimum lot area of the manufactured home park shall be 2.0 ha (4.9 ac.).
- (q) The maximum permissible density for a manufactured home park shall be 20 manufactured home units per gross developable hectare (8 per ac.) of the lot being developed at each stage of development.
- (r) The minimum area for a manufactured home stall shall be 370 m<sup>2</sup> (3982.8 ft<sup>2</sup>).

## **4.10 SATELLITE DISH ANTENNAS**

- (1) This Section only applies to satellite dish antennas exceeding 1.22 m (4.0 ft.) in diameter.
- (2) Satellite dish antennas may be erected or placed on a site as an accessory to a residential use in a Residential District, or to a commercial use or business in a Commercial or an Industrial District.
- (3) Construction or erection of a satellite dish antenna shall require a development permit and shall be subject to appropriate standards as determined by the Development Authority.
- (4) A satellite dish antenna shall be sited only on the ground level of a rear yard. The antenna height shall not exceed 3.35 m (12.0 ft.) measured from the ground level to its highest point unless otherwise approved by the Development Authority.

## **4.11 ALREADY CONSTRUCTED OR PARTIALLY CONSTRUCTED BUILDINGS**

All structural and exterior renovations to a building which has already been constructed or partially constructed off-site are to be completed within one (1) year of the issuance of a Development Permit.

## **4.12 SECONDARY SUITES**

- (1) Basement Suites:
  - (a) Basement suites shall be restricted to single detached dwellings, modular homes and duplex units.
  - (b) A maximum of two (2) bedrooms may be permitted per basement suite.
  - (c) A basement suite shall comply with the Safety Codes Act (Chapter S-1, R.S.A. 2000) and regulations and amendments thereto, or its successor.
  - (d) One on-site parking stall shall be provided for each bedroom to a maximum of two stalls.
  - (e) A separate entrance door to a basement suite shall not be located on any front building elevation facing a street. Notwithstanding this, a single entry door providing access to an enclosed, shared land landing area from which both the main dwelling unit and the basement suite take access, may be located on any front building elevation facing a street.
  - (f) The maximum number of vehicles for basement suite occupants cannot exceed onsite parking stalls provided for the suite.



### (2) Boarding House

- (a) A boarding house may only be permitted in a single detached dwelling and modular home.
- (b) A boarding house must provide 1 parking stall/rented room in addition to spaces required for dwelling unit

### (3) Garage Suites:

- (a) A garage suite means an accessory dwelling located above a detached garage (above grade); or a single storey accessory dwelling attached to the side of, or rear of, a detached garage (at grade).
- (b) The Development Officer shall consider the following matters as part of the decision making process for an application for a garage suite:
  - (i) Compatibility of the use in relation to the site, grade elevations, height, building types, and materials characteristic of surrounding development;
  - (ii) The potential effect of the development on the privacy of adjacent properties; and
  - (iii) The on-site and neighbourhood impacts on parking and traffic.
- (c) Where approved, garage suites shall be developed in accordance with the following regulations:
  - (i) All garage suites must meet the requirements of the Alberta Safety Codes Act;
  - (ii) Shall not be located in the front yard;
  - (iii) A minimum of one on-site parking space shall be provided for a garage suite;
  - (iv) A minimum floor area of 30.0 m<sup>2</sup> (320 ft<sup>2</sup>) and shall not exceed 40% of the gross floor area of the principal dwelling;
  - (v) Has an entrance separate from the vehicle entrance to the garage, either from a common landing or directly from the exterior of the structure; and
  - (vi) Has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling located on the site.

### (4) Surveillance Suites

- (a) A surveillance suite in an industrial district shall only be permitted as an accessory use to a warehouse use or storage use.
- (b) Only one (1) surveillance suite shall be permitted per lot in a Plan of Subdivision. In a Plan of Condominium only one (1) security suite shall be permitted per Plan of Condominium.

- (c) The maximum floor area of a security suite shall not exceed 70.0 m<sup>2</sup>.
- (d) In addition to the number of parking stalls required for the principal use under Part 3 of this Bylaw, one additional parking stall shall be provided for the surveillance suite.
- (e) A minimum of 6.0 m<sup>2</sup> of private amenity space shall be provided for the resident of the surveillance suite.
- (f) A surveillance suite may be located in a manufactured home but shall not be located in a recreational vehicle.

## 4.13 WORK CAMPS

- (1) All work camps that meet any of the following and are an accessory use to industrial or resource development, require a development permit:
  - (a) Fourteen days in duration;
  - (b) Minimum of ten workers;
  - (c) Minimum of ten holiday trailers or truck campers;
  - (d) Minimum of one prefabricated multi accommodation unit; and
  - (e) Minimum of one prefabricated eating/washroom/shower unit.
- (2) A temporary development permit for a work camp may be issued for one to one (1) year, at which time an application may be made for a continuance for the use for one (1) additional year, after which a new development permit approval is required.
- (3) An application for a development permit for a work camp must provide the following information:
  - (a) The location, type and purpose of the camp;
  - (b) Adjacent land uses;
  - (c) The method of supplying water, sewage and waste disposal service to the camp. The proposed method of sewage disposal must comply with the current Town Standards and/or Alberta Private Sewage Systems Standard Practice and be to the satisfaction of the health authority;
  - (d) The number of persons proposed to live in the camp;

- (e) The start date for development, the date for occupancy of residents, and removal date for the camp; and
- (f) Reclamation measures once the camp is no longer needed. Post security with the Town with sufficient funds to remove and reclaim the site if the work camp remains on site after the project is completed or if work has stopped to the extent that the County no longer feels the work camp is necessary for the project, or to reclaim the site if needed after the work camp has been removed from the site.

## **4.14 FIRESMART REGULATIONS FOR DWELLINGS AND STRUCTURES**

- (1) Every residence is required to have its house number clearly displayed near the front door entrance and easily visible from the street.
- (2) The Town requires all property owners to undertake vegetation management within 10 metres of a building. This is intended to create a fuel modified area in which flammable vegetation surrounding the building is eliminated or converted to less flammable species. This fuel-free zone is immediately adjacent to a given building and extends outward in all directions for a minimum of 10 metres, and includes the following practices:
  - (a) Flammable forest vegetation shall be removed;
  - (b) All coniferous limbs shall be removed to a minimum height of 2 m from ground level on residual overstorey trees;
  - (c) Annual grasses shall be mowed to 10 cm or less. And
  - (d) No combustable material piles (firewood, lumber, etc.) shall be allowed.
- (3) The Town requires that roofing materials on all structures be ULC (Underwriters Laboratories of Canada) fire-rated.

## **4.15 OUTDOOR STORAGE YARDS & STORAGE ASSOCIATED WITH A PRINCIPAL USE**

- (1) Outdoor storage as a principal activity on a parcel is only listed as a Discretionary use within the Industrial (M) District. Such uses are subject to the following provisions:
  - (a) The storage yard is screened by a solid fence or wall on any side open to the public view;
  - (b) The solid fence or wall shall be a minimum of two (2) metres in height;
  - (c) The yard is not used for storage of derelict vehicles or derelict equipment.





- (2) Storage yards association with a principal use on a parcel shall be located in such a manner that:
- (a) The storage yard shall be to the side or rear of the principal building. At no time shall a storage yard be located in the front yard area;
  - (b) The storage yard shall be screened from any public right-of-ways by an onsite building, solid fence or wall;
  - (c) The solid fence or wall shall be a minimum of 2 metres in height; and
  - (d) The yard is not used for the storage of derelict vehicles or derelict equipment.

## PART 5 - DISTRICT PROVISIONS

### 5.1 SINGLE DETACHED RESIDENTIAL (R1) DISTRICT

- (1) Purpose - The purpose of this District is to allow development of low density single detached housing, with associated uses to be at the discretion of the Development Authority.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Minor home occupations
    - (ii) Single detached dwellings
    - (iii) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Bed and breakfast establishments
    - (iii) Family care facilities
    - (iv) Major home occupations
    - (v) Manufactured home units
    - (vi) Modular homes
    - (vii) Public parks
    - (viii) Public utilities that have no office or workshop as a part of the development
    - (ix) Secondary suites
    - (x) Show homes
    - (xi) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (xii) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) Minimum Site Area
    - (i) For single detached dwellings – 557.0 m<sup>2</sup> (5995.5 ft<sup>2</sup>)
    - (ii) For all other uses – as required by the Development Authority
  - (b) Maximum Site Coverage - 40%
  - (c) Minimum Required Front Yard - 6.0 m (19.7 ft.)
  - (d) Minimum Required Side Yard - The minimum required side yards shall be 1.2 m (3.9 ft.), except:

- (i) the minimum required side yard adjacent to a road shall be 4.5 m (14.8 ft.), and
  - (ii) a single detached dwelling without an attached garage in a laneless subdivision shall have one side yard of a minimum of 3.0 m (9.8 ft.).
- (e) Minimum Required Rear Yard - 7.5 m (24.6 ft.)
- (f) Minimum Floor Area
  - (i) For single detached dwellings
    - (A) 1 storey – 93 m<sup>2</sup> (1001.1 ft<sup>2</sup>)
    - (B) 1½ storey and split level – 110 m<sup>2</sup> (1184.1 ft<sup>2</sup>)
    - (C) 2 storey and bi-level – 130 m<sup>2</sup> (1399.4 ft<sup>2</sup>)
  - (ii) For all other uses – as required by the Development Authority
- (g) Maximum Floor Area for Secondary Suite – 50% of floor area of single detached dwelling
- (h) Maximum Height
  - (i) Single detached dwellings – 9.0 m (29.5 ft.)
  - (ii) All accessory buildings – 4.5 m (14.8 ft.)
  - (iii) All other uses – as determined by the Development Authority
- (i) Other Site Requirements

See Parts 3 and 4 of this Schedule B

## 5.2 MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT

- (1) Purpose - The purpose of this District is to provide for low density residential neighbourhoods which may accommodate single detached and two-family housing, with associated uses to be at the discretion of the Development Authority.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Minor home occupations
    - (ii) Single detached dwellings
    - (iii) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Bed and breakfast establishments
    - (iii) Duplexes
    - (iv) Family care facilities
    - (v) Major home occupations
    - (vi) Manufactured home units
    - (vii) Modular homes
    - (viii) Public parks
    - (ix) Public utilities that have no office or workshop as a part of the development
    - (x) Secondary suites
    - (xi) Semi-detached dwellings
    - (xii) Show homes
    - (xiii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (xiv) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) Minimum Site Area
    - (i) For single detached dwellings – 557.0 m<sup>2</sup> (5995.5 ft<sup>2</sup>)
    - (ii) For duplex dwellings – 570 m<sup>2</sup> (6135.6 ft<sup>2</sup>)
    - (iii) For semi-detached dwellings on a corner site – 740 m<sup>2</sup> (7965.5 ft<sup>2</sup>)
    - (iv) For semi-detached dwellings on all other sites – 670 m<sup>2</sup> (7212.1 ft<sup>2</sup>)
    - (v) For all other uses – as required by the Development Authority
  - (b) Maximum Site Coverage - 40%

- (c) Minimum Required Front Yard - 6.0 m (19.7 ft.)
- (d) Minimum Required Side Yard - The minimum required side yards shall be 1.2 m (3.9 ft.), except:
  - (i) the minimum required side yard adjacent to a road shall be 4.5 m (14.8 ft.), and
  - (ii) a single detached or a semi-detached dwelling without an attached garage in a laneless subdivision shall have one side yard of a minimum of 3.0 m (9.8 ft.).
- (e) Minimum Required Rear Yard - 7.5 m (24.6 ft.)
- (f) Minimum Floor Area
  - (i) For single detached dwellings
    - (A) 1 storey – 74 m<sup>2</sup> (796.6 ft<sup>2</sup>)
    - (B) 1½ storey and split level – 93 m<sup>2</sup> (1001.1 ft<sup>2</sup>)
    - (C) 2 storey and bi-level – 110 m<sup>2</sup> (1184.1 ft<sup>2</sup>)
  - (ii) For duplexes and semi-detached dwellings – 55 m<sup>2</sup> (592 ft<sup>2</sup>) for each dwelling unit
  - (iii) For all other uses – as required by the Development Authority
- (g) Maximum Floor Area for Secondary Suite – 50% of floor area of single detached dwelling or duplex unit.
- (h) Maximum Height
  - (i) All dwellings – 9.0 m (29.5 ft.)
  - (ii) All accessory buildings – 4.5 m (14.8 ft.)
  - (iii) All other uses – as determined by the Development Authority
- (i) Other Site Requirements

See Parts 3 and 4 of this Schedule B

## 5.3 HIGH DENSITY RESIDENTIAL (R3) DISTRICT

- (1) Purpose - The purpose of this District is to allow a variety of multiple family dwellings, with associated uses to be at the discretion of the Development Authority.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Apartments
    - (ii) Duplexes
    - (iii) Minor home occupations
    - (iv) Row housing
    - (v) Semi-detached dwellings
    - (vi) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Family care facilities
    - (ii) Major home occupations
    - (iii) Public parks
    - (iv) Public utilities that have no office or workshop as a part of the development
    - (v) Show homes
    - (vi) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (vii) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) Minimum Site Area
    - (i) For duplex dwellings – 570 m<sup>2</sup> (6135.6 ft<sup>2</sup>)
    - (ii) For semi-detached dwellings on a corner site – 740 m<sup>2</sup> (7965.5 ft<sup>2</sup>)
    - (iii) For semi-detached dwellings on all other sites – 670 m<sup>2</sup> (7212.1 ft<sup>2</sup>)
    - (iv) For apartments and row housing – 800 m<sup>2</sup> (8611 ft<sup>2</sup>)
    - (v) For all other uses – as required by the Development Authority
  - (b) Maximum Site Coverage - 42%
  - (c) Minimum Required Front Yard
    - (i) For apartments – 7.5 m (24.6 ft.)
    - (ii) For all other uses – 6.0 m (19.7 ft.)

- (d) Minimum Required Side Yard - The minimum required side yards shall be 1.2 m (3.9 ft.), except:
  - (i) the minimum required side yard adjacent to a road shall be 4.5 m (14.8 ft.),
  - (ii) a semi-detached dwelling without an attached garage in a laneless subdivision shall have one side yard of a minimum of 3.0 m (9.8 ft.);
  - (iii) when a side yard is provided in a row housing development, it shall not be less than 3.0 m (9.8 ft.);
  - (iv) the minimum required side yard for an apartment adjacent to land within the R1 District or adjacent to a road shall be 4.5 m (14.8 ft.); and
  - (v) the minimum required side yard for all other apartments shall be 3.0 m (9.8 ft.).
- (e) Minimum Required Rear Yard - 7.5 m (24.6 ft.)
- (f) Minimum Floor Area
  - (i) For duplexes, semi-detached dwellings, and row housing – 55 m<sup>2</sup> (592 ft<sup>2</sup>) for each dwelling unit
  - (ii) For apartments – see Subsection (i) below
  - (iii) For all other uses – as required by the Development Authority
- (g) Maximum Height
  - (i) For duplexes, semi-detached dwellings and row housing – 9.0 m (29.5 ft.)
  - (ii) For apartments – 12.0 m (39.4 ft.) or 3 storeys, whichever is the lesser height, except that the maximum height for any apartment on a site adjacent to an R1 District shall be 9.0 m (29.5 ft.) or two storeys, whichever is the lesser height
  - (iii) All accessory buildings – 4.5 m (14.8 ft.)
  - (iv) All other uses – as determined by the Development Authority
- (h) Additional Requirements for Row Housing
  - (i) Maximum density – 30 dwelling units per hectare (12.1 per acre)
  - (ii) Maximum number of dwelling units in a dwelling – 6
  - (iii) Minimum outdoor amenity area per dwelling unit – 45 m<sup>2</sup> (484.4 ft<sup>2</sup>), and a privacy zone, contained by a fence at least 1.5 m (4.9 ft.) in height, of at least 20 m<sup>2</sup> (215.3 ft<sup>2</sup>), shall be provided within this outdoor amenity area
- (i) Additional Requirements for Apartments
  - (i) Minimum site area required for each dwelling unit:
    - A. For each bachelor dwelling unit – 74 m<sup>2</sup> (796.6 ft<sup>2</sup>)
    - B. For each one-bedroom dwelling unit – 97 m<sup>2</sup> (1044.1 ft<sup>2</sup>)
    - C. For each dwelling unit with > 2 bedrooms – 135 m<sup>2</sup> (1453.2 ft<sup>2</sup>)

- (ii) Minimum floor area required for each dwelling unit:
    - A. For each bachelor dwelling unit – 32 m<sup>2</sup> (344.5 ft<sup>2</sup>)
    - B. For each one-bedroom dwelling unit – 46 m<sup>2</sup> (495.2 ft<sup>2</sup>)
    - C. For each two-bedroom dwelling unit – 55 m<sup>2</sup> (592 ft<sup>2</sup>)
    - D. For each dwelling unit with > three bedrooms – 65 m<sup>2</sup> (699.7 ft<sup>2</sup>)
  - (iii) Minimum amenity area required for each dwelling unit:
    - A. For each bachelor dwelling unit – 18 m<sup>2</sup> (193.8 ft<sup>2</sup>)
    - B. For each one-bedroom dwelling unit – 28 m<sup>2</sup> (301.4 ft<sup>2</sup>)
    - C. For each two-bedroom dwelling unit – 69 m<sup>2</sup> (742.7 ft<sup>2</sup>)
    - D. For each dwelling unit with > three bedrooms – 93 m<sup>2</sup> (1001.1 ft<sup>2</sup>)
  - (iv) A minimum of 10% of the site area of an apartment shall be landscaped.
  - (v) Side yards may be counted towards the provision of amenity areas only at the sole discretion of the Development Authority.
  - (vi) Parking areas shall not be considered as part of or contributing to any required amenity areas.
- (j) Other Site Requirements - See Parts 3 and 4 of this Schedule B



## 5.4 RESIDENTIAL SMALL HOLDINGS (R4) DISTRICT

- (1) General Purpose of District - To provide an area for low density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected or will ultimately be connected, to the municipal water and sewer system, and which are capable of re-subdivision into residential parcels roughly equivalent to those required in the R1 District.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Accessory Building
    - (ii) Dwellings, Single Detached
    - (iii) Home Occupation
    - (iv) Public Use
  - (b) Discretionary Uses
    - (i) Building Demolition
    - (ii) Utility Building
- (3) Regulations
  - (a) Site Coverage: 10%
  - (b) Minimum Floor Area: 100 m<sup>2</sup>
  - (c) Parcel Area: - Minimum parcel area of 0.2 ha and a maximum parcel area of 0.4 ha
  - (d) Setbacks
    - (i) Front Yard – 10.0 m
    - (ii) Side Yard – 1.5 m
    - (iii) Rear Yard – 15.0 m
  - (e) Building Height Maximum – 10.0 m
  - (f) Parking - A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.

## 5.5 MANUFACTURED HOME SUBDIVISION RESIDENTIAL (RMH1) DISTRICT

- (1) Purpose - The purpose of this District is to allow for residential development in the form of manufactured home units, with associated uses to be at the discretion of the Development Authority.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Manufactured home units
    - (ii) Minor home occupations
    - (iii) Public parks
    - (iv) Single detached dwellings
    - (v) Modular homes
    - (vi) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Major home occupations
    - (iii) Public utilities that have no office or workshop as a part of the development
    - (iv) Show homes
    - (v) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (vi) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) Minimum Site Area
    - (i) For manufactured home units, modular homes and single detached dwellings – 460.0 m<sup>2</sup> (4951.6 ft<sup>2</sup>)
    - (ii) For all other uses – as required by the Development Authority
  - (b) Minimum Site Width
    - (i) For manufactured home units, modular homes and single detached dwellings – 13.7 m (45 ft.)
    - (ii) For all other uses – as required by the Development Authority
  - (c) Maximum Site Coverage - 40%
  - (d) Minimum Required Front Yard - 6.0 m (19.7 ft.)

- (e) Minimum Required Side Yard - The minimum required side yards shall be 1.2 m (3.9 ft.), except:
  - (i) the minimum required side yard adjacent to a road shall be 4.5 m (14.8 ft.), and
  - (ii) a manufactured home unit or a single detached dwelling without an attached garage in a laneless subdivision shall have one side yard of a minimum of 3.0 m (9.8 ft.).
- (f) Minimum Required Rear Yard - 4.5 m (14.8 ft.)
- (g) Minimum Floor Area
  - (i) For manufactured home units, modular homes and single detached dwellings – 55 m<sup>2</sup> (592 ft<sup>2</sup>)
  - (ii) For all other uses – as required by the Development Authority
- (h) Maximum Height
  - (i) For manufactured home units, modular homes and single detached dwellings – 6.0 m (19.7 ft.)
  - (ii) All accessory buildings – 4.5 m (14.8 ft.)
  - (iii) All other uses – as determined by the Development Authority
- (i) Additional Requirements for Manufactured Home Units
  - (i) All attached structures, such as decks, additions, and skirtings, shall be designed and erected so as to harmonize with the manufactured home unit.
  - (ii) The undercarriage of each manufactured home unit shall be skirted with a suitable material that compliments the external finish of the manufactured home unit, and any hitch and wheels are to be removed from the manufactured home unit within sixty (60) days of the placement of the manufactured home unit on the site.
  - (iii) Every manufactured home unit shall be attached by means of bolts or similar devices to a permanent foundation. The foundation shall have a minimum height of 0.15 m (0.5 ft.) and a maximum height of 1.0 m (3.3 ft.) above grade.
- (j) Other Site Requirements - See Parts 3 and 4 of this Schedule B

## 5.6 MANUFACTURED HOME PARK RESIDENTIAL (RMH2) DISTRICT

- (1) Purpose - The purpose of this District is to provide for residential development in the form of a manufactured home park, with associated uses to be at the discretion of the Development Authority.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Manufactured home units in manufactured home parks which have an approved development permit
    - (ii) Minor home occupations
    - (iii) Public parks
    - (iv) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Major home occupations
    - (ii) Manufactured home units in manufactured home parks which do not have an approved development permit
    - (iii) Manufactured home parks
    - (iv) Public utilities that have no office or workshop as a part of the development
    - (v) Show homes
    - (vi) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (vii) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) For a Manufactured Home Park:
    - (i) Minimum site area – 0.4 ha (1.0 ac.)
    - (ii) Minimum number of stalls – 35
    - (iii) Maximum density – 20 manufactured home units per hectare (8.1 per acre)
    - (iv) Minimum required front yard – 7.6 m (24.9 ft.)
    - (v) Minimum required side and rear yards – 4.5 m (14.8 ft.)
    - (vi) Maximum lot coverage – 42%
    - (vii) Every stall shall front onto an internal access road rather than a public road.
    - (viii) All roadways within a manufactured home park shall be built, drained, and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.0 m (29.5 ft.) and a minimum paved carriageway of 4.5 m (14.8 ft.).

- (ix) A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.3 ft.) in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents.
  - (x) Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured home units. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
  - (xi) The design of manufactured home parks, including the location and screening of refuse collection points and common storage areas, shall be to the satisfaction of the Development Authority.
  - (xii) All municipal utilities shall be provided underground to stalls.
  - (xiii) A minimum of five percent (5%) of the gross site area shall be devoted to recreational use.
  - (xiv) All areas not occupied by manufactured home units and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority.
  - (xv) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
  - (xvi) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
  - (xvii) Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
  - (xviii) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- (b) For a Manufactured Home Stall:
- (i) Minimum Stall Area
    - A. for a manufactured home unit up to and including 6.2 m (20.3 ft.) wide – 370 m<sup>2</sup> (3982.8 ft<sup>2</sup>)
    - B. for a manufactured home unit over 6.2 m (20.3 ft.) wide – 460 m<sup>2</sup> (4951.6 ft<sup>2</sup>)
  - (ii) Minimum Stall Width
    - A. for a manufactured home unit up to and including 6.2 m (20.3 ft.) wide – 12 m (39.4 ft.)
    - B. for a manufactured home unit over 6.2 m (20.3 ft.) wide – 15 m (49.2 ft.)
  - (iii) Maximum Stall Coverage - 42%
  - (iv) Minimum Required Yards within Stalls
    - A. Front – 3.0 m (9.8 ft.)

- B. Side – 3.0 m (9.8 ft.), except that the minimum required yard on a side adjacent to an internal roadway shall be 4.5 m (14.8 ft.)
    - C. Rear – 3.0 m (9.8 ft.)
  - (v) All accessory structures, such as patios, porches, additions and skirtings, shall be
    - A. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units,
    - B. considered as part of the main building, and
    - C. erected only after obtaining a development permit.
  - (vi) All attached structures, such as decks, additions, and skirtings, shall be designed and erected so as to harmonize with the manufactured home unit.
  - (vii) The undercarriage of each manufactured home unit shall be skirted with a suitable material that compliments the external finish of the manufactured home unit, and any hitch and wheels are to be removed from the manufactured home unit within sixty (60) days of the placement of the manufactured home unit on the site.
  - (viii) Every manufactured home unit shall be attached by means of bolts or similar devices to a permanent foundation or to a concrete base or pad.
- (c) Other Site Requirements - See Parts 3 and 4 of this Schedule B

## 5.7 CENTRAL COMMERCIAL (C1) DISTRICT

- (1) Purpose - The purpose of this District is to allow commercial development appropriate for the Central Business District of Elk Point, involving fairly high density development. The regulations do not allow obnoxious uses or those involving excessive outside storage.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Business support services establishments
    - (ii) Commercial schools
    - (iii) Eating and drinking establishments
    - (iv) General retail establishments
    - (v) Government services
    - (vi) Health services
    - (vii) Household repair services
    - (viii) Libraries and cultural exhibits
    - (ix) Office uses
    - (x) Personal service shops
    - (xi) Public parks
    - (xii) Public uses
    - (xiii) Public utilities that have no workshop as a part of the development
    - (xiv) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Auctioneering establishments
    - (iii) Automotive and minor recreation vehicle sales/rentals establishments
    - (iv) Day care facilities
    - (v) Dwelling units in buildings where there is a commercial use on the ground floor adjacent to the front line
    - (vi) Entertainment establishments
    - (vii) Equipment rental establishments
    - (viii) Fleet services
    - (ix) Funeral services
    - (x) Hotels
    - (xi) Indoor amusement establishments
    - (xii) Limited contractor services
    - (xiii) Minor repair shops
    - (xiv) Motels
    - (xv) Off-street parking lots
    - (xvi) Private clubs

- (xvii) Recreational facilities
- (xviii) Single detached dwellings in existence as of the date of the approval of this Bylaw
- (xix) Veterinary clinics
- (xx) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xxi) Buildings and uses accessory to discretionary uses

## (3) Subdivision Regulations

- (a) Minimum site width – 9.0 m (29.5 ft.)
- (b) Minimum site area – 330 m<sup>2</sup> (3552.2 ft<sup>2</sup>)

## (4) Development Regulations

- (a) The design, siting, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
- (b) Where groups of buildings are built, or buildings which are to accommodate a number of individual establishments on one site, development requirements shall be determined by the Development Authority having in mind the overall development and the parking requirements of this Bylaw.
- (c) Maximum Site Coverage - 80%, provided that adequate provision, in the opinion of the Development Authority, for access, parking, loading and garbage facilities.
- (d) Minimum Required Front Yard – None, unless, in the sole opinion of the Development Authority, a front yard is required to conform or compliment existing or adjacent development
- (e) Minimum Required Side Yard – None, unless the subject site is adjacent to a residential use, in which case the minimum required side yard abutting the residential use shall be 1.5 m (4.9 ft.).
- (f) Minimum Required Rear Yard – 7.5 m (24.6 ft.), or as required by the Development Authority.
- (g) Maximum Height – 13.7 m (45 ft.)
- (h) Access, Parking and Loading - Each site shall have direct access to a lane at one side or at the rear.



- (i) Landscaping - When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
- (j) Outdoor Storage - No outdoor storage shall be allowed in the C1 District, even as an accessory use to a permitted or a discretionary use which is allowed.
- (k) Dwelling Units - The following regulations shall apply to dwelling units within the C1 District:
  - (i) Dwelling units shall have access at grade which is separate from any access for any commercial use.
  - (ii) Dwelling units in commercial buildings shall meet the requirements for apartments in the R3 District, except for minimum site area, minimum required yards, and maximum site coverage, which shall all be at the sole discretion of the Development Authority.
  - (iii) Notwithstanding any other provision of this Bylaw to the contrary, if an existing single detached dwelling in the C1 District is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt.
- (l) Other Site Requirements - See Parts 3 and 4 of this Schedule B

## 5.8 HIGHWAY COMMERCIAL (C2) DISTRICT

- (1) Purpose - The purpose of this District is to allow commercial development which will serve the travelling public, promote aesthetic entrances into the community, and encourage high quality development of commercial uses that are more land intensive by nature relative to the uses in other commercial districts.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Automotive and minor recreational vehicles sales/rentals/service establishments
    - (ii) Convenience retail stores
    - (iii) Drive-in businesses
    - (iv) Eating and drinking establishments
    - (v) Gas bars
    - (vi) Hotels
    - (vii) Limited contractor services
    - (viii) Motels
    - (ix) Private clubs
    - (x) Public parks
    - (xi) Service stations
    - (xii) Veterinary clinics
    - (xiii) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Animal hospitals
    - (ii) Auctioneering establishments
    - (iii) Bus depots
    - (iv) Car washes
    - (v) Drive-in restaurants
    - (vi) Entertainment establishments
    - (vii) Equipment rental establishments
    - (viii) Industrial vehicle and equipment sales/rentals/service establishments
    - (ix) Institutional uses
    - (x) Public uses
    - (xi) Recreational facilities
    - (xii) Self-service storage facilities
    - (xiii) Truck and recreational vehicle sales/rentals/service establishments
    - (xiv) Trucking and cartage establishments
    - (xv) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

- (xvi) Buildings and uses accessory to discretionary uses
- (3) Subdivision Regulations
- (a) Minimum site width – 15.0 m (49.2 ft.)
  - (b) Minimum site area – 550 m<sup>2</sup> (5920.3 ft<sup>2</sup>)
- (4) Development Regulations
- (a) The siting and architectural appearance of all developments and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent developments and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
  - (b) Maximum Site Coverage - 40%
  - (c) Minimum Required Front Yard – 6.0 m (19.7 ft.), or as required by the Development Authority
  - (d) Minimum Required Side Yard
    - (i) The minimum required side yard shall be 1.5 m (4.9 ft.) or nil (on one side only.
    - (ii) The minimum required side yard on a side yard abutting a road, not a lane, shall be 6.0 m (19.7 ft.).
    - (iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 1.8 of Part 1 of this Schedule.
    - (iv) On corner sites, site lines shall be protected pursuant to Section 1.9 of Part 1 of this Schedule.
  - (e) Minimum Required Rear Yard – 6.0 m (19.7 ft.)
  - (f) Minimum Required Yard Abutting a Residential District - Notwithstanding Subsections (c) and (d) above, the minimum required yard abutting a Residential District shall be 6.0 m (19.7 ft.)
  - (g) Maximum Height – 10.7 m (35.1 ft.)
  - (h) Access - Notwithstanding any other provision in this Bylaw to the contrary,
    - (i) development within this District shall be located such that it may be serviced directly and efficiently by the major road system or by a service road,
    - (ii) the Development Authority may require, as a condition of the approval of a development permit, the provision of a service road or road right-of-way dedication, and

- (iii) access points onto a road or a service road shall be restricted in a manner satisfactory to the Development Authority, who shall consult with the Town's Engineer and/or Alberta Transportation in this regard, where appropriate.
- (i) Other Site Requirements - See Parts 3 and 4 of this Schedule B

## 5.9 INDUSTRIAL (M) DISTRICT

- (1) Purpose - The purpose of this District is to provide for business and industrial uses which create little or no nuisance or hazard beyond the site upon which they are located, but which, by their nature, are better suited to locations away from concentrations of population.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Animal hospitals
    - (ii) Automotive and equipment repair shops
    - (iii) Automotive and minor recreational vehicles sales/rentals establishments
    - (iv) Business support services establishments
    - (v) C-cans
    - (vi) Drive-in businesses, but only if they are drive-through vehicle service establishments
    - (vii) Equipment rental establishments
    - (viii) Fleet services
    - (ix) Funeral services
    - (x) General industrial uses
    - (xi) Greenhouses and plant nurseries
    - (xii) Industrial vehicle and equipment sales/rentals establishments
    - (xiii) Limited contractor services
    - (xiv) Public parks
    - (xv) Public uses
    - (xvi) Recycling depots
    - (xvii) Repair service establishment
    - (xviii) Self-service storage facilities
    - (xix) Small animal breeding and boarding establishments
    - (xx) Truck and recreational vehicle sales/rentals establishments
    - (xxi) Trucking establishments
    - (xxii) Veterinary clinics
    - (xxiii) Workshop
    - (xxiv) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Agricultural industry
    - (iii) Auctioneering establishments
    - (iv) Eating and drinking establishments
    - (v) General contractor services
    - (vi) Medium industrial uses

- (vi) Outdoor amusement establishments
- (viii) Outdoor storage
- (ix) Recreational facilities
- (x) Surveillance suites
- (xi) Work camps
- (xii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xiii) Any uses listed as either a permitted or discretionary use within the Highway Commercial (C2) District
- (xiii) Buildings and uses accessory to discretionary uses

## (3) Subdivision Regulations

- (a) Minimum site area – 450 m<sup>2</sup> (4843.9 ft<sup>2</sup>)
- (b) Minimum site width – 15 m (49.2 ft.)

## (4) Development Regulations

- (a) Maximum Site Coverage – 60%
- (b) Minimum Required Front Yard – 6.0 m (19.7 ft.), unless a greater yard is deemed necessary by the Development Authority. No loading, parking, or storage area shall be allowed within the required minimum front yard.
- (c) Minimum Required Side Yard
  - (i) The minimum required side yard shall be 6.0 m (19.7 ft.) on one side and 1.5 m (4.9 ft.) on the other for a building up to a height of 4.5 m (14.8 ft.). For a building over 4.5 m (14.8 ft.), the minimum required side yard shall be increased by 0.3 m (1 ft.) for every 1.0 m (3.3 ft.) of height up to a maximum requirement of 6.0 m (19.7 ft.).
  - (ii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 1.8 of Part 1 of this Schedule.
  - (iii) On corner sites, site lines shall be protected pursuant to Section 1.9 of Part 1.
- (d) Minimum Required Rear Yard – at the discretion of the Development Authority, except that where the rear yard is adjacent to a Residential District, the minimum required rear yard shall be 5.0 m (16.4 ft.).
- (e) Maximum Height – 13.7 m (45 ft.)
- (f) Upkeep of Site - The entire site and all buildings shall be maintained in a neat and tidy manner to the satisfaction of the Development Authority. This shall include the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

(g) Other Site Requirements - See Parts 3 and 4 of this Schedule B.

## **5.10 LIGHT INDUSTRIAL RESIDENTIAL (MR) DISTRICT**

(1) General Purpose of District - This land use district is generally intended to establish an area of; limited light industrial uses; and those commercial uses which provide service to industrial uses or which, as a result of their nature, are better suited in an industrial area, and with residential development. Any residential development is to be associated directly with, but secondary to a limited industrial development. The uses in this Land Use district are not intended to cause any objectionable or dangerous conditions beyond the confines of the building in which they are located, and residential uses are to have adequate screening and amenity. Storage areas must be screened from public view and the view of the residential uses on adjacent properties.

### **(2) Permitted and Discretionary Uses**

#### **(a) Permitted Uses**

- (i) Greenhouse or plant nursery
- (ii) Industrial warehouse
- (iii) Kennel
- (iv) Manufacturing, processing packaging or assembly of goods and materials
- (v) Oilfield support services
- (vi) One single detached dwelling or manufactured home used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a primary industrial development provided for in this land use district. The single family dwelling or manufactured home as defined herein shall clearly be a subordinate use of the parcel on which it is located
- (vii) Repair service establishment
- (viii) Self-service storage facilities
- (ix) Truck and equipment storage/repair shops
- (x) Trucking establishment
- (xi) Veterinary clinic
- (xii) Workshops for construction and building trade

#### **(b) Discretionary Uses**

- (i) Accessory use industrial office
- (ii) Accessory building
- (iii) Institutional and public use
- (iv) Public Utility buildings and installations
- (v) Transportation service provider

- (vi) Those uses which in the opinion of the Development Authority are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.



### (3) Regulations

#### (a) Residential Component Amenity:

- (i) The Development Authority cannot approve a Residential Use of any type on a parcel until an active industrial use of the parcel including an industrial/commercial building of at least 150 m<sup>2</sup>, exists or is in the process of being developed on the property.
- (ii) The residential uses, where detached from the industrial use area, shall be sufficiently separated and screened from the industrial use on the same or adjacent parcel as may be deemed necessary by the Development Authority.
- (iii) Except as noted in 3(b) and 3(e) a minimum separation between the industrial/commercial structures and the residential structures shall be no less than 10 m.
- (iv) The residence may be placed in the front of the lot, if the Development Authority is satisfied adequate separation and screening is provided from adjacent industrial use or the adjacent industrial does not unduly detract from the amenity of the residence.
- (v) The residence may be combined with a portion or all of this industrial use if the Development Authority is satisfied adequate amenity provisions for the residential use are provided.

#### (b) Parcel Dimensions:

- (i) Width - Shall be no less than 40 m except in the case of parcel located on curves or cul-de-sacs, which shall maintain a minimum frontage of 30 m with of width of 35 m at the front yard setback line.
- (ii) Depth - Shall be no less than 100 m.

#### (c) Area: Minimum parcel area of 1.0 ha. Maximum parcel area of 4.0 ha.

#### (d) Parcel Coverage:

- (i) If there is a detached residential component: industrial/commercial component for all combined uses, parking, outside storage, driveways and buildings, the total parcel coverage shall not exceed 50% times the parcel area. The minimum residential component including all building, accessory structures, parking, landscaping and amenities related to the residence shall be 25% of the parcel. The area required for landscaping, screening, driveways, buffering, shall be 25% of the parcel area.
- (ii) If there is no detached residential component, for all combined uses, parking, outside storage, driveways and building, total parcel coverage shall not exceed 75% if the parcel area.

- (e) Minimum Setback Requirements:
  - (i) Front Yard:
    - A. 12.1 m from the boundary of the right-of-way
    - B. County Grid Road – 24.4 m from the boundary of the right-of-way
    - C. Provincial Highway – 70 m from the centre line or 40 m from the boundary of the right-of-way, whichever is greater.
  - (ii) Minimum Required Side Yards – a minimum ten percent (10%) of mean parcel width or 12 m, whichever is the lesser, except in the case of a Corner Lot, where the minimum required side yard from the side line adjacent to the road or highway shall be as required for the front yard.
  - (iii) Minimum Required Rear Yard – a minimum ten percent (10%) of mean parcel depth, or as determined by the Development Authority.
- (f) Building Height - The maximum height of buildings shall be at the discretion of the Development Authority who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts; but, in no case shall the height of any building exceed 10.0 m above grade.

## 5.11 COMMUNITY (P) DISTRICT

- (1) Purpose - The purpose of this District is to provide for development of a public service, social service, heritage, or cultural nature, or other uses which are supportive to such uses, whether operated for profit or not-for-profit.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Institutional uses
    - (ii) Public parks
    - (iii) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Alternative energy systems
    - (ii) Cemeteries
    - (iii) Day care facilities
    - (iv) Exhibition and convention facilities
    - (v) Government services and public uses
    - (vi) Recreational facilities
    - (vii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (viii) Buildings and uses accessory to discretionary uses
- (3) Subdivision Regulations
  - (a) Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use.
- (4) Development Regulations
  - (a) All site regulations shall be at the discretion of the Development Authority.
  - (b) The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimizes, in his sole opinion, for any objectionable aspects or potential incompatibility with development in abutting Districts.
  - (c) In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is, in his sole opinion, consistent with, and not prejudicial to, the overall purpose of this District.

(d) Other Site Requirements - See Parts 3 and 4 of this Schedule B

## **5.12 INSTITUTIONAL (I) DISTRICT**

(1) Purpose - The purpose of this District is to provide for development of a public service, social service, heritage, or cultural nature, or other uses which are supportive to such uses, whether operated for profit or not-for-profit.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Institutional uses
- (ii) Places of worship
- (iii) Public education facilities
- (iv) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Alternative energy systems
- (ii) Cemeteries
- (iii) Day care facilities
- (iv) Exhibition and convention facilities
- (v) Extended medical treatment facilities
- (vi) Government services
- (vii) Group care facilities
- (viii) Health services
- (ix) Libraries and cultural exhibits
- (x) Private clubs
- (xi) Protective and emergency services
- (xii) Public uses
- (xiii) Recreational facilities
- (xiv) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xv) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

(a) Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use.

(4) Development Regulations

(a) All site regulations shall be at the discretion of the Development Authority.

- (b) The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimize and compensate, in his sole opinion, for any objectionable aspects or potential incompatibility with development in abutting Districts.
- (c) In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is, in his sole opinion, consistent with, and not prejudicial to, the overall purpose of this District.

## 5.13 URBAN RESERVE (UR) DISTRICT

- (1) Purpose - The purpose of this District is to protect significant tracts of predominantly vacant land for future urban development, and to allow a limited range of low intensity uses which are consistent with that intent.
- (2) Permitted and Discretionary Uses
  - (a) Permitted Uses
    - (i) Limited agriculture
    - (ii) Single detached dwellings – on parcels existing as of the date of the approval of this Bylaw only
    - (iii) Buildings and uses accessory to permitted uses
  - (b) Discretionary Uses
    - (i) Agricultural industry
    - (ii) Alternative energy systems
    - (iii) Greenhouses and plant nurseries
    - (iv) Major and minor home occupations
    - (v) Public parks
    - (vi) Public uses
    - (vii) Utility services
    - (viii) Temporary uses which, in the sole opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the site in the future
    - (ix) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
    - (x) Buildings and uses accessory to discretionary uses
- (3) Subdivision Regulations
  - (a) Minimum Site Area – 30 ha (74.1 ac.)
  - (b) Notwithstanding Subsection (a) above, the following additional subdivisions may be allowed in this District:
    - (i) the subdivision of a lot when the lot is physically severed from the balance of the title area by a permanent man-made or natural feature, or
    - (ii) the subdivision of a lot to accommodate a public use, a public park, or a minor or major utility service.

(4) Development Regulations

- (a) All site regulations shall be at the discretion of the Development Authority.
- (b) The Development Authority may specify the length of time any use is approved in this District, having regard to the servicing and future development of the subject area.

## 5.14 HIGHWAY OVERLAY (HO) DISTRICT

- (1) Purpose - To establish a positive visual impression of development adjacent to highways by: screening unsightly equipment or materials from the view of the highway, and enhancing the quality and appearance of developed properties within the overlay district.
- (2) Application:
  - (a) The overlay regulation applies to the development or redevelopment of all lands districted for industrial or commercial purposes that are visible from the highway and located within 300 m of a highway right-of-way.
  - (b) The Overlay District regulations are to be applied as a condition of a Development Permit.
  - (c) The Overlay District applies to the redevelopment of existing buildings and facilities as well as all new development.
- (3) Site Planning:
  - (a) The main entry of the building must face the main access road and be prominently visible upon entering the site. The main entry shall not be visually blocked by the storage or display of sale products.
  - (b) Buildings must be sited in such a location to provide open space between the building and adjacent streets and/or on-site parking lots for the purpose of landscaping. This open space area is to be equal to or exceeding the minimum required setback for the development. This landscaped area is not to be used for the display of sale products or for waste disposal or other utility areas, unless these are screened.
  - (c) All on-site lighting, including those in on-site parking lots, must be down lighting; the use of fixtures projecting light upwards is not permitted.
- (4) Site Landscaping and Fencing:
  - (a) All exterior storage areas are to be fenced. Acceptable fencing materials are as follows: chain link, vinyl, and masonry.
  - (b) No fences are permitted in the front yard, and shall not extend or be in front of the building face.
  - (c) Maximum height of a fence shall be 2.5 m.



- (d) Dry landscaping (e.g. mulch and/or washed rock) instead of grass, and the use of native plant species that can withstand drought are encouraged.
  - (e) In order to address the issues related to potential wildland fires and their interface with development, any development proposal adjacent to a naturally vegetated area or agricultural lands shall incorporate the FireSmart guidelines advocated by Alberta Sustainable Resource Development to the satisfaction of the approving municipality's Development Authority.
  - (f) Landscaping areas should not be used for the storage of equipment or materials or for the display of sale products, unless their storage and/or display has been properly integrated into the landscaping design and approved by the Development Authority.
- (5) Building Design:
- (a) A minimum of two major exterior cladding materials are required for any elevation of a principal or an accessory building facing the highway.
  - (b) A variety of exterior materials and/or colours is encouraged to prevent the creation of monotonous streetscapes.
  - (c) The main entry of the building must be prominent and clearly visible upon entering the site.
  - (d) The base of all buildings on sides facing the highway must be clearly defined and provide a visual anchor to the building. Permitted ways to define the base include but are not limited to the following; block, stone, brick, a change in exterior material or a change in exterior colour or a change in the direction of exterior material. The painting of the exterior material is not permitted. The ideal ratio for defining the base height is 4:1. For example, if the building height is 12'-0" the base should be 3'-0".
  - (e) Building rooflines must be clearly defined through a change in material, colour, or elevation change. Permitted ways to create this definition include creating a distinct colour band, a change in the direction of exterior siding, the addition of crenellations (i.e. notches) to break up a single level roof line, or variations in the building parapet elevation. The ideal ratio for defining the roofline is 8:1. For example, if the building height is 12'-0" the roofline should be 1'-6". The painting of the exterior siding is not permitted to define the roofline. Mono slope roof trusses are discouraged.
  - (f) Building signage and other on-site signage must comply with the Land Use Bylaw. Building signage (including business signs, usage signs and directional signs) must be integrated with the building façade.



## 5.15 DIRECT CONTROL (DC) DISTRICT

- (1) Purpose - The purpose of this District is to provide control over the use and development of land or buildings for which Council has determined that, because of unique land use characteristics, innovative ideas, or special environmental concerns, such development could not be effectively accommodated under any other land use district in this Bylaw.
- (2) Development Authority - The Development Authority in the DC District shall be the Council.
- (3) Permitted and Discretionary Uses
  - (a) All uses shall be as prescribed in any Statutory Plan.
  - (b) In the absence of an adopted Area Structure Plan or Area Redevelopment Plan, any use which, in the opinion of the Development Authority, is compatible with the character of existing surrounding uses and adjacent designated Land Use Districts may also be allowed.
- (3) Regulations
  - (a) The Development Authority may require additional information to properly evaluate the proposed development in terms of its compliance with this Bylaw, and any applicable Statutory Plan.
  - (b) All development shall comply with the lot sizes, building setback requirements and other development criteria as prescribed in any applicable Statutory Plan.
  - (c) All other development requirements shall be at the discretion of the Development Authority. In determining the appropriate requirements for a development in the DC District, the Development Authority shall have regard to any provisions in this Bylaw for similar uses or developments.
  - (d) In the absence of an adopted Area Structure Plan or Area Redevelopment Plan, the regulations which will be applied to a development will be those which, in the opinion of the Development Authority, are compatible with the character of existing surrounding uses and adjacent designated Land Use Districts.

**SCHEDULE C - SCHEDULE OF SIGN REGULATIONS**

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

**PART 1 - GENERAL PROVISIONS****1.1 DEFINITIONS**

In this Bylaw:

- (1) "sign" means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any building or portion thereof which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without the generality of the foregoing, a sign includes posters, notices, panels, boardings, and banners;
- (2) "area of a sign" means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign;
- (3) "business frontage" means
  - (a) any side of a lot or building which abuts a road, or
  - (b) in the case of individual business or tenants within a building, any business which has separate access to a road.
- (4) "general advertising" means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the site on which the sign is displayed;
- (5) "roof" means the top of any enclosure, above or within the vertical walls of a building;
- (6) "a-frame sign" means a sign formed by two boards which are hinged at one end;
- (7) "canopy sign" means a sign which is part of or attached to a canopy;
- (8) "free-standing sign" means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building;

- (9) "off-site sign" means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- (10) "portable sign" means a sign on a standard or column fixed to its own self-contained base and capable of being moved;
- (11) "projecting sign" means a sign which is attached to a building so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building;
- (12) "roof sign" means a sign placed on or over a roof or on top of or above the parapet wall of a building;
- (13) "under-canopy sign" means a sign which is attached to the bottom face of a canopy;
- (14) "wall 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. Wall signs may include signs painted on buildings.

## 1.2 LIMITATIONS

- (1) Except as provided in Section 3.2 of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless he has complied with the requirements of this Schedule and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
- (2) The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.

## 1.3 INFORMATION REQUIREMENTS FOR A DEVELOPMENT PERMIT FOR A SIGN

In addition to the requirements of Sections 3.4(1) and 3.4(3) of this Bylaw, a development permit application for a sign shall include the following information:

- (1) a letter of consent from the property owner,
- (2) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
- (3) any animation, moving copy, or other moving features of the sign, if applicable,

- (4) method of illumination, if applicable,
- (5) mounting details,
- (6) the location and size of all other existing and proposed signs on the building façade or site,
- (7) mounting heights and clearances to grade, and
- (8) the amount of projection of the sign from a building, if any.

## **1.4 SIGNS AS PERMITTED OR DISCRETIONARY USES**

- (1) No sign, other than an off-site sign in the Districts indicated in Subsection (2) below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in Section 3.2 of this Bylaw, shall be allowed unless it is accessory to an existing use.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this Schedule, off-site signs shall be considered to be discretionary uses in the C1, C2, M, and UR Districts.

## **1.5 PROCEDURES CONSIDERED FOR SIGN DEVELOPMENT PERMIT APPLICATIONS**

All development permit applications for signs shall follow the process outlined in Sections 3.5 and 3.6 of this Bylaw and be subject to appeal if applicable in accordance with Part 4 of this Bylaw.

## **1.6 GENERAL SIGN REGULATIONS**

- (1) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
  - (a) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic,
  - (b) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
  - (c) it would be situated within a sight line protection area defined in Section 1.9 of Schedule A of this Bylaw.

- (2) A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
- (3) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
- (4) A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a sign may encroach onto the adjacent site or a road or lane.
- (5) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18 sq. m (193.6 sq. ft.).
- (6) A maximum of five (5) signs may be allowed on a site, including temporary signs and portable signs.
- (7) Signs will not be allowed on fences in Residential Districts or in Commercial Districts.

## **1.7 CARE AND MAINTENANCE OF SIGNS**

- (1) All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
- (2) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair he may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
  - (a) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
  - (b) take such measures as he may specify in the notice to alter and/or refurbish and/or repair the sign.
- (3) Failure to remove the sign or to comply with the measures specified in the notice described in Subsection (2) above may result in the issuance of a violation ticket as described in Section 5.1(6) of this Bylaw.
- (4) The notice described in Subsection (2) above shall be considered to be a stop order for the purposes of Subsections (1) to (5), both inclusive, of Section 5.1 of this Bylaw.

**PART 2 - TYPES OF SIGNS****2.1 A-FRAME SIGNS**

- (1) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
- (2) The maximum area of each A-frame sign face shall be 0.7 sq. m (7.5 sq. ft.).
- (3) The maximum height of an A-frame sign shall be 1.0 m (3.3 ft.).
- (4) No more than one (1) A-frame sign shall be allowed per business frontage.
- (5) Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (6) The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- (7) A-frame signs are not to be used in conjunction with projecting signs at grade level.

**2.2 CANOPY SIGNS**

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

- (1) the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
- (2) the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
- (3) no part of the canopy shall project over a road or lane,
- (4) unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
- (5) signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
- (6) each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 sq. m (5.4 sq. ft.) in area, and



- (7) all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guide wires or similar support elements are visible from a road or lane.

## 2.3 FREESTANDING SIGNS

- (1) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- (2) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15 m (49.2 ft.) at road level.
- (3) Notwithstanding Subsection (2) above, a maximum of one (1) freestanding sign may be allowed per site except:
  - (a) where a site has more than a 90 m (295.3 ft.) frontage, one (1) additional freestanding sign may be erected for each additional 90 m (295.3 ft.) or portion thereof of frontage abutting the developed portion of the said site, or
  - (b) where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90 m (295.3 ft.) apart.
- (4) The total sign area of all freestanding signs on a site shall not exceed 0.3 sq. m (3.2 sq. ft.) in area for each lineal metre of frontage, to a maximum of 12 sq. m (129.2 sq. ft.).
- (5) The maximum height of a freestanding sign shall be 7.0 m (23.0 ft.).
- (6) Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- (7) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

## 2.4 PORTABLE SIGNS

- (1) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- (2) No more than one (1) portable sign shall be located on a site.

- (3) Notwithstanding Subsection (2) above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer to another than 15.0 m (49.2 ft.).
- (4) All portable signs shall be double-faced.
- (5) No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- (6) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- (7) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in the Urban Reserve (UR) District or in any Residential District.
- (8) Portable signs shall not be allowed on otherwise vacant sites unless advertising the sale of the property on which the portable sign is located.
- (9) No portable sign shall be allowed at any location where the intent is to have the portable sign seen from a highway or the direct access or egress from a highway.

## **2.5 PROJECTING SIGNS**

- (1) No projecting sign shall project over another site, a road, or a lane.
- (2) A projecting sign shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade.
- (3) No more than one (1) projecting sign of 0.5 sq. m (5.4 sq. ft.) in size shall be allowed for each frontage of a commercial or industrial use.
- (4) All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.

## **2.6 ROOF SIGNS**

- (1) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- (2) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.

- (3) All roof signs shall be set back a minimum of 1.0 m (3.3 ft.) from the edge of the building on which the roof sign is located.

## 2.7 WALL SIGNS

- (1) The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
  - (a) the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft.) above grade,
  - (b) in the case of a one storey building, the upper limit of the portion shall be either:
    - (i) the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs,
    - (ii) a maximum of 0.8 m (31.5 inches) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or
    - (iii) the line of the eaves,
  - (c) in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 inches) above the floor elevation of the second storey.
- (2) Notwithstanding Subsection (1) above, a wall sign may be located either:
  - (a) below the area defined in Subsection (1)(a) above, provided:
    - (i) the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
    - (ii) the sign states no more than the name of the building or the principal tenant of the building, and
    - (iii) the sign area does not exceed 20% of the building face below the area defined in Subsection (1)(a) above,
  - (b) between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
    - (i) the sign states no more than the name of the building or the principal tenant of the building, and

- (ii) the sign area does not exceed 2.5 sq. m (26.9 sq. ft.), or
- (c) above the third storey window sill, provided:
  - (i) the sign states no more than the name of the building or principal tenant of the building, and
  - (ii) there is no more than one (1) sign per building face above the third storey.
- (3) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
- (4) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.

**PART 3 – SIGNS IN DISTRICTS OR RELATING TO USES****3.1 SIGNS IN OR ADJACENT TO RESIDENTIAL DISTRICTS**

- (1) Except as provided in Subsections (2) and (3) below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
- (2) An approved major home occupation may display a sign, not larger than 0.2 sq. m (2 sq. ft.) on the dwelling. If outside, the sign shall be placed flat against the wall of the dwelling. Alternatively, the sign may be displayed from the inside of a window of the dwelling.
- (3) One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:
  - (a) the sign area does not exceed 5.0 sq. m (53.8 sq. ft.),
  - (b) the height of the sign does not exceed 2.0 m (6.6.ft.),
  - (d) the sign is not internally illuminated, though it may be lit from the front.
- (4) Name or number signs shall have a surface area of no more than 0.3 sq. m (3 sq. ft.).
- (5) Illuminated signs shall not be allowed and, when an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
- (6) When, in the sole opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as he, in his sole opinion, deems necessary, to protect the amenities of the Residential District.

**3.2 SIGNS RELATING TO INSTITUTIONAL USES**

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