



Town of Didsbury

Land Use Bylaw No. 2019 - 04

Adopted: June 11, 2019



Prepared by:



LAND USE BYLAW NO 2019 - 04 AMENDMENT LIST

| Amendment | Description at 3 rd Reading | Date Passed |
|-----------|---|--------------------------------|
| 2019-10 | Addition of "Dwelling or Dwelling Unit" as a discretionary use to RC and C1 districts. Addition of, "No accessory building, structure or any portion thereof shall be erected or placed within the front yard of the parcel." to Section 3-5 "Accessory Buildings & Accessory Structures" | October 8 th , 2019 |
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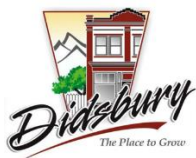


Table of Contents

Section 1: Purpose1

This section introduces readers to the Land Use Bylaw, establishes jurisdiction, clarifies enforcement and penalties, and the process in place for amending the Bylaw.

| | |
|-------------------------------------|---|
| Jurisdiction..... | 1 |
| Bylaw Enforcement & Penalties | 3 |
| Land Use Bylaw Amendments | 4 |

Section 2: Process6

This section outlines the nature and role of the Development Authority, and the procedures and responsibilities related to the Town's Development Permit process.

| | |
|--------------------------------------|----|
| Authority Responsibilities..... | 6 |
| Development Permit Requirements..... | 7 |
| Specific Development Permits..... | 10 |
| Development Permit Approvals | 13 |
| Development Permit Conditions | 15 |
| Development Permit Notice | 16 |
| Development Permit Appeals..... | 18 |

Section 3: Development Regulations20

This Section outlines specific regulations that apply to particular types of Development within the Town.

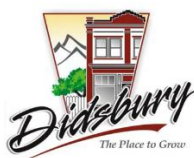
| | |
|------------------------------|----|
| Non-Conformance | 20 |
| Buildings & Structures | 20 |
| Parcels | 25 |
| Signage | 30 |
| Parking | 39 |
| Landscaping & Grading..... | 42 |
| Specific Uses | 46 |

Specific Uses Include: Bed & Breakfasts | Campground & Campsites | Cannabis Production | Cannabis Retail Sales | Car Washes | Care Facilities | Chemical Warehouses | Drive-Throughs | Gas Stations | Home Occupations | Hotel/Motel | Places of Worship | Shopping Centres

Section 4: Land Use Districts52

This section outlines specific regulation that applies to the Town's Land Use Districts.

| | |
|--|----|
| R1: Residential District – Single Detached | 54 |
| R2: Residential District – General | 55 |
| R3: Residential District – Manufactured | 56 |
| R4: Residential District – Large Lot | 58 |
| R5: Residential District – High Density | 60 |
| RC: Residential/Commercial District..... | 61 |
| C1: Commercial District – General | 62 |



| | |
|---|----|
| C2: Commercial District – Highway | 64 |
| I1: Industrial District – General..... | 66 |
| I2: Industrial District – Heavy | 68 |
| DC: Direct Control District..... | 69 |
| IS: Institutional District..... | 70 |
| REC: Recreation/Open Space District | 71 |
| UR: Urban Reserve District..... | 72 |

Section 5: Glossary73

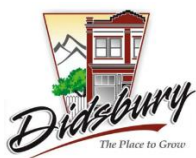
Appendix A: Land Use Bylaw Map87

Tables

| | |
|---|----|
| Table 1 – Minimum Specified Penalties | 4 |
| Table 2 – Developments Not Requiring A Development Permit | 7 |
| Table 3 – Parking Stall Requirements..... | 40 |
| Table 4 – Parking Dimensions..... | 42 |
| Table 5 – Tree Planting Sizes | 43 |
| Table 6 – Land Use District Chart..... | 53 |

Figures

| | |
|--|----|
| Figure 1 – Determining Building Height..... | 21 |
| Figure 2 – Setback Requirements Near Slopes..... | 25 |
| Figure 3 – Zero Side Yard | 27 |
| Figure 4 – Corner Visibility Triangle..... | 28 |
| Figure 5 – Fence Height | 46 |
| Figure 6 – Example Setbacks | 86 |



SECTION ONE

1

Purpose

This section introduces readers to the Land Use Bylaw, establishes jurisdiction, clarifies enforcement and penalties, and the process in place for amending the Bylaw.

Jurisdiction

1-1 TITLE

This Bylaw is entitled 'Didsbury Land Use Bylaw No. 2019-04, hereinafter referred to as the "Bylaw".

1-2 PURPOSE

The purpose of the Bylaw is to regulate land use and Development within the Town of Didsbury (the "Town") in order to achieve orderly growth, and for that purpose to:

- a) Organize the Town into Land Use Districts, hereinafter referred to as Districts;
- b) Prescribe and regulate, for each District, the purpose for which land and Buildings may be used;
- c) Define and establish the roles of the Development Authority;
- d) Establish a method of making decisions on applications for Development, including the issuing of Development Permits;
- e) Prescribe the method for notifying the community-at-large and Registered Owners of land likely to be affected by a Development, a redistricting, and/or the issuance of a Development Permit;
- f) Prescribe the method for appealing a decision relative to the Bylaw;
- g) Establish a method of making decisions on applications for amending the Bylaw.

1-3 LEGISLATIVE CONSISTENCY

Municipal Government Act:

The Bylaw is consistent with the Municipal Government Act (the "MGA"), as amended. The MGA takes precedence in a case of dispute on the meanings of all words or clauses;

Alberta Land Stewardship Act:

The Bylaw is consistent with the *Alberta Land Stewardship Act*, as amended;

Didsbury Municipal Development Plan:

The Bylaw is consistent with the ‘Town of Didsbury Municipal Development Plan’ Bylaw No. 2012-09 (MDP), as amended;

Other Plans & Bylaws in the Town:

The Bylaw shall be used in conjunction with policies and procedures as adopted and amended by Council including, but not limited to, Area Structure Plans, Area Redevelopment Plans, and any Infrastructure Master Plans as they pertain to Transportation, Water, Sanitary and/or Stormwater Management.

1-4 EFFECTIVE DATE

The effective date of the Bylaw shall be the date of the third reading and Signing thereof in accordance with the MGA. All Bylaw amendments or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein.

1-5 REPEAL OF PREVIOUS BYLAWS

The ‘Town of Didsbury Land Use Bylaw’ No. 2013-03 and amendments thereto are hereby repealed.

1-6 SEVERABILITY

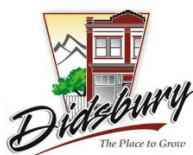
Each provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid by a decision of a court of competent jurisdiction, all other provisions remain valid and enforceable.

1-7 FEES & CHARGES PURSUANT TO THE BYLAW

All fees and charges under and pursuant to the Bylaw, are established separately by the ‘Rates Fees and Fines Bylaw’ No. 2019-02, as amended or replaced.

1-8 LANGUAGE

- a) Words used in the singular include the plural and words used in the present tense include the other tenses and derivative forms;
- b) The words “shall” and “must” require mandatory compliance except where a Variance has been granted pursuant to the MGA or the Bylaw;
- c) Words, phrases and terms not defined in the Glossary may be given their definition in the MGA or, in the absence of a definition in the MGA, the Alberta Building Code as amended. Other words shall be given their usual and customary meaning;
- d) Where a regulation involves two or more conditions or provisions connected by the conjunction “and” means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination;
- e) In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.



Bylaw Enforcement & Penalties

1-9 LAND USE BYLAW ENFORCEMENT

- a) The Development Authority or a designated peace officer and/or bylaw officer may enforce the provisions of this Bylaw, or the conditions of a Development Permit, pursuant to the MGA and the Provincial Offences Procedure Act, as amended;
- b) Enforcement may be by violation ticket, pursuant to the Provincial Offences Procedure Act, Notice of Violation or any other authorized action to ensure compliance;
- c) The enforcement powers granted to the Development Authority under this Bylaw are in addition to any enforcement powers that the Town or any of its peace officers or bylaw officers may have under the Provincial Offences Procedure Act. The Development Authority may exercise all such powers concurrently.

1-10 OFFENCE UNDER THE BYLAW

- a) Any Registered Owner, lessee or occupant of land or a Building, owner of a Structure or a Sign thereon, who, with respect to such land, Building, Structure or Sign, contravenes, or causes, allows or permits a contravention of any provision of this Bylaw commits an offence;
- b) It is an offence for any person to commence or continue Development for which a Development Permit is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a Development Permit under this Bylaw;
- c) It is an offence for a person to prevent or obstruct the Development Authority, peace officer, a bylaw officer or a Designated Officer from carrying out any official duty under this Bylaw or the MGA.

1-11 STOP ORDER

Pursuant to Section 645 of the MGA where an offense under the Bylaw occurs, the Development Authority may by written notice, order the owner or the person in possession of the land or buildings, or the person responsible for the contravention to:

- a) Stop the Development or use of the land or Buildings in whole or in part as directed by the notice;
- b) Demolish, remove or replace the Development, or;
- c) Carry out any other actions required by the notice so that the Development or use of the land or Building complies with the Bylaw.

1-12 ENTRY & ENFORCEMENT

- a) Pursuant to Section 542 of the MGA a Designated Officer of the Town may, after giving reasonable notice to the owner or occupier of land or the structure to be entered:
 - i. Enter on that land or structure at any reasonable time, and carry out any inspection, enforcement or action required to assess or enforce compliance with this Bylaw,
 - ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action, and
 - iii. Make copies of anything related to the inspection, remedy, enforcement or action.
- b) The Development Authority shall be a Designated Officer for the purposes of Section 542 of the MGA.



1-13 SPECIFIED PENALTIES FOR OFFENCES

The following fine amounts are established for use on Notices of Violation and violation tickets if a voluntary payment option is offered, which amounts shall be specified penalties for the purpose of the *Provincial Offences Procedures Act*:

TABLE 1 – MINIMUM SPECIFIED PENALTIES

| Offence | First Offence | Second Offence* | Third Offence** |
|---|---------------|-----------------|-----------------|
| Failure to obtain a Development Permit | \$500 | \$750 | \$1250 |
| Failure to comply with Development Permit Conditions | \$500 | \$750 | \$1250 |
| Failure to comply with District Regulations | \$1000 | \$1500 | \$2000 |
| Failure to obtain a Signage Development Permit | \$200 | \$400 | \$800 |
| Failure to comply with any other condition of the Bylaw | \$200 | \$400 | \$800 |

* for a second offence, on a Parcel of Land within a twelve (12) month period
 ** for a third and any additional offences, on a Parcel of Land within a twelve (12) month period;

Land Use Bylaw Amendments

1-14 AMENDMENTS TO THE BYLAW

- a) Any amendment to the Bylaw shall be made pursuant to the MGA;
- b) Council may, on its own initiative and in accordance with the MGA, initiate an amendment to the Bylaw affecting a Parcel or Parcels of land.

1-15 APPLICATIONS TO AMEND THE BYLAW

An application requesting an amendment to the Bylaw must include the following:

- a) A completed application form (as provided by the Town);
- b) A statement of the reason for the request to amend the Bylaw;
- c) If the amendment involves the re-designation of land to a different use:
 - i. a copy of the Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Authority, verifying that the Applicant has a legal interest in the land,
 - ii. a properly dimensioned plan indicating the affected property and its relationship to existing land Uses on Adjacent properties,
 - iii. a summary of site servicing,
 - iv. any technical studies or plans as requested by the Development Authority;
- d) authorization to allow right of entry by the Development Authority to such lands or Structures as may be required for investigation of the proposed amendment and the appropriate fees as set by resolution of Council; and
- e) Any other information deemed necessary by the Development Authority in its sole discretion.



1-16 AMENDMENT DUTIES OF THE DEVELOPMENT AUTHORITY

Upon receipt of a completed application requesting an amendment to the Bylaw, the Development Authority shall:

- a) Prepare an amending Bylaw for first reading by Council;
- b) Prepare a background report, including plans and other relevant material, and submit same to Council for their review prior to first reading;
- c) Provide two (2) weeks notice of any public hearing to all Adjacent Registered Owners;

1-17 EXTERNAL REFERRAL

An application requesting an amendment to the Bylaw may be referred to any external agency for comment or advice at the discretion of the Development Authority.

1-18 DECISIONS ON LAND USE BYLAW AMENDMENTS

Council may, after considering any presentation made at the public hearing; any Statutory Plan affecting the application; the provisions of the Bylaw; and any other matter it considers appropriate including, but not limited to, any other relevant information or documents brought before Council:

- a) Approve the proposed Bylaw amendment as it is; or
- b) Make any changes it considers necessary to the proposed amendment and proceed to approve it without further advertisement or hearing; or
- c) Refer the proposed Bylaw amendment back to administration for more information or further review and changes, then reschedule the application for further consideration; or
- d) Refuse the proposed Bylaw Amendment as it is.

1-19 REFUSAL OF AMENDMENT TO THE BYLAW

If an application to amend the Bylaw has been refused by Council, the same or similar application shall not be reconsidered for at least six (6) months after the date of refusal, unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

SECTION TWO

Process

2

This section outlines the nature and role of the Development Authority, and the procedures and responsibilities related to the Town's Development Permit process.

Authority Responsibilities

2-1 ESTABLISHMENT OF THE DEVELOPMENT AUTHORITY

- a) The Development Authority is established herein pursuant to the MGA and is a person or body who is authorized to exercise Development powers and duties on behalf of the Town.
- b) The Development Authority shall include:
 - i. A Development Officer;
 - ii. The Planning Manager;
 - iii. The Municipal Planning Commission (MPC);
 - iv. The Chief Administrative Officer (CAO);
 - v. The Intermunicipal Subdivision and Development Appeal Board (ISDAB).

2-2 DUTIES OF THE DEVELOPMENT AUTHORITY

The Development Authority shall:

- a) Receive and process all Development Permit applications;
- b) Keep and maintain for inspection, during regular municipal office hours, a copy of the Bylaw as amended, and ensure that an online version is made available on the Town's website and hard copies are available to the public for a fee;
- c) Keep a register of all Development Permit applications including the decisions rendered on them and the reasons thereof for a minimum of seven (7) years;
- d) Make decisions on all Development Permit applications in accordance with this Bylaw; and

- e) Accept applications for amendment to this Bylaw and present same to Council for consideration with adequate supporting material and a staff recommendation within sixty (60) days of receipt of the application.

The Development Authority may:

- f) Refer any Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment;
- g) Decide on time extensions, as referred to in ‘Development Permit Extension’ (**Section 2-22**), for those Development Permits which were initially approved by the Development Authority;
- h) Prior to considering an application to amend the Bylaw or approve a Development Permit, require the Applicant to prepare a Concept Plan that aligns with the Town’s MDP.

2-3 DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The ISDAB shall perform such duties as specified under ‘Development Permit Appeals’ (**Sections 2-41 to 2-48**).

Development Permit Requirements

2-4 CONTROL OF DEVELOPMENT

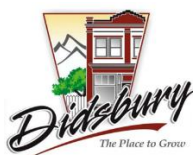
No Development shall be undertaken in the Town without an approved Development Permit, excluding ‘Developments Not Requiring a Development Permit’ (**Section 2-5**).

2-5 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

A Development Permit is not required for the following Developments, provided it complies with all applicable provisions of the Bylaw and does not require a Variance:

TABLE 2 – DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

| Development | Permit Not Required |
|-------------------------------------|--|
| Accessory Building/Structure | With a Gross Floor Area less than 10.0 metres ² (107.64 feet ²) |
| Deck | Less than 0.6 metres (1.97 feet) in height and a Gross Floor Area less than 13.3 metres ² (143.16 feet ²) |
| Fences and Gates | Less than 1.0 metre (3.28 feet) in height in the Front Yard and less than 2.0 metres (6.56 feet) in the Side and Rear Yards. |
| Flag Poles | Less than 4.5 metres (14.76 feet) in height. |
| Hot Tubs | Located on a residential Parcel, adhering to the ‘Accessory Buildings & Accessory Structures’ setback requirements (Section 3-5) |
| Landscaping | General Landscaping, not including ‘Stripping and Grading’ as specified in Section 3-73 , where the proposed grades will not adversely affect the subject or adjacent Parcel. |
| Maintenance | Routine maintenance to any Building or Structure, provided that such work does not include or constitute structural alterations. |



| Development | Permit Not Required |
|-------------------------|---|
| Outdoor Fires | An outdoor fire pit, barbecue, fireplace or stove located on a residential Parcel so long as it complies with the 'Burning and Fire Pit Bylaw' No. 2007-17, as amended or replaced. |
| Retaining walls | Less than 1.2 metres (3.94 feet) in height. |
| Satellite Dishes | Less than 1.2 metres (3.94 feet) in diameter freestanding or directly attached to a roof, side wall or Balcony. |

2-6 APPLICANT RESPONSIBILITIES

The Applicant requesting a Development Permit shall ensure that:

- a) The Development conforms to the Town's MDP, Minimum Engineering Design Standards, applicable Area Structure Plans or Area Redevelopment Plans, and any pertinent Infrastructure Master Plans as they pertain to Transportation, Water, Sanitary and/or Stormwater management as amended;
- b) Development does not commence until a Development Permit has been approved and issued;
- c) All approvals, licenses or permits are obtained from regulatory departments or agencies, as required, prior to commencing Development; and
- d) Copies of all approvals, licenses or permits issued for the Development are provided to the Development Authority.

2-7 DEVELOPMENT PERMIT COMPLIANCE

An Applicant applying for, or in possession of, a valid Development Permit is not relieved from the responsibility of ascertaining and complying with, or carrying out Development in accordance, with the:

- a) Requirements of any Statutory Plan;
- b) Requirements of the Alberta *Safety Codes Act* and regulations enacted thereunder, as amended;
- c) Requirements of any applicable Federal, Provincial and/or Municipal legislation;
- d) Requirements of other applicable Town Bylaws, policies and procedures as adopted; and
- e) Conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or Structure.

2-8 DEVELOPMENT PERMIT APPLICATION FORM

A Development Permit application shall be made to the Development Authority on the prescribed form (as provided by the Town), that shall be Signed by the Applicant or their agent authorized in writing, along with the appropriate fees as set by separate Bylaw.

2-9 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

The Development Permit application shall include:

- a) A statement of intended uses of the proposed Development and an estimated completion date;
- b) A statement that the proposed development conforms with the Town's Minimum Engineering Design Standards and applicable guidelines and Infrastructure Master Plans;
- c) A copy of the Certificate of Title;
- d) A vicinity map indicating the location of the proposed development in relation to nearby streets and other Significant physical features;
- e) Site Plans showing all of the following:
 - i. North point and scale,
 - ii. Legal description of the site,
 - iii. Municipal address,
 - iv. Lot lines with dimensions,
 - v. Locations of all registered utility easements and rights-of-way,
 - vi. Location, dimensions and height of existing and all proposed Buildings and Accessory Building/Structures,
 - vii. Location of sidewalks and curbs,
 - viii. Location of major landscaped areas, retaining walls, existing trees, buffering and screening areas,
 - ix. Location of onsite solid waste and recycling area (for Commercial, Industrial and Residential-Multiple Dwelling (R5) Districts),
 - x. Setbacks, shown and labelled,
 - xi. Layout of existing and proposed parking areas, driveways, paved areas, entrances and exits abutting streets and lanes,
 - xii. Site topography, drainage patterns, grades and other conditions,
 - xiii. Location of existing and proposed municipal and private local improvements,
- f) Any other pertinent information that may be required by the Development Authority respecting the site including, but not limited to, the following:
 - i. A Real Property Report,
 - ii. Photographs showing the site in its current condition,
 - iii. Emergency vehicle access and muster points,
 - iv. The location of snow storage areas,
 - v. Technical studies prepared by qualified professional that addresses the Development or its impact on the community-at-large (e.g. environmental, geotechnical, floodplain, noise attenuation studies or traffic impact analyses),
 - vi. A reclamation plan if major surface disturbance is anticipated,
 - vii. Documentation showing engagement with nearby Registered Owners,
 - viii. Special parking provisions,
 - ix. An encroachment agreement, and/or
 - x. An economic analysis of the Development.

Specific Development Permits

2-10 SPECIFIC DEVELOPMENT PERMITS

Certain activities or uses generally require additional information for the Development Authority to make a sound decision. There are a number of Development Permits within the Bylaw that have been tailored to a specific activity or use. These Development Permit applications may be standalone applications or the noted additional information may be appended to a standard Development Permit at the discretion of the Development Authority.

2-11 DIRECT CONTROL DEVELOPMENT PERMITS

In the case of a Development Permit application made pursuant to a Direct Control District, all requirements and procedures pertaining to the Development Permit application will be at the direction and to the satisfaction of Council.

2-12 TEMPORARY DEVELOPMENT PERMITS

Issuance of a Temporary Permit:

- a) A Development Permit may be issued on a temporary basis for a period specified by the Development Authority;
- b) The Development Authority may allow reduced standards respecting paved parking, landscaping and site development;

Security Deposit:

- a) As a condition of approval for a temporary permit, the Applicant may be required to provide a security deposit to the Town in the amount of the value of the site improvements required by the Development Permit. The security deposit shall be valid for a period of time equal to or greater than the term of the Temporary Permit.

2-13 MULTI-UNIT DWELLING PERMIT

A Development Permit is required for all Multi-Unit Dwellings; the Development Permit application shall include:

- a) The location and position of all Buildings and Structures on the Parcel;
- b) The location and design of permanent Signage on the Parcel;
- c) The location and number of Parking Stalls, access to/egress from the Parcel;
- d) The location of refuse storage areas as well as access to/egress from refuse storage areas;
- e) The location and design of fencing on the Parcel;
- f) Detailed landscaping plans and amenity areas for the Parcel;
- g) Visitor parking and storage areas;
- h) A snow removal and storage plan;
- i) A comprehensive development plan and working drawings, with elevations, which have been endorsed by a registered architect or professional engineer.

2-14 BUILDING RELOCATION AND/OR DEMOLITION PERMIT

A Development Permit is required for all Building Relocations and/or Demolitions with a Floor Area of 30.0 metres² (322.92 feet²) or greater; the Development Permit application shall include:

- a) Recent colour photographs, showing all sides of the Building;
- b) A statement on the age, size, physical and structural condition of the Building;
- c) Footprint of Building and site plan of property on which the Building is to be demolished;
- d) Measures to be taken to ensure that the demolition is done in a safe and efficient manner and what measures are to be taken to ensure the disturbance and nuisances (dust, noise, debris, traffic, etc.) as a result of the demolition are mitigated or minimal;
- e) Timelines for completion of demolition and site restoration project;
- f) An outline of the salvage operation and stockpiling of Building demolition material and fill;
- g) An outline of site restoration and land reclamation upon Building demolition (filling, grading, Landscaping, etc.); and
- h) Any information deemed necessary by the Development Authority.

2-15 UNDERGROUND PETROLEUM TANK REMOVAL PERMIT

A Development Permit is required for all Underground Petroleum Tank Removals; the Development Permit application shall include:

- a) The location of the underground tank;
- b) Rationale for removing the underground tank;
- c) Any applicable provincial documentation;
- d) Proof of arrangements made with the Fire Department to inspect the site before and after the removal of the tank; and
- e) An approved Plan of Remediation for the site.

2-16 SIGN PERMIT

- a) A Development Permit is required for all Signs, excluding 'Signs Not Requiring a Permit' (**Section 3-39**); the Development Permit application shall include:
 - i. All dimensions of the Sign, including height of the Sign and the Sign Structure,
 - ii. Area of copy face(s),
 - iii. Design of copy face(s),
 - iv. Type of construction and finishing to be utilized,
 - v. Method of support,
 - vi. Material specifications,
 - vii. Details of Sign illumination,
 - viii. Site Plan showing Sign location in relation to property boundaries and Buildings,
 - ix. The fees required for the permit, and
 - x. Photographs of the proposed site showing adjacent properties and Signs within approximately 30 metres (98.425 feet) of the proposed Sign location;

- b) If the Sign permit is for a Sign containing electronic display, the permit must include name and contact information of a person(s) having access to the technology controls for the Sign, who can be contacted twenty-four (24) hours a day if the Sign malfunctions;
- c) A Sign Permit is automatically void if construction of the Sign is not commenced within one year from the date of issuance of the Permit.

2-17 STRIPPING & GRADING PERMIT

- a) A Development Permit is required for all ‘Stripping and Grading’ (further detailed in **Section 3-73**), excluding those lands governed by a valid Development Agreement; the Development Permit application shall include:
 - i. A plan showing the location of the area of the operation relative to site boundaries and depth of excavation or the quantity of topsoil to be removed,
 - ii. A description of the excavation, stripping or grading operation proposed,
 - iii. A detailed schedule covering the length of the proposed operation,
 - iv. A plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable,
 - v. A description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation.
- b) A Stripping and Grading permit is automatically void if improvements are not completed by the schedule approved by the Development Authority.
- c) The Development Authority may require an Irrevocable Letter of Credit or cash up to the value of the estimated cost of all or any proposed work/activities, including final grading and landscaping to ensure that same is carried out with reasonable diligence.

2-18 HOME OCCUPATION PERMIT

A Development Permit is required for all Home Occupations; the Development Permit application shall include:

- a) A description of the business to be undertaken at the premises;
- b) An indication of the number of business visits per week;
- c) Provision for vehicular parking for visitors and employees;
- d) Where any materials or equipment associated with the business use are to be stored and how they are to be screened;
- e) A Home Occupation Permit does not exempt compliance with health regulations or any other municipal or provincial regulations;
- f) Only one (1) Home Occupation Permit shall be issued per Dwelling, unless otherwise deemed appropriate by the Development Authority;
- g) The Development Authority may require that the Home Occupation Permit be reviewed on a periodic basis to ensure compliance with an approved Development Permit;
- h) Home Occupation Permits are not transferrable between properties.

Development Permit Approvals

2-19 APPLICATIONS IN PROGRESS

All Bylaw amendment and Development Permit applications received in a complete form prior to the effective date of this Bylaw shall be processed and considered based on the provisions of the former Land Use Bylaw (Bylaw No. 2013-03), unless prior to a decision being made on the application, the Town receives a duly Signed amended application requesting that said re-designation, or Development Permit application be processed and considered based on the provisions of this Bylaw.

2-20 DETERMINATION OF COMPLETENESS

- a) The Development Authority shall determine the completeness of a received application within twenty (20) days of receipt.
- b) In reviewing an application for completeness the Development Authority may:
 - i. Determine that the application is complete and provide an ‘Acknowledgment of Completeness’ to the applicant, or
 - ii. Determine that the application is incomplete, provide a ‘Notice of Incompleteness’ and request outstanding information from the applicant, along with a time period within which the outstanding information is required.

2-21 REVIEW PERIOD

- a) The Development Authority must make a decision on an application for a Development Permit within forty (40) days;
- b) The review period commences once the ‘Acknowledgement of Completeness’ is provided to the applicant.

2-22 DEVELOPMENT PERMIT EXTENSION

A Development Permit shall be completed to the satisfaction of the Development Authority within twenty-four (24) months of the Development Authority’s approval of the Development Permit, unless the Applicant applies for and obtains an extension from the Development Authority prior to the end of the twenty-four (24) month period. The Development Authority may grant up to a six (6) month extension of a Development Permit at the request of the Applicant

2-23 COMPLETE & RECEIVED DEVELOPMENT PERMIT APPLICATION FORMS

A Development Permit application shall not be considered complete and received until such time as the ‘Development Permit Application Requirements’ (**Section 2-9**) have been met to the satisfaction of the Development Authority and the appropriate fees are paid in full.

2-24 INCOMPLETE DEVELOPMENT PERMIT APPLICATION FORMS

Return of Application:

- a) A Development Permit application shall be returned to the Applicant together with notice and the appropriate refund in compliance with fees as set by a resolution of Council when:
 - i. The Development Permit application is deemed to be incomplete; or
 - ii. Additional information is required to process the Development Permit application.



Not Deemed Received:

- b) A Development Permit application returned to the Applicant shall be deemed not to have been received by the Development Authority until all required details have been submitted.

2-25 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

The Development Authority, in making a decision on a Development Permit application for:

A Permitted Use:

- a) Shall approve, with or without conditions, the application if the proposed Development conforms with the Bylaw; or
- b) May refuse the application if the proposed Development does not conform to the Bylaw.

A Discretionary Use:

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

A Discretionary Use in a Direct Control District:

- e) May consider and approve the application providing it meets the direction set out by Council, where Council has delegated the decision to the Development Authority; or
- f) Shall refer the Development Permit application to Council with the appropriate recommendation.

2-26 DECISIONS ON DISCRETIONARY USE DEVELOPMENT PERMIT APPLICATIONS

In reviewing a Development Permit application for a Discretionary Use, the Development Authority shall have regard to:

- a) The purpose and intent of the applicable District;
- b) The purpose and intent of any Statutory Plan adopted by the Town;
- c) The purpose and intent of any other plan and pertinent policy adopted by the Town;
- d) The circumstances and merits of the application, including but not limited to:
 - i. The design, character and appearance of the proposed Development,
 - ii. Whether the Development is compatible with and complementary to neighbouring Parcels,
 - iii. Servicing requirements,
 - iv. Access, transportation, and internal circulation requirements,
 - v. The impact on the public transit system, where applicable, and
 - vi. Sound planning principles.

2-27 PRIVATE WATER & SEWER SYSTEMS

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

2-28 DEVELOPMENT AUTHORITY DISCRETION

Notwithstanding any provision or requirements of the Bylaw, the Development Authority may impose more stringent development regulations or standards on a Development Permit for a Discretionary Use in order to ensure that the Development is compatible with and complementary to surrounding land use and other planning considerations.

2-29 APPROVAL OF A SIMILAR USE

The Development Authority may approve a Development Permit with or without conditions for a use or site or a Building that is neither a Permitted Use or a Discretionary Use in the District in which the development is to be located, provided that:

- a) The proposed use is a similar use; and
- b) All public notices of the Development Permit approval specifically reference the fact that the use was approved as a similar use.

2-30 APPROVAL OF A VARIANCE

Unless a specific provision of this Bylaw provides otherwise, a Development Authority may allow a Variance as a condition of a Development Permit under one of the following circumstances:

- a) The proposed development is a Permitted Use, Discretionary Use or Similar Use in the District in which it is to be located;
- b) The proposed development, with variance, would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring Parcels of land;
- c) The variance is a function of an aspect or feature that is specific to the site, Building or Sign to which it applies, not shared by a Significant number of other sites in the Town;
- d) The variance is a result of an error in the situating of a Building or Structure, and the rectifying of the error would create unnecessary hardship to the Registered Owner,
- e) The variance represents the smallest deviation from the applicable development regulations or other requirements of the Bylaw that in the opinion of the Development Authority is needed to accommodate the proposed development and;
- f) The variance is expressed to be a condition of Development Permit approval and is specifically mentioned in public notices of the Development Permit approval.

Development Permit Conditions

2-31 DEVELOPMENT AGREEMENT

As a condition of Development Permit approval, the Development Authority may require the Applicant to enter into a Development Agreement with the Town, in accordance with the MGA, in addition to other matters and may require the Applicant to:

- a) Construct or pay for the construction of:
 - i. A road required to give access to the Development,
 - ii. A pedestrian walkway or trails system to serve the development or to give access to an adjacent development or both,

- iii. Off-street or other parking facilities and loading and unloading facilities;
- b) Construct, install or pay for any improvements and utilities which are needed to serve the development including, but not limited to, on-site storm water management facilities, any required easements and joint drainage and access requirements;
- c) Pay an Offsite Levy or redevelopment levy;
- d) Repair or reinstate to original or improved condition any street furniture, curbing, sidewalk, boulevard landscaping or trees which may be damaged or destroyed or otherwise harmed by development or Building operations upon the site;
- e) Provide an Irrevocable Letter of Credit, or any other acceptable form of security, to the Development Authority to guarantee performance of conditions imposed upon the Development Permit;
- f) Attend to all other matters the Development Authority considers appropriate.

2-32 CAVEAT

To ensure compliance with a Development Agreement, the Town may register a caveat against the property being developed which shall be discharged upon the terms of the Development Agreement being met. This requirement does not apply to developments under the authority and control of the Federal, Provincial, or Municipal Governments.

2-33 ENCROACHMENT AGREEMENTS

If an Applicant applies for a Development Permit for a Building or Structure that encroaches on property owned by the Town, the Development Authority may as a condition of Development require the Applicant to enter into an encroachment agreement with the Town, in a form and on the terms and conditions satisfactory to the Development Authority, or may impose any other conditions the Development Authority considers necessary to mitigate or address the impact of the encroachment including with respect to compensation, indemnities, insurance or a duty to remove the encroaching Structure on receipt of notice.

Development Permit Notice

2-34 NOTICE OF DECISION

Notice to Applicant:

- a) A Notice of Decision shall be sent to the applicant/landowner once the decision is made by the approving authority.
- b) If the Development Permit application is refused, or conditionally approved, the Notice of Decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.

Public Notice:

- c) Approved Development Permit applications shall be published in a locally circulated newspaper and posted on the Town's website. This notice shall include:
 - i. The location and use of the Parcel,
 - ii. The date the Development Permit was approved,
 - iii. That an appeal may be made by a person affected by the decision by serving written notice of the appeal to the ISDAB within twenty-one (21) days of the date of the decision.

2-35 EFFECTIVE DATE

A Development Permit does not come into effect until twenty-one (21) days from the date on which public notice was issued.

2-36 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

- a) A development permit shall lapse after twelve (12) months from the date of issuance unless development has commenced on the site or a 'Development Permit Extension' (**Section 2-22**) has been granted.
- b) Additional Reasons for Suspension or Cancellation include:
 - i. The Development Permit application contains any misrepresentation;
 - ii. The fees have not been paid or payment of the fees are returned "NSF";
 - iii. Facts have not been disclosed which should have been at the time of consideration of the application for the Development Permit;
 - iv. The Development Permit was issued in error;
 - v. The requirements or conditions of the Development Permit have not been complied with;
 - vi. The Applicant requests, by way of written notice to the Development Authority, the cancellation of the Development Permit provided that commencement of the development or construction has not occurred.

2-37 NOTICE OF SUSPENSION OR CANCELLATION

The Development Authority must provide notice of the suspension or cancellation of the application by notice, in writing, to the holder of the Development Permit

2-38 CEASE DEVELOPMENT NOTICE

Upon receipt of the written notice of suspension or cancellation, the Applicant must cease all Development and activities to which the Development Permit pertains and secure the site such that it does not pose a risk to public safety.

2-39 APPLICANT DEEMED REFUSALS

In accordance with Section 684 of the MGA, an application for a Development Permit shall, at the option of the Applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days of the completed application being received by the Development Authority, unless an agreement to extend the forty (40) day period herein described is established between the Applicant and the Development Authority.

2-40 RE-APPLICATION FOR A DEVELOPMENT PERMIT

Should an application for a Development Permit be refused by the Development Authority, or Council, or refused on an appeal from the ISDAB, another application for Development shall not be accepted by the Town for at least six (6) months after the date of the refusal if it is:

- a) By the same or any other Applicant;
- b) On the same Parcel; and/or
- c) For the same or a Similar Use.

Development Permit Appeals

2-41 APPEAL OF SUSPENSION OR CANCELLATION

An Applicant whose Development Permit is suspended or cancelled may appeal to ISDAB, as established by Council.

2-42 FILING OF APPEAL

An appeal to the ISDAB requires:

- a) The legal description of the Parcel and/or the municipal address;
- b) The address of the appellant;
- c) The reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal;
- d) Payment of the fees as set by Resolution of Council.

2-43 APPEAL BOARD PROCESS

In dealing with an appeal, the ISDAB shall follow the process described in the ‘Subdivision and Development Appeal Board Bylaw,’ as amended.

2-44 BOARD PUBLIC HEARING

The ISDAB shall hold a public hearing respecting the appeal within thirty (30) days of receipt of a notice of appeal.

2-45 BOARD PUBLIC HEARING NOTICE

The ISDAB shall in a minimum of five (5) days prior to the hearing of any appeal:

- a) Publish in a locally circulating newspaper:
 - i. The subject and nature of the appeal,
 - ii. The time, date and location of the hearing,
 - iii. Any other matter the Board considers necessary;
- b) Publish on the official Town website notification as described in ‘Notice of Decision’ (**Section 2-34**);
- c) Notify in writing the appellant, the Development Authority and any other person that the Board considers should be notified.

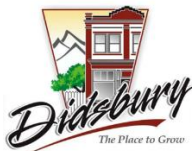
2-46 REVERSALS

Reversal of Approval:

- a) If the decision to approve a Development Permit application is reversed by the ISDAB, the Development Permit shall be null and void.

Reversal of Refusal:

- b) If the decision to refuse a Development Permit application is reversed by the ISDAB, the ISDAB shall direct the Development Authority to issue a Development Permit in accordance with the decision of the Board.



2-47 VARIANCE OF APPROVAL

If the decision to approve a Development Permit application is varied by the ISDAB, the ISDAB shall direct the Development Authority to issue a Development Permit in accordance with the terms of the decision of the Board.

2-48 APPEAL OF BOARD DECISION

A decision made by the ISDAB is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the MGA. An application for leave to appeal to the Appellate Division of the Court of Appeal shall be made:

- a) To a judge of the Court of Appeal;
- b) Within thirty (30) days after the issue of the order, decision, permit or approval sought to be approved.

SECTION THREE

Development Regulations

3

This section outlines specific regulations that apply to particular types of Development within the Town.

Non-Conformance

3-1 NON-CONFORMING USES & NON-CONFORMING BUILDINGS

- a) Non-conforming buildings and uses shall be administered as outlined in the MGA.
- b) The Development Authority may approve, with or without conditions, an enlargement, alteration or addition to a non-conforming Building if, in their opinion:
 - i. The proposed Development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring Parcels of land;
 - ii. The proposed Development conforms to the use prescribed for that land or Building in this Bylaw.

Buildings & Structures

3-2 BUILDING HEIGHT -

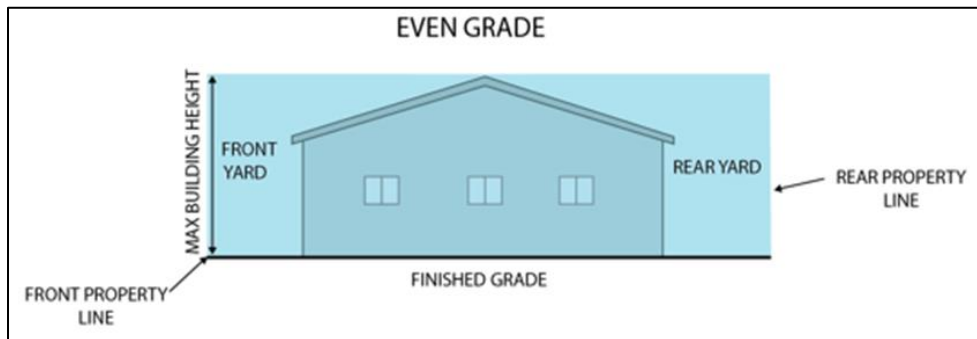
Determining Height:

- a) The base from which to measure the height of a Building or Structure shall be from a point on the finished ground elevation which adjoins an exterior wall, as shown in **Figure 1**.

Highest Point of a Building:

- b) In determining the highest point of a Building, the following Structures are not to be considered a part of the Building: an elevator housing; mechanical housing; roof stairway entrance; ventilation fans; a skylight; a steeple; a smokestack; a parapet wall; or a flag pole or similar device not structurally essential to the Building.

FIGURE 1 – DETERMINING BUILDING HEIGHT



3-3 ADDRESSING

All principal Buildings shall have the civic address clearly displayed and easily visible from the street.

3-4 GARAGES

An attached garage shall be considered to be part of the principal Building, a detached garage shall be considered to be an Accessory Building/Structure.

3-5 ACCESSORY BUILDINGS & ACCESSORY STRUCTURES

Requirements:

- a) No Accessory Building shall be permitted that will restrict access to the rear yard where a Parcel has vehicular access from the front yard only;
- b) Accessory Building or Accessory Structures shall not be located on utility rights-of-ways without Development Authority Approval, however, eaves may encroach over the utility-right-of-way.

Timing:

- c) An Accessory Building or Accessory Structure must not be constructed prior to the issuance of a Development Permit for the principal Building.

Height:

- d) An Accessory Building should not exceed the maximum height specified in the District in which it is located. Except within the (R4) Residential District- Large Lot where the Accessory Building may exceed the height of the Principal Building at a height at the discretion of the Development Authority.

Siting:

- e) Be a minimum of 2.0 metres (6.56 feet) from the principal Building;
- f) Adhere to the front setback requirements for the principal Building as specified in the appropriate District;
- g) Shall be a minimum of 1.0 metre (3.28 feet) away from the rear property line;
- h) Shall be a minimum of 1.0 metre (3.28 feet) from the side property line except where an agreement exists between the Registered Owners of adjoining Parcels to build their Accessory Building centre to the satisfaction of the Development Authority on the property line;
- i) No Accessory Building, Structure or any portion thereof shall be erected or placed within the front yard of a parcel.

3-6 SHIPPING CONTAINERS

Requirements:

- a) Shipping Containers (Small), not exceeding six (6) metres/twenty (20) feet shall be restricted to the (R4) Residential District- Large Lot and shall not be allowed in any other Residential District;
- b) Shipping Containers (Large) are restricted to Non-Residential Districts;
- c) Shipping Containers are to be used for storage and located at the rear of the Principal Building;
- d) Shipping Containers may be authorized on a temporary basis in the front yard, not exceeding twenty-eight (28) days;
- e) Shipping Containers shall not be stacked;
- f) Shipping Containers shall not have graffiti or rust showing.

Siting:

- g) Shall not be located in a front yard;
- h) Be a minimum of 2.0 metres (6.56 feet) from the Principal Building;
- i) Be located at least 1.0 metre (3.28 feet) away from the rear property line;
- j) Be located at least 1.0 metre (3.28 feet) from the side property line.

3-7 PRIVATE SWIMMING POOLS

Requirements:

- a) Private swimming pools are considered to be an Accessory Structure;
- b) Shall be secured against entry of the general public (e.g. in a fenced back yard) per the Alberta Building Code;

Siting:

- c) Shall not be located in a front yard;
- d) Be a minimum of 2.0 metres (6.56 feet) from the principal Building; and
- e) Be a minimum 1.0 metre (3.28 feet) away from the rear property line.

3-8 COMMUNICATION STRUCTURES

Requirements:

- a) Communication Structures are considered to be an Accessory Structure;
- b) Communication Structures shall not be located within a front yard or side yard where the side yard abuts a roadway.

3-9 SOLAR COLLECTORS

Freestanding:

- a) Freestanding Solar Collectors are considered to be an Accessory Structure;
- b) Shall be located such that it does not create undue glare on neighbouring parcels or roadways;
- c) Shall not be located in the front yard or side yard of a parcel;

Roof Mounted:

- d) May project a maximum of 1.3 metres (4.27 feet) from the surface of the roof;
- e) Shall not extend beyond the outermost edge of the roof;

Wall Mounted:

- f) Shall be located such that it does not create undue glare on neighbouring parcels or roadways;
- g) Shall be located a minimum of 2.4 metres (7.87 feet) above grade;
- h) May project a maximum of 1.5 metres (4.92 feet) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable District; and
- i) May project a maximum of 0.6 metres (1.97 feet) from the surface of the wall when the wall faces the front, or side property line, subject to the setback requirements of the applicable District.

3-10 SOLID WASTE AND RECYCLING AREAS

Requirements:

- a) All Commercial, Industrial and Residential-Multiple Dwelling (R5) Districts are required to have onsite a solid waste and recycling area approved by the Development Authority;
- b) All solid waste and recycling areas must provide access for equipment to collect materials without interfering with any other operations on site.

3-11 SITING OF PUBLIC UTILITY BUILDINGS

The siting of a Public Utility Building shall be at the discretion of the Development Authority.

3-12 SECONDARY SUITES

Requirements:

- a) Only one (1) Internal or (1) External Secondary Suite is permitted per Parcel;
- b) Outdoor amenity space shall be shared with the principal Building;
- c) On-site parking and driveway access shall be shared with the principal Building;
- d) A Secondary Suite is not permitted in conjunction with a Bed & Breakfast;

Secondary Suite (Internal):

- e) Suites shall be located only in single or semi-detached housing;

Secondary Suite (External):

- f) Site design should be utilized to maximize privacy and minimize shading on neighbouring properties;
- g) Suites shall be connected to the Town's water and sanitary sewer systems if and when servicing is available; Suites shall be connected to the Town's water and sewer services if and when these services are directly adjacent to the Parcel;
- h) The maximum Floor Area shall not exceed 62.80 metres² (676.0 feet²);

Secondary Suite (External) Siting:

- i) Shall not be located in a front yard;
- j) Be a minimum of 2.0 metres (6.56 feet) from the principal Building; and
- k) Be located at least 1.5 metres (4.92 feet) away from the rear property line.

3-13 MANUFACTURED HOUSING

Requirements:

- a) No Manufactured Home, or additions thereto, shall exceed 6.0 metres (19.68 feet) above grade;
- b) The roof line of an addition or Accessory Building/Structure to a Manufactured Home shall not exceed the height of the Manufactured Home;
- c) Each Manufactured Home shall have Canadian Standards Association (CSA), certification or the equivalent, satisfactory to the Development Authority.

Building Appearance and Construction:

- d) Each Manufactured Home must be placed on a foundation as approved by the Building Code Inspector, in accordance with applicable provincial standards;
- e) The crawl space between the Structure and ground of each Manufactured Home shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Authority, within thirty (30) days of placement of the unit;
- f) Axles and trailer hitches shall be removed.

3-14 MULTI-UNIT DWELLINGS

A Development Permit is required for all 'Multi-Unit Dwellings' as described in **Section 2-13**.

3-15 MIXED USE DEVELOPMENT

Requirements:

- a) A Mixed Use Development requires a 'Multi-Unit Dwelling Permit' as described in **Section 2-13**.
- b) Both the residential and commercial portions of a Mixed-Use Development shall have ground level access;
- c) Residential Dwelling Units shall not be located on the ground floor nor shall commercial uses be located on the same level as a residential dwelling unit;
- d) The minimum Floor Area for a dwelling unit shall be 50.0 metres² (538.20 feet²) for a studio unit and an additional 11.0 metres² (118.40 feet²) for each bedroom in the dwelling unit included thereafter.

3-16 BUILDING RELOCATION AND/OR DEMOLITION

Requirements:

- a) Unless approved by the Development Authority no person shall:
 - i. Place on a Parcel a Building which has previously been erected or placed on a different Parcel, or
 - ii. Alter the location on a Parcel of a Building, which has already been erected or placed on that Parcel,
 - iii. Demolish a Building.
- b) A Development Permit is required for all 'Building Relocations and/or Demolitions' with a Floor Area of 30.0 metres² (322.92 feet²) or greater, as described in **Section 2-14**.

3-17 UNDERGROUND PETROLEUM TANK REMOVAL

A Development Permit is required for all 'Underground Petroleum Tank Removals' as described in **Section 2-15**.

3-18 VACANT BUILDINGS

In alignment with the *Community Standards* Bylaw No. 2012-04, as amended or replaced, within six (6) months of a Building being vacated, Registered Owners are responsible for the following, to the satisfaction of the Development Authority:

- a) Ensuring that windows and doors are secured and that business Signage is removed;
- b) Removing any graffiti, posters and other debris.

Parcels

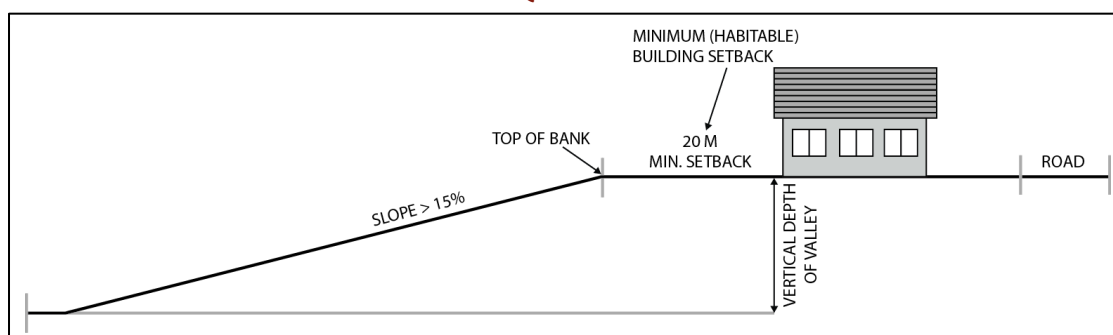
3-19 DEVELOPMENT NEAR A BODY OF WATER

- a) Parcels shall be located at least 10.0 metres (32.81 feet) back from the high water level;
- b) Parcels shall be located outside the high water level of a storm pond;
- c) Parcels shall be located outside the Flood Hazard Area;
- d) Additional setback requirements may be determined as part of an Area Structure Plan or Subdivision Application, at the discretion of the Development Authority;
- e) Applications for re-designation or development within the Flood Fringe shall provide such technical information in support of the application as may be required by the Development Authority and/or Alberta Environment;
- f) Development within the Floodway shall be restricted to the following:
 - i. Structures and associated works for flood control;
 - ii. Public utilities, including bridges and pedestrian walkways, that do not obstruct the flow of water;
 - iii. Public parks and outdoor recreation land uses that do not obstruct the flow of water; and/or
 - iv. Agricultural land uses which do not obstruct the flow of water.

3-20 DEVELOPMENT ON OR NEAR SLOPES

- a) Buildings shall be located at least 20.0 metres (65.62 feet) back from the top-of-bank of an escarpment where the grade exceeds fifteen percent (15%), as shown in **Figure 2**;
- b) The Development Authority may, at their discretion, increase or reduce the setback requirements if the Applicant provides satisfactory proof of bank stability using a geotechnical or engineering study prepared by a qualified engineer.

FIGURE 2 – SETBACK REQUIREMENTS NEAR SLOPES



3-21 DEVELOPMENT NEAR RAILWAY LINES

All residential buildings located adjacent to railway lines shall comply with setback requirements as determined by the Development Authority.

3-22 DEVELOPMENT IN PROXIMITY TO OIL AND GAS WELLS

All construction and development shall comply with the *Subdivision and Development Regulation*, as amended, and the minimum requirements of the Alberta Energy Regulator (AER) in regards to the proximity of development to a gas or oil well, or sour gas facility regulated by the AER.

3-23 DEVELOPMENT IN PROXIMITY TO HIGH PRESSURE GAS LINES

Buildings adjacent to high pressure gas lines, shall be sited a minimum of 100 metres (328.08 feet) from the line, or as determined by the AER.

3-24 DEVELOPMENT SETBACKS FROM WASTEWATER TREATMENT PLANTS

A School, hospital, Eating or Drinking Establishment or Dwelling shall be at least 300.0 meters (984.25 feet) from the working area of an operating wastewater treatment plant.

3-25 DEVELOPMENT SETBACKS FROM LANDFILLS AND WASTE SITES

- a) A School, Care Facility (Treatment), Eating or Drinking Establishment or Dwelling shall be at least 450.0 metres (1476.38 feet.) from an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station, unless otherwise approved by Alberta Environment.
- b) A School, Care Facility (Treatment), Eating or Drinking Establishment or Dwelling shall be at least 300.0 metres (984.25 feet) from a closed or non-operating sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station unless otherwise approved by Alberta Environment.

3-26 EMERGENCY ACCESS

- a) Development Plans shall be so designed that streets and access routes for firefighting vehicles and equipment shall be provided in accordance with the requirements of the *Safety Codes Act*.
- b) Setbacks in any District may be increased at the discretion of the Development Authority in order to provide adequate emergency access to Buildings.

3-27 ZERO SIDE YARD DEVELOPMENTS IN RESIDENTIAL DISTRICTS

Requirements:

- a) Zero side yards are only applicable to multi lot (unified) development projected and not permitted for single lot development or infill development,

Setbacks:

- b) Zero for one side, except where a Parcel abuts a different District, in which case the minimum side yard setback from the boundary abutting the adjacent District shall be 1.5 metres (4.92 feet), as shown in **Figure 3**;
- c) Three metres (9.84 feet) for the other side yard, or 3.5 metres (11.48 feet) if parking is required;

- d) No part of the principal or accessory Building/Structures shall be located within the 3.0 metre (9.84 feet) side yard of a Zero Side Yard Parcel;
- e) In no case shall the distance between two principal Buildings be less than 3.0 metres (9.84 feet).

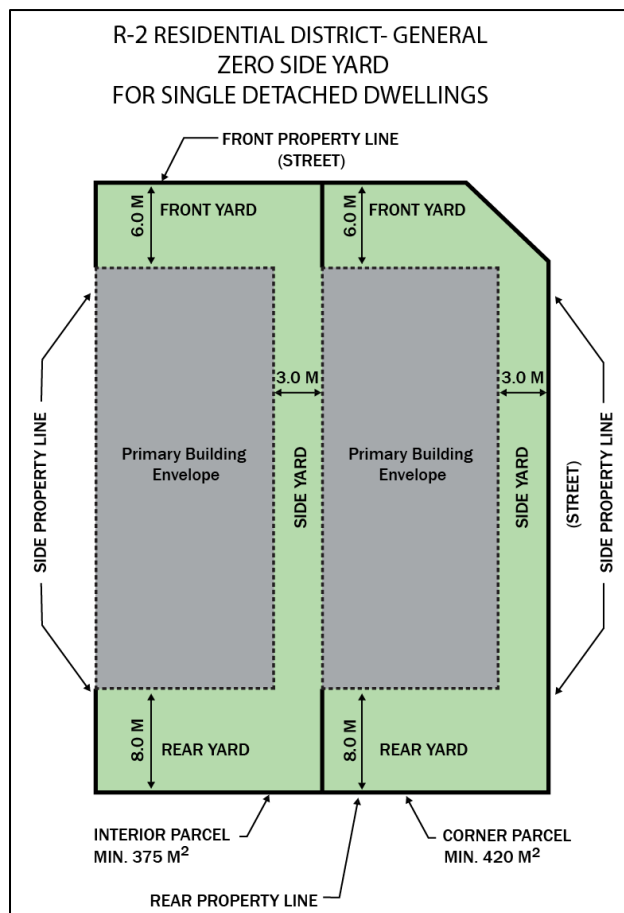
Grading & Drainage:

- f) Plans showing grading and drainage on Adjacent Parcels must be submitted to and deemed acceptable by the Development Authority;

Easements:

- g) The Development Authority shall require that an easement plan be registered in addition to the normal Plan of Subdivision.

FIGURE 3 – ZERO SIDE YARD



3-28 CORNER AND DOUBLE FRONTING PARCELS

Corner Parcels:

- a) The location of Buildings shall be subject to approval of the Development Authority;
- b) Driveway and/or access location shall be setback from the intersecting property lines at least 6.0 metres (19.68 feet). This setback may be varied by the Development Authority;

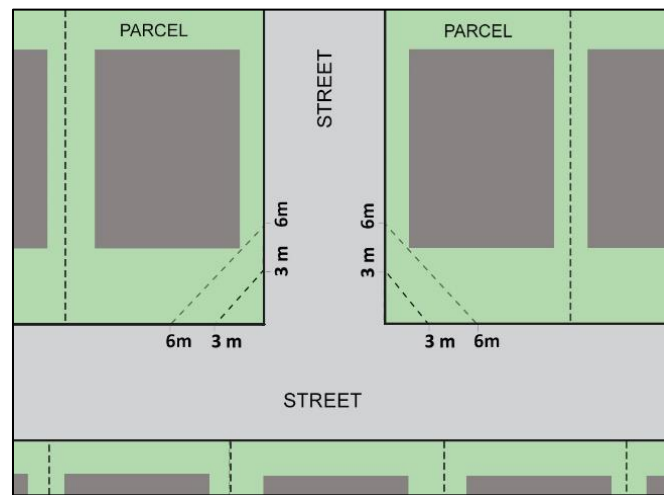
Double-Fronting Parcels:

- c) Where a Parcel abuts two (2) or more public roadways, the front yard setback shall be established on the street that is identified by a municipal address.

3-29 CORNER SETBACKS

- a) At the intersection of two roads or lanes, no building, fence, Sign, vegetation or finished ground elevation shall exceed 1.0 metre (3.28 feet) in height above the average elevation of the roadways, within a triangular area 3.0 metres (9.84 feet) back from the corner, as shown in **Figure 4**;
- b) Private structures, fences and shall be setback at least 6.0 metres (19.68 feet) to maintain corner visibility; and
- c) Corner setbacks may be varied by the Development Authority.

FIGURE 4 – CORNER VISIBILITY TRIANGLE



3-30 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

Objects prohibited in residential Districts shall be referenced in the *Community Standards* Bylaw No. 2012-04, as amended or replaced, and not limited to:

- a) Any dismantled, or inoperable motor vehicle;
- b) Any dismantled, or inoperable recreation vehicle, or a number of recreation vehicles that in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District;
- c) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District;

3-31 PROJECTIONS INTO SETBACK AREAS

In Residential Districts the following projections are permitted:

- a) Side Yards – any projection not exceeding one-half of the minimum side yard required for the Building, except in front only access Parcels where no projections are permitted;
- b) Front Yards – Any projection not exceeding 1.2 metres (3.94 feet) over or on the minimum front yard;

- c) Front and Rear Yard – Unenclosed steps, if they do not project more than 2.4 metres (7.87 feet) over or on a minimum front or rear yard;
- d) Rear Yards – Any projection not exceeding 3.0 metres (9.84 feet) over the minimum rear yard;

In Non-Residential Districts the following projections are permitted:

- a) Any projection not exceeding 1.2 metres (3.94 feet) into a front or rear yard;
- b) Any projection not exceeding 0.6 metres (1.97 feet) into a side yard;
- c) Any projection that is an exterior fire escape.

3-32 DEVELOPMENTS ENCROACHING ON TOWN PROPERTY

- a) No Buildings or Structures other than a utility or municipal structure shall be built on or over Town property with the exception of:
 - i. Approved private driveways and sidewalks,
 - ii. Private landscaping which is reasonable, in the opinion of the Development Authority.
- b) The owner of an encroaching Building or Structure shall be required to enter into an Encroachment Agreement in a form satisfactory to the Town, within 90 days of approval, respecting the said encroachment.
- c) The owner of an encroaching Building or Structure must obtain approval from the municipality prior to installing any improvement.

3-33 PROJECTION INTO A RIGHT-OF-WAY

No portion of a Building – other than eaves, Signs or canopies attached to the Building – shall project into a public or private right-of-way.

3-34 PUBLIC EASEMENTS

Subject to the conditions of a utility easement, no permanent Structure other than a fence shall be constructed within a public easement unless, in the opinion of the Development Authority, the said Structure does not restrict access to the utility easement.

3-35 OUTSIDE STORAGE AND DISPLAY

Requirements:

- a) No storage or activity may be undertaken that would, in the opinion of the Development Authority:
 - i. Unduly interfere with the amenities of the District, or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring Parcel;

Residential District- Large Lot (R4):

- b) Heavy trucks and equipment may be stored outside of a Building subject to approval being obtained from the Development Authority. Such heavy trucks and equipment stored outside of a Building shall be screened from view by means of fencing, shrubbery, trees and other landscaping to the satisfaction of the Development Authority;
- c) Part of the Parcel may be used for the temporary outdoor display of goods or products for sale, lease or hire subject to approval being granted by the Development Authority. Such display shall be arranged and maintained in a neat and tidy manner;

All Other Residential Districts:

- d) Shall adhere to the guidelines set out in the *Community Standards* Bylaw No. 2012-04, as amended or replaced;

Commercial Districts:

- e) Shall adhere to the guidelines set out in *Community Standards* Bylaw No. 2012-04, as amended or replaced;

Industrial Districts:

- f) Outside storage of goods, products, materials or equipment shall be kept in a clean and orderly condition at all times and shall be screened by means of a solid wall or fence from public thoroughfares and adjacent residential uses to the satisfaction of the Development Authority.

3-36 VACANT PARCELS

In alignment with the Bylaw No. 2012-04, as amended or replaced, Registered Owners of vacant Parcels are responsible for the following, to the satisfaction of the Development Authority:

- a) Maintaining the Parcel so not to detract from the appearance of the area;
- b) Removing all garbage, equipment and materials of any sort;
- c) Removing or leveling any piles of dumped earth or rock or other materials;
- d) Clearing snow from adjacent sidewalks;
- e) Maintaining landscaping and grass or weeds;
- f) Refraining from parking or storing equipment and/or vehicles, except at the discretion of the Development Authority.

Signage

3-37 SIGN TERMINOLOGY

- Copy** Means the letters, graphics or characters that make up the message on the Sign face.
- Changeable Copy** Means that portion of the copy that can be readily changed either manually or electronically.
- Building Face** Means any exterior wall of a Building.
- Third Party Advertising** Means advertising which directs attention to a business, commodity, service or event that is conducted, sold or offered elsewhere than on the premises on which the Sign is located.

3-38 GENERAL STANDARDS

- a) In **Sections 3-45 to 3-56** (under District Types): Residential refers to all residential districts, Commercial refers to all commercial districts, Industrial refers to all industrial districts and Special refers to Direct Control, Parks and Recreation, Natural Open Space and Urban Reserve District.
- b) Quality, aesthetic character and finishing of Sign construction shall be to the satisfaction of the Development Authority;
- c) The area around Freestanding Signs shall be kept clean and free of overgrown vegetation and free from refuse material;

- d) All Signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby Buildings;
- e) A person shall not attach or hang an auxiliary Sign or other material to, on, above, or below a Sign without first obtaining the applicable permits or permission from the Development Authority;
- f) No Sign or any part of a Sign shall be within 3.0 metres (9.84 feet) of overhead power and service lines;
- g) A Sign shall be located entirely within the site unless prior written approval granting permission for the Sign to overhang another property is submitted by the affected Registered Owner;
- h) A Sign shall not be erected on any property unless permission is granted in writing from the Registered Owner.
- i) Any rotating Signs, automatic changeable copy Signs, animated, or flashing illuminated Signs require approval from the Development Authority;
- j) A Development Permit is required for all Signs, excluding 'Signs Not Requiring a Permit' (**Section 3-39**).

3-39 SIGNS NOT REQUIRING A PERMIT

The following Signs do not require a Sign permit, but shall otherwise comply with the Bylaw:

- a) Signs displayed by or on behalf of the federal, provincial, or local (i.e. the Town) government;
- b) Signs displayed on public transportation or infrastructure related to public transportation that are subject to an agreement with the Town;
- c) The alteration of a Sign which only includes routine maintenance, painting or change in face, copy or lettering.
- d) Community Identification Signs, provided their design and location has been reviewed and approved by the Development Authority;
- e) Land Use Classification Signs, provided their design and location has been reviewed and approved by the Development Authority;
- f) Banners and pennant flags that are not permanently installed and which are displayed for a period not exceeding 30 days;
- g) The following Signs subject to the standards outlined herein:
 - i. 'Election Signs' (**Section 3-47**),
 - ii. 'Real Estate Signs' (**Section 3-53**),
 - iii. 'Sandwich Boards' (**Section 3-55**),
 - iv. 'Temporary Signs' (**Section 3-56**).

3-40 SIGNS ON MUNICIPAL PROPERTY

The following rules apply to all types of Signs on municipal property:

- a) No Sign shall be located on, erected on, or attached to municipal property, buildings or structures unless permission is granted in writing from the Town,
- b) If permission is granted for a Sign to be located on, erected on, or attached to municipal property, Buildings or Structures, the Sign type shall comply with all applicable Sign regulations contained within this Bylaw, and

- c) Any Sign located on, erected on, or attached to municipal property without authorization from the Town, may be removed without notice.

3-41 PROHIBITED SIGNS

Any Sign which, in the opinion of the Development Authority, creates a traffic or pedestrian hazard either due to its design or location.

3-42 SIGN MAINTENANCE

The lawful owner of a Sign shall be responsible for the maintenance of that Sign to an acceptable standard, to the satisfaction of the Development Authority.

3-43 REMOVAL

- a) The Development Authority may require the removal of any Sign which, in their opinion, is or has become unsightly or is in such a state of disrepair as to constitute a hazard, including:
- i. When the excess of twenty-five percent (25%) of the Sign face has experienced loss of finish through chipping, fading, or excessive dirt building up,
 - ii. If the Sign is physically damaged on either face or its supports so it is no longer structurally safe or located correctly,
 - iii. The Sign is no longer relevant to the Permitted Use of the Building (i.e. the Building is no longer inhabited by a business and/or is vacant);
- b) Non-compliance may result in the removal of a Sign without notice and any cost associated with its removal shall be charged to the owner of the Sign;
- c) Any Sign removed shall be held for thirty (30) days; if not claimed, the Sign will be disposed of at the discretion of Town staff.

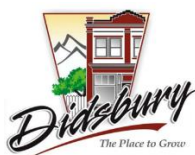
3-44 ILLUMINATION OF SIGNS

A Signs’ illumination shall not exceed 5,000 candelas per square metre.

3-45 AWNING/CANOPY SIGNS

Means a Sign which either forms part of, or is attached to, a retractable or permanently affixed canopy.

| | |
|--------------------------------|--|
| Permit Required | Yes |
| District Type | Residential Prohibited (Discretionary in RC) |
| | Commercial Permitted |
| | Industrial Permitted |
| | Special Discretionary |
| Maximum Sign Dimensions | N/A |
| Standards | <ul style="list-style-type: none"> • Shall be constructed of durable, waterproof, colourfast material • Shall be attached to the Structure to which it refers • Shall have a minimum clearance of 3.0 metres (9.84 feet) from above grade |



3-46 BILLBOARD SIGNS

Means a Sign which stands independently of a Building for the purposes of advertising a product or service.

| | |
|------------------------|-----|
| Permit Required | Yes |
|------------------------|-----|

| | | |
|----------------------|-------------|----------------------------------|
| District Type | Residential | Prohibited (Discretionary in RC) |
| | Commercial | Discretionary |
| | Industrial | Discretionary |
| | Special | Discretionary |

| | |
|--------------------------------|--|
| Maximum Sign Dimensions | <ul style="list-style-type: none">• 35.0 metre² (376.74 feet²) Sign area• 12.0 metre (39.37 feet) Sign height |
|--------------------------------|--|

| | |
|------------------|--|
| Standards | <ul style="list-style-type: none">• Shall at the minimum be 90.0 metres (295.28 feet) apart from any like Sign• May be illuminated by a constant source of light• Shall not be lit by a flashing, animated or intermittent light source• Shall be setback at a minimum of 5.0 metres (16.40 feet) from the Parcel line• Shall have no part of the Sign face less than 2.4 metres (7.87 feet) above grade |
|------------------|--|

3-47 ELECTION SIGNS

Means a Sign displayed during an election period, referendum or plebiscite.

| | |
|------------------------|--|
| Permit Required | No, provided it meets the following standards: |
|------------------------|--|

| | | |
|----------------------|-------------|-----------|
| District Type | Residential | Permitted |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Permitted |

| | |
|--------------------------------|--|
| Maximum Sign Dimensions | <ul style="list-style-type: none">• 2.0 metre² (21.53 feet²) Sign area• 1.5 metre (4.92 feet) Sign height |
|--------------------------------|--|

| | |
|------------------|---|
| Standards | <ul style="list-style-type: none">• Shall be erected no more than sixty (60) days prior to an election and shall be removed within twenty-four (24) hours after the election to which they refer• Shall not be placed on any centre median or in any location that affects traffic safety or visibility• Shall not be illuminated |
|------------------|---|

3-48 FASCIA SIGNS

Means a flat Sign that is attached flush to a Building face or is painted on.

| | |
|------------------------|-----|
| Permit Required | Yes |
|------------------------|-----|

| | | |
|----------------------|-------------|----------------------------------|
| District Type | Residential | Prohibited (Discretionary in RC) |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Discretionary |

| | |
|--------------------------------|---|
| Maximum Sign Dimensions | <ul style="list-style-type: none">Commercial and Industrial Districts, Sign area \leq 40% of the Building faceSpecial Districts, Sign area \leq 20% of the Building face |
|--------------------------------|---|

| | |
|------------------|---|
| Standards | <ul style="list-style-type: none">May be projected a maximum of 0.3 metres (0.98 feet)Shall have no exposed wiring or bulbsMay be illuminated and may include changeable copyFor attached fascia Signs, shall be safely and securely attached to the Building by means of metal anchors, bolts or expansion screws |
|------------------|---|

3-49 FREESTANDING SIGNS

Means a Sign that is self-supporting in a fixed location and not attached to a Building.

| | |
|------------------------|-----|
| Permit Required | Yes |
|------------------------|-----|

| | | |
|----------------------|-------------|----------------------------------|
| District Type | Residential | Prohibited (Discretionary in RC) |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Discretionary |

| | |
|--------------------------------|---|
| Maximum Sign Dimensions | <ul style="list-style-type: none">Residential Commercial (RC), 1.5 metre² (16.15 feet²) Sign areaResidential Commercial (RC), 1.5 metre (4.92 feet) Sign heightNon-Residential, 7.0 metre² (75.35 feet²) Sign areaNon-Residential, 10 metre (32.81 feet) Sign height |
|--------------------------------|---|

| | |
|------------------|--|
| Standards | <ul style="list-style-type: none">May be illuminated and may contain electronic message display and changeable copyShall be wholly located on the site of the Building or land use to which the Sign refers, except where the Sign is approved to contain third party advertisingShall not project over any property lineOnly one (1) Sign shall be permitted per parcel, except where sites have 60.0 metres (196.85 feet) or more of street frontage and Signs are placed no closer than 30.0 metres (98.42 feet) apart |
|------------------|--|

- For the purpose of marketing or guiding traffic to a new development:
 - i. Shall be located a minimum of 25.0 metres (82.02 feet) from a roadway intersection and 100.0 metres (328.08 feet) from another such Sign for the same development
 - ii. Shall be placed no further than the nearest arterial road to the new subdivision or development
 - iii. May be erected within the boulevard and median areas of arterial and major collector roads provided that they do not interfere with maintenance or create a hazard

3-50 INFLATABLE SIGNS

Means a Sign that is inflated.

Permit Required Yes

| | | |
|----------------------|-------------|----------------------------------|
| District Type | Residential | Prohibited (Discretionary in RC) |
| | Commercial | Discretionary |
| | Industrial | Discretionary |
| | Special | Discretionary |

Maximum Sign Dimensions N/A

- Standards**
- Shall be at the discretion of the Development Authority
 - Shall be affixed securely
 - Shall be a minimum of 10.0 metres (32.81 feet) from power and service lines and road rights-of-way

3-51 PORTABLE SIGNS

Means a Sign mounted on a frame, trailer, stand or similar Structure that is easily transported, but does not include a sandwich board.

Permit Required Yes

| | | |
|----------------------|-------------|----------------------------------|
| District Type | Residential | Prohibited (Discretionary in RC) |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Discretionary |

- Maximum Sign Dimensions**
- 5.0 metre² (53.82 feet²) Sign area
 - 3.0 metre (9.84 feet) Sign height

| | |
|------------------|---|
| Standards | <ul style="list-style-type: none"> • Shall be a minimum of 30.0 metres (98.42 feet) apart when located on the same Parcel • Shall only be placed on the ground but shall not be permanently fastened to the ground • May be issued for a maximum of thirty (30) days, or longer at the discretion of the Development Authority |
|------------------|---|

3-52 PROJECTING SIGNS

Means a Sign that is attached to a wall of a Building and horizontally extends more than 0.3 metres (0.98 feet) from the face of that wall.

| | |
|------------------------|--|
| Permit Required | Yes |
| District Type | Residential Prohibited (Discretionary in RC) |
| | Commercial Permitted |
| | Industrial Permitted |
| | Special Discretionary |

| | |
|--------------------------------|---|
| Maximum Sign Dimensions | <ul style="list-style-type: none"> • RC, 2.0 metres (21.53 feet²) Sign area • Commercial, 5.0 metres² (53.82 feet²) Sign area • Industrial, 9.0 metres² (96.87 feet²) Sign area • Special, 5.0 metres² (53.82 feet²) Sign area |
|--------------------------------|---|

| | |
|------------------|---|
| Standards | <ul style="list-style-type: none"> • Shall not project more than 2.0 metres (6.56 feet) from the Building face • Shall not be placed at a height less than 2.4 metres (7.87 feet) from grade to the bottom of the Sign • Shall not project above the roof or parapet of a Building • Shall not be located within 0.6 metres (1.97 feet) from the back of the curb of a public roadway • Shall be fixed in place • Only one (1) projecting Sign shall be permitted per site • Businesses located in the same building may combine their allowable Sign areas to form a single projecting Sign whose Sign area shall be based on the businesses combined maximum Sign areas. |
|------------------|---|

3-53 REAL ESTATE SIGNS

Means any temporary, non-illuminated Sign that is displayed on a property for the purpose of advertising the sale, lease or rent of that property.

| | | |
|--------------------------------|--|-----------|
| Permit Required | No, provided it meets the following standards: | |
| District Type | Residential | Permitted |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Permitted |
| Maximum Sign Dimensions | <ul style="list-style-type: none">• 0.5 metre² (5.38 feet²) Sign area• 3.0 metre (9.84 feet) Sign height | |
| Standards | <ul style="list-style-type: none">• Shall only be located on the property that is for sale• Shall be removed within seven (7) days after the closing date of the sale of the property• Shall be restricted to a maximum of two (2) Signs per development, or dwelling unit in multi-unit dwellings | |

3-54 ROOF SIGNS

Means any Sign erected upon, against, or directly above a roof or on top of or is entirely above the parapet wall of a building.

| | | |
|--------------------------------|---|----------------------------------|
| Permit Required | Yes | |
| District Type | Residential | Prohibited (Discretionary in RC) |
| | Commercial | Permitted |
| | Industrial | Discretionary |
| | Special | Discretionary |
| Maximum Sign Dimensions | <ul style="list-style-type: none">• <20% of the area formed by the building face• 1.0 metre (3.28 feet) Sign height | |
| Standards | <ul style="list-style-type: none">• Shall be erected so that the supporting structure is not visible• Shall not rotate or employ any flashing or intermittent lights, devices or means to create the impression of flashing lights• Shall have a minimum building clearance of 1.2 metres (3.94 feet) | |

3-55 SANDWICH BOARDS

Means an “A” shaped form of freestanding Sign, sometimes referred to as an A-frame, which is set on but not attached to the ground.

| | | |
|--------------------------------|--|---------------------------------|
| Permit Required | No, provided it meets the following standards: | |
| District Type | Residential | Prohibited Discretionary in RC) |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Discretionary |
| Maximum Sign Dimensions | <ul style="list-style-type: none"> • 0.8 metre² (8.61 feet²) Sign area • 1.0 metre (3.28 feet) Sign height | |
| Standards | <ul style="list-style-type: none"> • Shall be located in proximity to the business advertised and permitted only during hours of operation • Shall not include any illumination or electronic message display • Shall be constructed of a rigid material such that a stable frame is created • Shall not obstruct pedestrian or vehicular traffic • Shall maintain a separation distance of 10.0 metres (32.81 feet) from another Sandwich Board Sign | |

3-56 TEMPORARY SIGNS

Means a Sign which is not permanently installed and is limited to advertising a yard sale, garage sale or temporary outdoor event.

| | | |
|--------------------------------|--|-----------|
| Permit Required | No, provided it meets the following standards: | |
| District Type | Residential | Permitted |
| | Commercial | Permitted |
| | Industrial | Permitted |
| | Special | Permitted |
| Maximum Sign Dimensions | <ul style="list-style-type: none"> • 0.5 metre² (5.38 feet²) Sign area | |
| Standards | <ul style="list-style-type: none"> • May be erected within the boulevard and median areas of arterial and major collector roads provided that they do not, in the opinion of the Development Authority, interfere with the maintenance of the area or create a hazard • Shall not be erected for more than a forty-eight (48) hour period, unless the appropriate Special Event Permit has been issued in which case it can be erected for the duration of the event • Signs may be removed by the Town after forty-eight (48) hours without notice | |

Parking

3-57 GENERAL REQUIREMENTS

- a) All parking lots, Parking Stalls, loading spaces or to which vehicles have access shall be hard surfaced (excluding gravel) for any new commercial development, excluding industrial districts;
- b) All parking lots, Parking Stalls and loading spaces should be clearly marked and maintained to ensure legibility to users;
- c) On-site parking and loading shall be constructed in the manner shown on an approved Site plan and the entire area is to be graded and hard-surfaced to ensure drainage;
- d) Areas designed as parking and loading spaces on an approved site plan shall not be used for storage or display of vehicles, goods, or materials;
- e) Developments containing or providing for more than one (1) use shall provide parking and loading facilities equal to the sum of the requirements for all the individual uses;
- f) For Multi-Unit Dwelling Development, a parking area shall not be located in the front yard unless otherwise allowed by the Development Authority;
- g) Where an applicant proposes a development with deficient Parking Stalls and/or loading spaces, the Development Authority shall consider the proposal in accordance with the 'Deficient Parking' policies **Section 3-58**;
- h) All parking lots shall have adequate lighting as determined by the Development Authority;
- i) Parking for the physically handicapped shall be considered as part of the number of stalls required for a given development;
- j) In the case of a Use not specified, the number of stalls provided shall be the same as for a Similar Use, as determined by the Development Authority; and
- k) The design of the parking area can be altered where the Development Authority considers that the situation warrants a variance of the standard design.

3-58 DEFICIENT PARKING

- a) In deciding on proposed development that is deficient in parking, the Development Authority may:
 - i. At its' discretion, vary the number of Parking Stalls required,
 - ii. Require the Developer to provide off-street parking on an alternate site that is approved by the Development Authority and within the same District, and/or
 - iii. Require that all parking and loading spaces be provided on-site;
- b) When a building is enlarged, or its use is changed or intensified the increased parking shall meet the parking requirement as described in 'Parking Stall Requirements' **Section 3-60**.

3-59 CURB CUTS AND RAMPS

- a) Curb cuts and ramps should be located at convenient and safe locations, to the satisfaction of the Development Authority;
- b) The maximum width of the curb cut for vehicular access shall not exceed 9.0 metres (29.53 feet) in Industrial Districts and 6.0 metres (19.68 feet) in all other Districts unless otherwise specified by the Development Authority.

3-60 PARKING STALL REQUIREMENTS

The minimum number of off-street Parking Stalls required for each Use is as follows:

TABLE 3 – PARKING STALL REQUIREMENTS

| Use | Minimum Required |
|--|---|
| Residential: | |
| Single and Two Unit Dwellings | 2 stalls per Dwelling Unit |
| Multi-Unit Dwelling Development ≤ one bedroom per Dwelling Unit | 1 stall per Dwelling Unit + Guest Parking |
| Multi-Unit Dwelling Development ≥ two bedrooms per Dwelling Unit | 2 stalls per Dwelling Unit + Guest Parking |
| Secondary Suites of one bedroom or less | 1 stall per Dwelling Unit |
| Secondary Suites of two bedrooms or more | 2 stalls per Dwelling Unit |
| Home Occupation | 2 stalls per Dwelling Unit + 2 stalls |
| Bed & Breakfast | 2 stalls per Dwelling Unit + 1 stall per guest room |
| Commercial: | |
| Automotive Services (Minor) | 1 stall per 100 meters ² (1076.39 feet ²) gross floor area |
| Automotive Services (Major) | 2 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Bus Depot | 2.5 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Establishment (Eating or Drinking Class 1) | 2.0 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Establishment (Eating or Drinking Class 2) | 2.5 stalls per 100 meters ² (1076.39 feet ²) of gross floor area |
| Establishment (Entertainment/Vice) | 10 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Hotel/Motel | 1 stall per guest room plus 3 for staff |
| Office/Care Facility (Clinic)/Animal Services | 2.5 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Recreation (Private/Public) | 3 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Recreation (Outdoor) | 5 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Retail (Small) < 1000 m ² | 2 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Retail (General) 1000-4000m ² | 1.5 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Retail (Large/Groceries) > 4000 m ² / | 3 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Trade School | 3 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Warehouse Sales/Greenhouse/Market | 2.5 stalls per 100 meters ² (1076.39 feet ²) gross floor area |

| Use | Minimum Required |
|--|---|
| Industrial: | |
| Industrial (Services)/Warehouse | 1 stall per 100 meters ² (1076.39 feet ²) gross floor area |
| Industrial (Agricultural/Manufacturing & Operations) | 1.25 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Special: | |

| Use | Minimum Required |
|---------------------------|---|
| Care Facility (Child) | 3 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Care Facility (Group) | 0.75 stalls per Dwelling Unit + 1 staff stall per 15 beds/units + Guest Parking |
| Care Facility (Treatment) | 1 stall per 4 beds/units + 1 staff stall per 15 beds/units + Guest Parking |
| School | At the discretion of the School Board |
| Place of Worship | 10 stalls per 100 meters ² (1076.39 feet ²) gross floor area |
| Public Building | 10 stalls per 100 meters ² (1076.39 feet ²) gross floor area |

Guest Parking:

When noted there shall be one (1) additional space per five (5) Dwelling Units, which must be assigned and identified as guest parking In addition to the total number of Parking Stalls listed.

3-61 LOADING SPACE

Where a proposed development will require pick up or delivery of commodities, adequate space for the loading and unloading of the same shall be provided and maintained on the Parcel to the satisfaction of the Development Authority.

Off-Street Loading Spaces Shall:

- a) Have minimum dimensions of 4.0 metres (13.12 feet) in width and 8.0 metres (26.25 feet) in length;
- b) Have overhead clearance of not less than 5.3 metres (17.39 feet) above grade;
- c) Have vehicular access from a public roadway or lane either directly or by a clearly defined traffic aisle.
- d) Be hard-surfaced

3-62 COMMUNAL PARKING

Registered Owners may pool required off-street Parking Stalls within one (1) or more communal parking facilities on a Parcel other than the Parcel of the principal Use, provided:

- a) The facility provides the sum of the off-street parking requirements for each development served by the parking facility. A smaller number may be permitted if supported by a shared parking study acceptable to the Development Authority;
- b) Registered Owners who have pooled their parking requirements enter into an agreement with the municipality and consent to such an agreement being registered as an encumbrance against the titles of land involved;
- c) Registered Owners that are involved in a communal parking arrangement pay the full costs of preparation and registration of the agreement.

3-63 MINIMUM PARKING FACILITY DIMENSIONS

Unless otherwise specified, the minimum width and depth of automobile Parking Stalls is as follows:

- a) Basic Stall: 5.5 metres (18.05 feet) x 2.75 metres (9.02 feet)
- b) Parallel Stall: 7.0 metres (22.97 feet) x 2.8 metres (9.19 feet)

TABLE 4 – PARKING DIMENSIONS

| A Parking Angle | B Stall Width | C Stall Depth | D Aisle Width |
|--------------------|--------------------------|--------------------------|--------------------------|
| 90° | 5.40 meters (17.72 feet) | 2.50 meters (8.20 feet) | 7.20 meters (23.62 feet) |
| 75° | 5.64 meters (18.50 feet) | 2.59 meters (8.50 feet) | 6.12 meters (20.08 feet) |
| 60° | 5.49 meters (18.01 feet) | 2.89 meters (9.48 feet) | 4.82 meters (15.81 feet) |
| 45° | 5.00 meters (16.40 feet) | 3.54 meters (11.61 feet) | 4.00 meters (13.12 feet) |

3-64 SMALL CAR LOT

For Parking Stalls other than parallel stalls, up to twenty percent (20%) of the required Parking Stalls may be of a length shorter than that required above, to a minimum of 4.8 metres (15.75 feet). These stalls shall be clearly marked as ‘SMALL CAR’.

3-65 BICYCLE PARKING

Bicycle racks should be provided and located to the satisfaction of the Development Authority.

Landscaping & Grading

3-66 GENERAL REQUIREMENTS

- a) Existing vegetation shall be preserved and protected unless the need for removal is demonstrated to the satisfaction of the Development Authority;
- b) Existing shrubs and trees retained on a Parcel may be considered as part of the total landscaping requirement;
- c) All landscaped areas shall be designed to facilitate effective surface drainage;
- d) Where, during development, there are areas requiring leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following completion of the work;
- e) Site grading shall be in accordance with the Town’s Minimum Engineering Design Standards;
- f) Parcel grades shall not be altered in future development from the grade plan submitted to the Development Authority for final acceptance;
- g) Where existing site conditions, prior to development of a site make it difficult to achieve full compliance as otherwise required by this Bylaw, the Development Authority may allow a variance from the landscaping standards.

3-67 MINIMUM LANDSCAPING STANDARDS

- a) All portions of a Parcel not covered by a Building, Structure, parking stall or access or egress space shall be landscaped and maintained to the satisfaction of the Development Authority;

Residential Districts:

- b) Landscaping shall be completed within two years of the date of occupancy or two growing seasons, whichever is less;

- c) Landscaping shall cover a minimum of 45% of all residential lots, except Mix Use District if the primary use is for commercial purposes, then the landscape shall be at the discretion of the Development Authority. Vehicular parking, decks and patios shall be included in Parcel Coverage;

Multi-Unit Dwelling Developments:

- d) A minimum of a 6.0 metre (19.68 feet) landscape buffer is required adjacent to municipal roadways;

Non-Residential Districts:

- e) A landscaping plan to the satisfaction of the Development Authority;
- f) A minimum 1.8 metres (5.91 feet) buffer along each public roadway;
- g) A minimum 6.0 metres (19.68 feet) buffer along every boundary adjacent to a residential District.

3-68 SOFT LANDSCAPING STANDARDS

- a) Wherever space permits, trees shall be planted in groups;
- b) Northwest and related large species of poplar trees shall not be permitted;
- c) The minimum requirements for tree sizes at the time of planting shall be:

TABLE 5 – TREE PLANTING SIZES

| Tree Type | Caliper / Height |
|--------------------------|---|
| Deciduous trees (small) | 50 mm (2.16 inch) caliper |
| Deciduous trees (large) | 85 mm (3.35 inch) caliper |
| Coniferous trees (small) | 2.0 metres (6.56 feet) height |
| Coniferous trees (large) | 3.0 metres (9.84 feet) height |
| Shrubs | 0.6 metres height (1.97 feet) or spread |

3-69 RETAINED NATURAL STATE

The following shall be retained in their natural state:

- a) Swamps, gullies and natural drainage courses;
- b) Land subject to flooding within the Flood Hazard Area;
- c) Unstable land;
- d) Land with a natural gradient of thirty percent (30%) or greater; and
- e) A strip of land not less than 10.0 metres (32.81 feet) in width along any river, stream, creek or lake, such distance to be measured from the top of the bank.

3-70 LANDSCAPE SECURITIES

- a) Where identified by the conditions of approval or a ‘Development Agreement’ pursuant to **Section 2-31**, landscape securities shall be provided to the satisfaction of the Development Authority.
- b) The minimum amount required as landscaping security shall be based on one-hundred percent (100%) of the estimated cost including rough grading of the landscaped area, a minimum

300mm of topsoil and sod or seed, trees and shrubs in accordance with approved Development permit drawings and curb separations between landscaped and parking areas.

- c) Cost estimates are subject to review and verification by the Development Authority.
- d) Landscaping shall be required to be completed within twelve months of the completion of the approved development. In the event seasonal conditions prohibit completion for the landscaping, all landscaping requirements shall be completed prior to July 15 of the following growing season.
- e) Landscaping securities shall be released once an inspection of the site demonstrates that the landscaping has been successfully maintained for two growing seasons after completion of the landscaping.
- f) The Town may draw upon the security to complete the landscaping deficiencies in the event the work has not been completed within the required timeframe, to the satisfaction of the Development Authority.

3-71 OWNER LANDSCAPING RESPONSIBILITIES

Registered Owner responsibilities include:

- a) Ensuring that grading is completed and conforms to the Town's Minimum Engineering Design Standards, as amended;
- b) Providing an 'As-Built or Record Grade Plan' to the Development Authority where required;
- c) Ensuring that grading is maintained to continue to provide effective site drainage;
- d) Ensuring that swales are kept free from any obstruction;
- e) Maintaining common drainage paths at the property line.

3-72 MUNICIPAL BOULEVARDS

The Registered Owner of a Parcel abutting a boulevard shall maintain said boulevard in accordance with the requirements of this Bylaw and any other applicable municipal bylaw.

3-73 STRIPPING AND GRADING

- a) Stripping and Grading activities are considered a Discretionary Use in all Districts;
- b) A temporary fence shall be erected around all excavations that are deemed by the Town's Safety Codes or Occupational Health and Safety Officer to be possibly hazardous to the public;
- c) Where finished ground elevations are established, all grading shall comply with the established elevations;
- d) All parcels shall be graded to ensure that storm water is directed to a road without crossing adjacent land, except as permitted by the Development Authority;
- e) All topsoil shall be retained on the parcel, except where it must be removed for building purposes.
- f) A Special Development Permit is required for all 'Stripping and Grading', excluding those lands governed by a valid Development Agreement, as described in **Section 2-17**.

3-74 INTERIOR LANDSCAPING

Curbed planting islands or peninsulas shall be provided in off-street parking areas as described below:

- a) Parking spaces must be separated by a planting island or peninsula at the rate of one (1) island/peninsula for each row of twelve (12) consecutive Parking Stalls for single row configurations, or for each twenty-four (24) consecutive Parking Stalls in double row configurations.
- b) Each island or peninsula shall be at least 55.0 metres² (592.01 feet²) in area for single row configurations, and 33.5 metres² (360.59 feet²) in area for double row configurations.
- c) One (1) tree shall be planted in each island or peninsula, or within 3.0 metres (9.84 feet) of the periphery of the parking area.
- d) Planted boulevards within off-street parking areas may be considered as a suitable alternative.

3-75 FENCES, SCREENING AND RETAINING WALLS

General:

- a) The height of the fence shall be measured from grade;
- b) Where hedges, trellises, arbors and similar things are located on or adjacent to a Parcel line, they shall comply with the height requirements for fences;
- c) No electrification of fences will be permitted (excluding UR and R4);
- d) All fences shall be made of material and constructed and maintained in such a manner so as not to pose a hazard to the public;

Residential Districts:

- a) The maximum height of a fence shall be:
 - i. 1.0 metre (3.28 feet) when the fence is within the front yard,
 - ii. 2.0 metres (6.56 feet) when the fence is within the side or back yard as shown in **Figure 5**,
- b) No barbed wire fences will be permitted in residential Districts;
- c) Multiple Family Dwellings adjacent to a single detached dwelling shall provide a wooden fence, or other such screening approved by the Development Authority;

Non-Residential Districts:

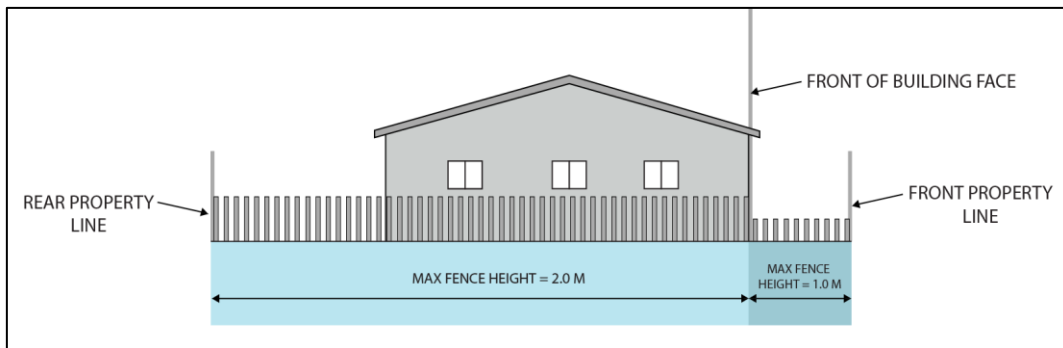
- a) All loading, service and equipment and vehicle storage areas on commercial and industrial properties shall be screened from view to all adjacent properties to the discretion of the Development Authority. Non-Residential Districts abutting a residential area shall provide a solid fence approved by the Development Authority;
- b) The maximum height of a fence and the location of fencing and other screening within a non-residential Parcel, including landscaping, shall be determined by the Development Authority.

Trash Collection Areas:

Outdoor trash collection areas shall be screened from view. Screening materials may consist of the following:

- a) A 2.0 metre (6.56 feet) high sight-tight fence or wall; or
- b) An evergreen screen, at the discretion of the Development Authority.

FIGURE 5 – FENCE HEIGHT



Specific Uses

3-76 BED & BREAKFASTS

Requirements:

- Persons employed in Bed & Breakfast shall be residents of the Principal Building;
- The Bed & Breakfast shall be contained entirely within the Principal Building or within the Secondary Suite (External);
- The Bed & Breakfast shall be limited to a maximum of four (4) guest rooms;
- One (1) off-street parking stall per guest room shall be required;
- One (1) Freestanding Sign is permitted, at the discretion of the Development Authority;
- Guest accommodation is limited to a period of fourteen (14) days or less;
- No cooking facilities are permitted in guest rooms.

3-77 CAMPGROUND & CAMPSITES

Requirements:

A comprehensive site plan shall be required for a campground development to the satisfaction of the Development Authority.

3-78 CANNABIS PRODUCTION

Location:

- Cannabis Production shall be restricted to Direct Control Districts.

Parcel:

- A site where Cannabis Production and Distribution occurs must be located:
 - At least 100.0 m from a Care Facility (Treatment) site or School site,
 - At least 100.0 m from a Park, Recreation (Public) site or a site that is designated as school reserve on title, and
 - At least 200.0 m from a Residential District.

- c) The minimum separation distance between Cannabis Production and other uses shall be established by measuring the shortest distance between the building where Cannabis Production occurs and the parcel boundary of the adjacent use.
- d) Council may reduce the separation distance less than 200 metres where it is clearly demonstrated by the applicant that there would be no adverse land use impacts on a residential district.

Requirements:

- e) A Development Permit application will respond to the above noted Requirements and federal regulations.

3-79 CANNABIS RETAIL SALES

Location:

- a) Cannabis Retail Sales shall be restricted to (C1) Commercial District- General and (C2) Commercial District- Highway;

Parcel:

- b) A site where Cannabis Retail Sales occurs must be located:
 - i. At least 100.0 m from Land Registered as a Care Facility (Treatment) Site or Land Registered as a School Division property such as Chinook's Edge, Catholic School Division or another Private School Division
 - ii. At least 100.0 m from a Park, Recreation (Public) site or a site that is designated as school reserve on title, and
- c) The minimum separation distance between Cannabis Retail Sales and other uses shall be established by measuring the shortest distance between the building where Cannabis Retail Sales occurs and the parcel boundary of the adjacent use.
- d) The Development Authority may reduce the separation distance less than 100 metres where it is clearly demonstrated by the applicant that there would be no adverse land use impacts on a residential district.

Requirements:

- e) A Development Permit application will respond to the above noted Requirements and provincial regulations.

3-80 CAR WASHES

Location:

- a) A Car Wash shall not be located on Parcels which, in the opinion of the Development Authority, are considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- a) The minimum Parcel area for a Car Wash shall be 600.0 metres² (6,458.35 feet²);
- b) The parcel shall contain space for at least eight (8) vehicles or a minimum of two (2) vehicles per bay for space to que, whichever is greater.

Requirements:

- a) Development Permit applications require a Traffic Impact Analysis, certified by a professional engineer, to ensure they do not impede traffic.
- b) Development Permit applications require review of water servicing to the Parcel, to ensure water availability.

3-81 CARE FACILITIES

Location:

- a) Care Facility (Animal/Child/Clinic/Group/Treatment) shall not be located on Parcels which, in the opinion of the Development Authority, negatively impact adjacent Parcels in terms of noise and traffic generation;
- b) Care Facility (Family/Group) shall be located no closer than 300.0 metres (984.25 feet) from one another;

Requirements:

- a) Care Facility includes the following classes: 'Child', 'Family', 'Group', 'Health', and 'Animal'
- b) The Development Authority shall establish the maximum number of persons allowable in a Care Facility having regard for Provincial regulations, the nature of the facility, the density of the District in which it is located, and other identified potential impacts.

3-82 CHEMICAL WAREHOUSES

Location:

- a) Industrial and commercial uses which involve storing, handling, distributing or disposing of chemical materials or products shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe or may unduly interfere with, or affect the use, enjoyment or value of a neighbouring Parcel by reason of the storage or containment of the product or the potential release of the product;

Requirements:

- a) Development Permit applications require a site plan that has been approved by the appropriate provincial agencies;
- b) Onsite storage of Dangerous or Hazardous Goods shall adhere to the 'Dangerous Goods Bylaw,' as amended or replaced.

3-83 DRIVE-THROUGHS

Location:

- c) A Drive-Through shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- a) The minimum Parcel area for a business with a Drive-Through shall be 1,500.0 metres² (16,145.87 feet²);
- b) The minimum front yard setback shall be 3.0 metres (9.84 feet);

- c) The minimum side and rear yard setbacks shall be at the discretion of the Development Authority, as to make provision for queuing spaces, on-Parcel traffic circulation, turning and manoeuvring.

Requirements:

- a) Where a business with a Drive-Through is located adjacent to a residential District, screening shall be provided to the satisfaction of the Development Authority;
- b) All queuing spaces shall be a minimum of 6.5 metres (21.33 feet) long and 3.0 metres (9.84 feet) wide;
- c) A minimum of five (5) inbound and two (2) outbound queuing spaces shall be provided;
- d) The on-Parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority;
- e) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority;
- f) Where adjoining residential Districts, any proposed lighting shall be directed upon the Parcel only.

3-84 GAS STATIONS

Location:

- a) Gas Stations shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- a) The minimum Parcel area shall be 1,200.0 metres² (12,916.69 feet²) for a Gas Station;
- b) The minimum Parcel area shall be 2,700.0 metres² (29,062.56 feet²) for Gas Station with a Car Wash;
- c) The minimum Parcel area shall be 2,700.0 metres² (29,062.56 feet²) for a Bulk Fuel Facility;
- d) The minimum front yard setback shall be 12.0 metres (39.37 feet), with no pump being located closer than 6.0 metres from the property line;
- e) The minimum side yard and rear yard setbacks shall be 6.0 metres (19.68 feet);
- f) The maximum Building coverage is twenty-five percent (25%) of the Parcel area;

Requirements:

- a) It is the responsibility of the Applicant to ensure compliance with other provincial and federal regulations;
- b) No Development Permits will be issued for the installation of fuel or any other flammable liquid storage tanks prior to the Development Authority receiving certified copies of the required permits from the appropriate provincial agencies;
- c) A minimum of ten percent (10%) of the Parcel Area of a Gas Station shall be landscaped to the satisfaction of the Development Authority;
- d) All above ground storage tanks shall be located and screened from public roadways and adjacent Parcels to the satisfaction of the Development Authority;
- e) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority;
- f) Where adjoining residential Districts, any proposed lighting shall be directed upon the Parcel only.

3-85 HOME OCCUPATIONS

Location:

- a) A Home Occupation shall not include any use or operation that detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions;
- b) A Home Occupation shall not generate vehicular traffic or parking, in excess of that which is characteristic of the District within which it is located;
- c) A Home Occupation shall not be permitted in a residence if, in the opinion of the Development Authority, it would be more appropriately located in a Commercial or Industrial District;
- d) When a permit holder moves to another location within Town boundaries during the period for which the permit is valid, a new permit for that location is required, and the applicant shall submit with new application the full normal fee, which would maintain the permit in good standing;
- e) A Home Occupation shall be incidental and subordinate to the residential use of the property;
- f) A Home Occupation shall be limited to one (1) per dwelling unit.

Parcel:

- g) There shall be no exterior Signage, display or advertising other than a professionally prepared business identification plaque or Sign having maximum dimensions of 61.0 cm x 61.0 cm (24in. x 24 in.) being located within a window or, at the discretion of the Development Authority, on the building or other suitable location on the site;
- h) There shall be no outdoor business activity associated with the Home Occupation. If outside storage is proposed, it must be screened to the satisfaction of the Development Authority;
- i) There shall be no outside storage of materials, commodities or finished products unless otherwise approved by the Development Authority and may be subject to screening;
- j) A Home Occupation shall not permit any warehousing of saleable goods;
- k) On-site Parking Stalls shall be provided and utilized for all business vehicles associated with a Home Occupation;

Requirements:

- l) No product or service other than the product or service of the Home Occupation shall be sold on the property;
- m) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference to radio or television reception;
- n) There shall be no more than two (2) persons employed in a Home Occupation activity of which at least one (1) person shall be a resident of the principal building on the lot in which the Home Occupation is being carried out;
- o) Home Occupation permits which propose the use of unfinished or incomplete accessory buildings shall not be permitted;
- p) A Home Occupation permit does not exempt the applicant from compliance with Federal or Provincial health or licensing regulations or any other Town permit requirements;
- q) The Development Authority may, at its discretion, require a probationary period of not less than 6 months for any Home Occupation, prior to issuance of a full term permit;
- r) The Development Authority may require that the permit be reviewed on a periodic basis to ensure compliance with an approved development permit;

3-86 HOTEL/MOTELS

Location:

- a) A Hotel/Motel shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- a) The minimum front yard setback shall be 7.6 metres (24.93 feet);
- b) The minimum side yard and rear yard setbacks shall be 3.0 metres (9.84 feet);

Requirements:

- a) The minimum floor area of each room shall be 26.5 metres² (285.24 feet²);
- b) Each unit which has outside access shall face onto or abut a driveway not less than 6.0 metres (19.68 feet) in width;
- c) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority;
- d) Where adjoining a residential District, any proposed lighting shall be directed upon the Parcel only.

3-87 PLACE OF WORSHIP

Parcel:

- a) The minimum Parcel area shall be 930.0 metres² (10,010.44 feet²) for a Place of Worship;
- b) The minimum Parcel area shall be 1,400.0 metres² (15,069.47 feet²) for a Place of Worship that includes a residence;
- c) Yard setbacks shall be at the discretion of the Development Authority;

Requirements:

- a) Landscaping of a Place of Worship will be at the discretion of the Development Authority;
- b) Parking areas where adjacent to residential Districts must be screened by a wall, fence, and/or landscaped buffer, to the satisfaction of the Development Authority.

3-88 SHOPPING CENTRES

Location:

- a) Shopping Centres shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- a) The Parcel area and yard setbacks shall be at the discretion of the Development Authority;

Requirements:

- a) Consideration shall be given to landscaping and other provisions to enhance a Shopping Centre's appearance.
- b) Development Permit applications require a Traffic Impact Analysis, certified by a professional engineer, to ensure they do not impede traffic.

SECTION FOUR

Land Use Districts

4

This section outlines specific regulations that apply to the Town's Land Use Districts.

Introductory Information

4-1 LAND USE DISTRICT TYPES

All Land Use Districts in Didsbury can be aggregated into four District Types: Residential Districts, Commercial Districts, Industrial Districts and Special Districts.

4-2 LAND USE DISTRICT MAP

- a) Districts are described in the short form on the **Land Use District Map**, within "Schedule A" of this Bylaw;
- b) District boundaries are delineated on the **Land Use District Map**. Where the precise location of the boundary is uncertain, the following rules apply:
 - i. Where a boundary follows a street, lane, stream or canal it shall follow the centreline thereof,
 - ii. Where a boundary generally follows a Parcel line, it shall follow the Parcel line,
 - iii. Where specific dimensions are noted on the **Land Use District Map**, those dimensions shall be followed,
 - iv. Where there is doubt or dispute concerning the exact location of the boundary of a District, Council shall determine the location of the boundary according to the direction of this Bylaw;
- c) Boundaries shall not be altered except by an amendment to this Bylaw;
- d) Council shall maintain a list of amendments to the boundaries on the **Land Use District Map**.

4-3 GENERAL PROVISIONS FOR ALL LAND USE DISTRICTS

Development Regulations

- a) All Applicants shall refer to the Development Regulations in Section 3 for specific regulations that apply to particular types of development within The Town;

Infill Development

- b) Infill development shall be in keeping with the scale and character of the surrounding area, having regard to siting, Building heights, site access, roof lines and architectural detailing, to the satisfaction of the Development Authority;

Applications Received

- c) All applications received in a complete form prior to the effective date of this Bylaw shall be processed based on the previous regulations in place, unless the Applicant requests that the application be processed based on the regulations of this Bylaw;

Temporary Outdoor Events

- d) Temporary Outdoor Events are permitted in all Districts provided the appropriate Special Event Permit has been issued;

General Operative Clauses

- e) If one or more provisions of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect;
- f) Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any federal, provincial or municipal legislation or complying with any easement, covenant agreement or contract affecting the development.

4-4 LAND USE DISTRICTS

TABLE 6 – LAND USE DISTRICT CHART

| Land Use Bylaw No. 2019-04 | |
|-----------------------------------|--|
| R1 | Residential District – Single Detached |
| R2 | Residential District – General |
| R3 | Residential District – Manufactured |
| R4 | Residential District – Large Lot |
| R5 | Residential District – High Density |
| RC | Residential/Commercial District |
| C1 | Commercial District – General |
| C2 | Commercial District – Highway |
| I1 | Industrial District – General |
| I2 | Industrial District – Heavy |
| DC | Direct Control District |
| IS | Institutional District |
| REC | Recreation/Open Space District |
| UR | Urban Reserve District |

R1: RESIDENTIAL DISTRICT – SINGLE DETACHED

General Purpose

To provide for the development of single detached dwelling units, with a minimum size requirement which are connected to municipal sewer and water systems

Permitted Uses

- a) Accessory Building, up to 62.8 metres² (676 feet²)
- b) Dwelling, Single Detached
- c) Public Utility

Discretionary Uses

- a) Boarding House
- b) Accessory Building, exceeding 62.8 metres² (676 feet²)
- c) Accessory Structure
- d) Home Occupation
- e) Park
- f) Secondary Suite (Internal/External)
- g) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|-------------------------------------|--|
| Minimum Parcel Size (Interior) | 450.0 metres ² (4,843.76 feet ²) |
| Minimum Parcel Size (Corner) | 500.0 metres ² (5,381.95 feet ²) |
| Minimum Floor Area | 100.0 metres ² (1,076.39 feet ²)* |
| Maximum Building Height | 9.2 metres (30.18 feet) |
| Minimum Landscaping Parcel Coverage | 45% |
| Maximum Density | 2 dwelling units per parcel ** |

*Not including attached garage

**One (1) Principal Building and one (1) Secondary Suite

Minimum Setback Requirements

| | |
|---------------------------------------|--------------------------|
| Front Yard | 6.0 metres (19.68 feet) |
| Corner Side Yard (adjacent to street) | 3.0 metres (9.84 feet) |
| Side Yard w/ Lane | 1.5 metres (4.92 feet) |
| Side Yard w/o Lane | 1.5 metres (4.92 feet)* |
| Rear Yard | 10.0 metres (32.81 feet) |

*Where there is no provision for an attached garage on the front or side of the dwelling unit, the setback on one side shall be 3.0 metres (9.84 feet)



R2: RESIDENTIAL DISTRICT – GENERAL

General Purpose

To provide for the development of a variety of street oriented single detached, semi-detached, and attached dwellings. New residential development shall connect to municipal sewer and water systems, if municipal services are within a right of way directly adjacent the property. Existing residential is authorised to continue to utilize an onsite water system.

Permitted Uses

- a) Accessory Building, up to 62.8 metres² (676 feet²)
- b) Dwelling, Duplex
- c) Dwelling, Semi-Detached
- d) Dwelling, Single Detached
- e) Public Utility

Discretionary Uses

- a) Accessory Structure
- b) Boarding House
- c) Building, Accessory exceeding 62.8 metres² (676 feet²)
- d) Care Facility (Group)
- e) Home Occupation
- f) Park
- g) Secondary Suite (Internal/External)
- h) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|-------------------------------------|--|
| Minimum Parcel Size (Interior) | 375.0 metres ² (4,036.47 feet ²) (Single Detached) 235.0 metres ² (2,529.52 feet ²) (Semi-detached) |
| Minimum Parcel Size (Corner) | 420.0 metres ² (4,520.84 feet ²) (Single Detached) 280.0 metres ² (3,013.90 feet ²) (Semi-detached) |
| Minimum Floor Area (per unit) | 83.5 metres ² (898.79 feet ²)* |
| Maximum Building Height | 9.2 metres (30.18 feet) |
| Minimum Landscaping Parcel Coverage | 45% |
| Maximum Density | 2 dwelling units per parcel ** |

*Not including attached garage
 **One (1) Principal Building and one (1) Secondary Suite for Single Detached only

Minimum Setback Requirements

| | |
|---------------------------------------|-------------------------|
| Front Yard | 6.0 metres (19.68 feet) |
| Corner Side Yard (adjacent to street) | 3.0 metres (9.84 feet) |
| Side Yard w/ Lane | 1.5 metres (4.92 feet) |
| Side Yard w/o Lane | 1.5 metres (4.92 feet)* |
| Rear Yard | 8.0 metres (26.25 feet) |

*Where there is no provision for an attached garage on the front or side of the dwelling unit, the setback on one side shall be 3.0 metres (9.84 feet)

Additional Regulations

Development permit applications that propose to develop pursuant to the *Condominium Property Act* shall be subject to the minimum standards and requirements of the Bylaw as if for a conventional development.



R3: RESIDENTIAL DISTRICT – MANUFACTURED

General Purpose

To provide for the development of manufactured dwelling units either on individual lots within a registered subdivision or in a comprehensively designed park. New residential development shall connect to municipal sewer and water systems, if municipal services are within a right of way directly adjacent the property. Existing residential is authorised to continue to utilize onsite water and sewer systems.

Permitted Uses

- a) Accessory Building – Manufactured Home Subdivision (MHS) only
- b) Accessory Structure – Manufactured Home Subdivision (MHS) only
- c) Dwelling, Manufactured Home
- d) Public Utility

Discretionary Uses

- a) Home Occupation
- b) Manufactured Home Park (MHP)
- c) Park
- d) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | | | |
|---|---|------------------------------------|---|
| Manufactured Home Subdivision (MHS): | | Manufactured Home Park MHP) | |
| Min. Parcel Size (Interior) | 375.0 metres ² (4,036.47 feet ²) | Min. Parcel Size | 2.0 hectares (4.9 acres) |
| Min. Parcel Size (Corner) | 420.0 metres ² (4,520.84 feet ²) | Min. Parcel Size (Interior) | 240 metres ² (2,583.34 feet ²) |
| Min. Floor Area | 83.5 metres ² (898.79 feet ²) * | Min. Parcel Size (Corner) | 260 metres ² (2,798.62 feet ²) |
| Min. Width of Dwelling Unit | 4.88 metres (16.01 feet) | Min. Floor Area | 65.0 metres ² (699.65 feet ²) |
| Max. Building Height | 6.0 metres (19.68 feet) | Min. Width of Dwelling Unit | 3.5 metres (11.48 feet) |
| Min. Landscaping Parcel Coverage | 45% | Max. Building Height | 6.0 metres (19.68 feet) |
| Maximum Density | 1 dwelling unit per parcel | Min. Landscaping Parcel Coverage | 45% |
| | | Maximum Density | 17 dwellings per ha. |

*Not including attached garage

Minimum Setback Requirements

| | | | |
|--|-------------------------|--|-------------------------|
| Manufactured Home Subdivision: | | Manufactured Home Park*: | |
| Front Yard | 6.0 metres (19.68 feet) | Site Front Yard | 3.0 metres (9.84 feet) |
| Corner Side Yard | 3.0 metres (9.84 feet) | Site Side Yard | 2.3 metres (7.54 feet) |
| Side Yard | 1.5 metres (4.92 feet) | Min. separation between dwelling units | 4.5 metres (14.76 feet) |
| Min. separation between dwelling units | 4.5 metres (14.76 feet) | Min. setback from common parking area | 3.0 metres (9.84 feet) |
| Rear Yard | 3.0 metres (9.84 feet) | Min. setback from Parcel boundary | 7.0 metres (22.97 feet) |
| | | Site Rear Yard | 3.0 metres (9.84 feet) |

*For **Manufactured Home Park**, “parcel” means the area of the Park and “site” means the area within the park set aside for a manufactured home and the exclusive use of its occupants.



Additional Regulations

Manufactured Home Park Design Requirements:

- a) In addition to any other provision of this Bylaw, a development permit to allow the placement on a lot of any Dwelling, Manufactured Home, shall not be approved unless the constructed building or partially constructed building is less than five (5) years old (from the date of manufacture to the date of application for development permit);
- b) Each manufactured community shall be designed in such a manner as to direct drainage away from each manufactured home lot to the satisfaction of the Development Authority;
- c) All roads within manufactured communities shall be constructed with Hard Surfaced (excluding gravel) material and shall meet the minimum road width and right-of-way width requirements per City of Calgary Standards and maintained to the satisfaction of the Development Authority;
- d) Driveways shall be hard surfaced (excluding crushed gravel) and accessed from internal road network;
- e) Each manufactured community shall be serviced by communal water and sewer systems that have received appropriate permits from Alberta Environment;
- f) A minimum of 10% of the gross area shall be devoted to recreational space as required by the Development Authority;
- g) Driveways shall be clearly marked on each individual site and should not accommodate more than two (2) vehicles
- h) All areas not assigned as Dwelling, Manufactured Home, Accessory Building or driveways and parking pad shall be landscaped;
- i) An internal all season Pedestrian Access Pathway with a minimum one (1) metre (3.28 feet) in width shall be provided for park residents, used as a community pedestrian network within parks, along streets and connecting community facilities;
- j) Manufactured Home Parks shall have a buffer three (3) metre (9.84 feet) around the perimeter of the parcel;
- k) Visitor parking spaces shall be provided for as required by the Development Authority and shall not be used for the storage of boats, recreational vehicles or trailers;
- l) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.

R4: RESIDENTIAL DISTRICT – LARGE LOT

General Purpose

To provide for single detached dwellings on large parcels where minimal urban services are provided. New residential development must connect to municipal sewer and water systems, if municipal services are within a right of way directly adjacent the property. Existing residential is authorised to continue to utilize onsite water and sewer systems.

Permitted Uses

- a) Accessory Building, up to 150 metres² (1,614 feet²)
- b) Dwelling, Single Detached
- c) Public Utility

Discretionary Uses

- a) Bed and Breakfast
- b) Boarding House
- c) Accessory Building, exceeding 150 metres² (1,614 feet²)
- d) Accessory Structure
- e) Golf Ball Catchment Net
- f) Home Occupation
- g) Livestock
- h) Park
- i) Secondary Suite (Internal/External)
- j) Shipping Container (Small)
- k) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|-------------------------------------|---|
| Minimum Parcel Size | 1,011.0 metres ² (10,882.31 feet ²) |
| Maximum Parcel Size | 4,046.86 metres ² (43,560.04 feet ²) |
| Minimum Width or Depth | 30.0 metres (98.425 feet) |
| Minimum Floor Area | 100.0 metres ² (1,076.39 feet ²) * |
| Maximum Building Height | 10.0 metres (32.81 feet) |
| Minimum Landscaping Parcel Coverage | 45% |
| Maximum Density | 2 dwelling units per parcel ** |

*Not including attached garage

**One (1) Principal Building and one (1) Secondary Suite

Minimum Setback Requirements

| | |
|--------------------|--------------------------|
| Front Yard | 15.0 metres (49.29 feet) |
| Side Yard w/Lane | 1.5 metres (4.92 feet) |
| Side Yard w/o Lane | 1.5 metres (4.92 feet) * |
| Rear Yard | 10.0 metres (32.81 feet) |

*Where there is no provision for an attached garage on the front or side of the dwelling unit, the setback on one side shall be 3.0 metres (9.84 feet)



Additional Regulations

- a) Siting of all development will be to the satisfaction of the Development Authority with respect to the possible long-term development of the area.
- b) The following properties were grandfathered through the 2009 annexation. These properties are permitted to operate as they have until subdivision or new development occurs:

| Civic Address | Legal Address | Civic Address | Legal Address |
|----------------------|----------------------|----------------------|----------------------|
| 2 Rosebud Bay | 5/1/0211273 | 2407 Sec Hwy 582 | 3/-/0011495 |
| 4 Rosebud Bay | 6/1/0211273 | 2411 Sec Hwy 582 | 1/-/9810680 |
| 6 Rosebud Bay | 7/1/0211273 | 2413 Sec Hwy 582 | 2/-/9810680 |
| 8 Rosebud Bay | 8/1/0211273 | 2415 Sec Hwy 582 | 1/-/6422JK |
| 12 Rosebud Bay | 9/1/0211273 | 2421 Sec Hwy 582 | 2/-/9211712 |
| 14 Rosebud Bay | 10/1/0211273 | 2427 Sec Hwy 582 | 1/-/9211712 |
| 20 Rosebud Bay | 4/-/9712171 | 2431 Sec Hwy 582 | -/E/254FT |
| 3002 10 Street | -/A/2981JK | 2411 Sec Hwy 582 | 1/-/9810680 |

R5: RESIDENTIAL DISTRICT – HIGH DENSITY

General Purpose

To provide for the development of moderate to high density multiple-unit dwellings which are connected to municipal sewer and water systems.

Permitted Uses

- a) Dwelling, Row House
- b) Dwelling, Stacked Townhouse
- c) Dwelling, Townhouse
- d) Public Utility

Discretionary Uses

- a) Accessory Building
- b) Accessory Structure
- c) Dwelling, Duplex
- d) Dwelling, Multi-Unit (Apartment)
- e) Dwelling, Semi-Detached
- f) Home Occupation
- g) Park
- h) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|---|---|
| Minimum Parcel Size (Dwelling, Multi-Unit (Apartment) | 740.0 metres ² (7,965.29 feet ²)* |
| Minimum Parcel Size (Townhouse) | 180.0 metres ² (1,937.50 feet ²)* (Interior) |
| Minimum Floor Area (per unit) | At discretion of Development Authority |
| Maximum Building Height | At discretion of Development Authority |
| Maximum Building Height – Dwelling, Unit Building | No Maximum Height Requirement |
| Minimum Landscaping Parcel Coverage | 45% |
| Maximum Density | At discretion of Development Authority |

*or 1.3 times building floor area (including all floors, excluding the basement) whichever is greater.

Minimum Setback Requirements

| | |
|---------------------------------------|--|
| Front Yard | At discretion of Development Authority |
| Corner Side Yard (adjacent to street) | 6.0 metres (19.68 feet) |
| Side Yard w/ Lane | 1.5 metres (4.92 feet) |
| Side Yard w/o Lane | 1.5 metres (4.92 feet)* |
| Rear Yard | 6.0 metres (19.66 feet), 10.0 metres (32.81 feet) for Multi-Unit Dwellings (Apartments) |

*Where there is no provision for an attached garage on the front or side of the dwelling unit, the setback on one side shall be 3.0 metres (9.84 feet)

Additional Regulations

- a) Development Permit applications that propose to develop pursuant to the Condominium Property Act shall be subject to the minimum standards and requirements of the Bylaw as if for a conventional development;
- b) Additional amenity area may be added to the minimum parcel sizes at the discretion of the Development Authority.



RC: RESIDENTIAL/COMMERCIAL DISTRICT

General Purpose

To provide for a mix of residential and commercial uses intended to provide a transition between commercial and adjacent residential districts. New residential / commercial development must connect to municipal sewer and water systems, if municipal services are within a right of way directly adjacent the property. Existing residential / commercial is authorised to continue to utilize onsite water and sewer systems.

Permitted Uses

- a) Accessory Building, up to 62.8 metres² (676 feet²)
- b) Public Utility

Discretionary Uses

- a) Accessory Building, exceeding 62.8 metres² (676 feet²)
- b) Accessory Structure
- c) Care Facility (Child/Clinic/Group)
- d) Community Garden
- e) Dwelling or Dwelling Unit
- f) Dwelling, Duplex
- g) Dwelling, Multi-Unit (Apartment)
- h) Dwelling, Semi-Detached
- i) Dwelling, Single Detached
- j) Establishment (Eating or Drinking Class 1)
- k) Funeral Home
- l) Home Occupation
- m) Hotel/Motel
- n) Office
- o) Park
- p) Recreation (Private)
- q) Retail (Personal Services/Small)
- r) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|----------------------------------|--|
| Minimum Parcel Size | At the discretion of the Development Authority |
| Maximum Building Height | 10.0 metres (32.8 feet) |
| Min. Landscaping Parcel Coverage | At the discretion of the Development Authority |

Minimum Setback Requirements

| | |
|--------------------|--|
| Front Yard | At the discretion of the Development Authority |
| Side Yard w/Lane | 1.5 metres (4.92 feet) |
| Side Yard w/o Lane | 1.5 metres (4.92 feet)* |
| Rear Yard | 10.0 metres (32.81 feet) |

*Where there is no provision for access to the rear of the lot, the setback on one side shall be 3.0 metres (9.84 feet)

Additional Regulations

- a) Outdoor storage may be permitted at the discretion of the Development Authority where fencing and/or vegetative screening has been provided;
- b) Outdoor commercial patios shall not be detrimental to the surrounding area by way of noise, lighting, odours, access or any other means as determined by the Development Authority.



C1: COMMERCIAL DISTRICT – GENERAL

General Purpose

To provide for a variety of commercial uses which are accessible to pedestrians and motor vehicles. New commercial development must connect to municipal sewer and water systems, if municipal services are within a right of way directly adjacent the property. Existing commercial is authorised to continue to utilize onsite water and sewer systems.

Permitted Uses

- a) Accessory Building
- b) Accessory Structure
- c) Establishment (Eating or Drinking Class 1)
- d) Office
- e) Public Utility
- f) Retail (Small/General/Personal Service)

Discretionary Uses

- a) Animal Services
- b) Automotive Services (Minor)
- c) Building, Accessory
- d) Bus Depot
- e) Cannabis Retail Sales
- f) Car Wash
- g) Care Facility (Child/Clinic)
- h) Drive-Through
- i) Dwelling or Dwelling Unit
- j) Establishment (Eating or Drinking Class 2/Entertainment)
- k) Funeral Home
- l) Gas Station
- m) Park
- n) Recreation (Private)
- o) Retail (Groceries/Vice)
- p) Shipping Container (Small)
- q) Shopping Centre
- r) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|----------------------------------|--|
| Minimum Parcel Size | At the discretion of the Development Authority |
| Maximum Building Height | 10.0 metres (32.81 feet) |
| Min. Landscaping Parcel Coverage | At the discretion of the Development Authority |

Minimum Setback Requirements

| | |
|--------------------|---|
| Front Yard | 0 metres (0 feet) |
| Side Yard w/Lane | 0 metres (0 feet) |
| Side Yard w/o Lane | 3.0 metres (9.84 feet)* |
| Rear Yard | Shall be provided for parking and loading |

*Where there is no provision for access to the rear of the lot, the setback on one side shall be 6.0 metres (19.68 feet)



Additional Regulations

- a) Outdoor storage may be permitted at the discretion of the Development Authority where fencing and/or vegetative screening has been provided;
- b) A buffer strip of ten (10) metres should be provided along any boundary of a General Commercial District that is immediately adjacent to any Land Use District other than Future Urban District, Light Industrial or Heavy Industrial Districts;
- c) The buffer strip shall be provided on private lands unless an alternative has been provided as part of a multi-lot subdivision, and is acceptable to the Development Authority;
- d) Dwelling units shall have an entrance separate to any entrances to a commercial portion of the building;
- e) Outdoor commercial patios shall not be detrimental to the surrounding area by way of noise, lighting, odours, access or any other means as determined by the Development Authority;
- f) Additional setbacks may be required adjacent to a residential district as determined by the Development Authority;

C2: COMMERCIAL DISTRICT – HIGHWAY

General Purpose

To provide for commercial development adjacent to major thoroughfares with access primarily by motor vehicle. New commercial development must connect to municipal sewer and water systems, if municipal services are within a right of way directly adjacent the property. Existing / commercial is authorised to continue to utilize onsite water and sewer systems.

Permitted Uses

- a) Accessory Building
- b) Accessory Structure
- c) Automotive Services (Minor/Major)
- d) Car Wash
- e) Establishment (Eating or Drinking Class 1&2)
- f) Gas Station
- g) Hotel/Motel
- h) Public Utility
- i) Retail (Small/General/Personal Services)

Discretionary Uses

- a) Animal Services
- b) Bus Depot
- c) Cannabis Retail Sales
- d) Care Facility (Child/Clinic)
- e) Drive-Through
- f) Establishment (Entertainment)
- g) Industrial (Services)
- h) Office
- i) Park
- j) Recreation (Private)
- k) Retail (Groceries)
- l) Retail (Large)
- m) Retail (Vice)
- n) Shipping Container (Small/Large)
- o) Shopping Centre
- p) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

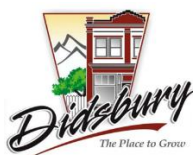
Site Requirements

| | |
|-----------------------------------|--|
| Minimum Parcel Size: | At the discretion of the Development Authority |
| Maximum Building Height: | 10.0 metres (32.81 feet) |
| Min. Landscaping Parcel Coverage: | At the discretion of the Development Authority |

Minimum Setback Requirements

| | |
|---------------------|--|
| Front Yard: | 26.0 metres (85.30 feet), or 15.0 metres (49.21 feet) , when adjacent to a service road, or 6.0 metres (19.68 feet), from an internal subdivision road |
| Side Yard w/Lane: | 3.0 metres (9.84 feet) |
| Side Yard w/o Lane: | 3.0 metres (9.84 feet)* |
| Rear Yard: | 6.0 metres (19.68 feet) |

*Where there is no provision for access to the rear of the lot, the setback on one side shall be 6.0 metres (19.68 feet)



Additional Regulations

- a) Outdoor storage may be permitted at the discretion of the Development Authority where fencing and/or vegetative screening has been provided;
- b) A buffer strip of ten (10) metres should be provided along any boundary of a Highway Commercial District that is immediately adjacent to any Land Use District other than Future Urban District, Light Industrial or Heavy Industrial Districts;
- c) The buffer strip shall be provided on private lands unless an alternative has been provided as part of a multi-lot subdivision, and is acceptable to the Development Authority;
- d) Dwelling units which are secondary to the commercial use for the owner/operator/caretaker may be permitted at the discretion of the Development Authority.

11: INDUSTRIAL DISTRICT – GENERAL

General Purpose

To provide for a wide range of light industrial development and a limited range of uses requiring outdoor storage. Uses that are likely to create or cause any external, objectionable or dangerous conditions are not permitted. Properties may connect to municipal services; otherwise onsite servicing as an alternative method shall be utilized.

Permitted Uses

- a) Automotive Services (Minor/Major)
- b) Accessory Building
- c) Accessory Structure
- d) Gas Station
- e) Industrial (Services)
- f) Public Utility

Discretionary Uses

- a) Building, Public
- b) Car Wash
- c) Care Facility (Animal)
- d) Establishment (Eating or Drinking Class 1/Vice)
- e) Industrial (Logistics)
- f) Office
- g) Park
- h) Retail (Small)
- i) Shipping Container (Small/Large)
- j) Storage (Outdoor/Self)
- k) Warehouse
- l) Warehouse Sales
- m) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|----------------------------------|--|
| Minimum Parcel Size | At the discretion of the Development Authority |
| Maximum Building Height | 12.0 metres (39.37 feet) (30.0 metres (98.42 feet) where access is from a highway) |
| Min. Landscaping Parcel Coverage | At the discretion of the Development Authority |
| Maximum Building Height | At the discretion of the Development Authority |

Minimum Setback Requirements

| | |
|--------------------|-------------------------|
| Front Yard | 6.0 metres (19.68 feet) |
| Side Yard w/Lane | 3.0 metres (9.84 feet) |
| Side Yard w/o Lane | 3.0 metres (9.84 feet)* |
| Rear Yard | 6.0 metres (19.68 feet) |

*Where there is no provision for access to the rear of the lot, the setback on one side shall be 6.0 metres (19.68 feet)



Additional Regulations

- a) Outdoor storage may be permitted at the discretion of the Development Authority where fencing and/or vegetative screening has been provided;
- b) A buffer strip of twenty (20) metres should be provided along any boundary of a Light Industrial District that is immediately adjacent to any Land Use District other than Future Urban District, Light Industrial or Heavy Industrial Districts;
- c) The buffer strip shall be provided on private lands unless an alternative has been provided as part of a multi-lot subdivision, and is acceptable to the Development Authority;
- d) A minimum of ten percent (10%) of the site shall be landscaped at the discretion of the Development Authority.

I2: INDUSTRIAL DISTRICT – HEAVY

General Purpose

To provide for a range of light industrial uses and heavy industrial uses that may create or cause a certain level of nuisance. These uses should generally be located away from residential areas. Properties may connect to municipal services; otherwise onsite servicing as an alternative method shall be utilized.

Permitted Uses

Any uses which are deemed to be permitted or discretionary use in the I1 District.

Discretionary Uses

- a) Auction House
- b) Bulk Fuel Facility
- c) Industrial (Agricultural/Manufacturing & Operations/Oilfield)
- d) Recycling Facility
- e) Waste Transfer Station
- f) Wrecking Yard
- g) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|----------------------------------|--|
| Minimum Parcel Size | At the discretion of the Development Authority |
| Maximum Parcel Frontage | 15.0 metres (49.21 feet) or (30.0 metres (98.42 feet) where access is from a highway) |
| Min. Landscaping Parcel Coverage | At the discretion of the Development Authority |
| Maximum Building Height | At the discretion of the Development Authority |

Minimum Setback Requirements

| | |
|--------------------|-------------------------|
| Front Yard | 9.0 metres (29.53 feet) |
| Side Yard w/Lane | 3.0 metres (9.84 feet) |
| Side Yard w/o Lane | 3.0 metres (9.84 feet)* |
| Rear Yard | 6.0 metres (19.68 feet) |

*Where there is no provision for access to the rear of the lot, the setback on one side shall be 6.0 metres (19.68 feet)

Additional Regulations

- a) Outdoor storage may be permitted at the discretion of the Development Authority where fencing and/or vegetative screening has been provided;
- b) A buffer strip of twenty (20) metres should be provided along any boundary of a Heavy Industrial District that is immediately adjacent to any Land Use District other than Future Urban District, Light Industrial or Heavy Industrial Districts;
- c) The buffer strip shall be provided on private lands unless an alternative has been provided as part of a multi-lot subdivision, and is acceptable to the Development Authority;
- d) A minimum of ten percent (10%) of the site shall be landscaped at the discretion of the Development Authority.



DC: DIRECT CONTROL DISTRICT

General Purpose

To provide for developments that, due to unique characteristics, innovative ideas or unusual site constraints, and/or require specific regulation unavailable in other Districts.

Additional Regulations

- a) Uses allowed shall be at the discretion of Council;
- b) All development regulations shall be at the discretion of Council;
- c) This District shall not be used in substitution for any other District that could be used to achieve the same objective either with or without relaxations of this Bylaw or to regulate matters typically addressed through Development Permit approval conditions.

IS: INSTITUTIONAL DISTRICT

General Purpose

To provide for the development of privately or publicly owned institutions or community services.

Permitted Uses

- a) Building, Public
- b) Care Facility (Treatment)
- c) Park
- d) Place of Worship
- e) Public Utility
- f) Recreation (Public)
- g) School

Discretionary Uses

- h) Accessory Building
- i) Accessory Structure
- j) Care Facility (Child/Clinic/Group)
- k) Cemetery
- l) Community Garden
- m) Any uses that are in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Site Requirements

| | |
|----------------------------------|--|
| Minimum Parcel Size | At the discretion of the Development Authority |
| Maximum Parcel Frontage | 15.0 metres (49.21 feet) (30.0 metres (98.42 feet) where access is from a highway) |
| Min. Landscaping Parcel Coverage | At the discretion of the Development Authority |
| Maximum Building Height | At the discretion of the Development Authority |

Minimum Setback Requirements

| | |
|--------------------|-------------------------|
| Front Yard | 9.0 metres (29.53 feet) |
| Side Yard w/Lane | 3.0 metres (9.84 feet) |
| Side Yard w/o Lane | 3.0 metres (9.84 feet)* |
| Rear Yard | 6.0 metres (19.68 feet) |

*Where there is no provision for access to the rear of the lot, the setback on one side shall be 6.0 metres (19.68 feet)

Additional Regulations

- a) All parcel development regulations shall be at the discretion of the Development Authority.



REC: RECREATION/OPEN SPACE DISTRICT

General Purpose

To provide for the development of open space and active and passive recreational areas at the local, neighbourhood and municipal levels.

Permitted Uses

- a) Building, Public
- b) Park
- c) Public Utility

Discretionary Uses

- a) Accessory Building
- b) Accessory Structure
- c) Campground
- d) Recreation (Public/Private/Outdoor)
- e) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District.

Additional Regulations

All parcel and development regulations shall be at the discretion of the Development Authority.

UR: URBAN RESERVE DISTRICT

General Purpose

To protect lands for future development and provide for a limited range of temporary uses.

Permitted Uses

- a) Agriculture
- b) Livestock
- c) Park
- d) Public Utility

Discretionary Uses

- a) Accessory Building
- b) Accessory Structure
- c) Apiary
- d) Dwelling, Single Detached
- e) Greenhouse
- f) Home Occupation
- g) Temporary Storage
- h) Any uses that are, in the opinion of the Development Authority, similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Additional Regulations

- a) All siting, parcel coverage, densities, yard setbacks and height of buildings shall be at the discretion of the Development Authority;
- b) The Development Authority may specify the length of time a use is permitted, having regard to the future servicing and development of the subject land.

SECTION FIVE

5

Glossary

This Section contains definitions for specific terms and Development types.

ABUTTING – means immediately contiguous or physically touching upon another Parcel.

ACCESSORY BUILDING – means a Building which is incidental, subordinate and devoted to the Principal Building and is located on the same Parcel of land, including but not limited to: detached garages, sheds, or permanently installed private swimming pools and hot tubs.

ACCESSORY STRUCTURE – means permanent structures excluding Accessory Building including; private swimming pools and hot tubs, Communication Structures such as television and radio antennas, flag poles, and satellite dishes greater than 1.2 metres (3.937 feet) in diameter.

ADJACENT – means contiguous or would be contiguous if not for a road or back lane.

AGRICULTURE – means the practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products, not including Cannabis Production.

AMENITY AREA – means outdoor space provided for the active or passive enjoyment of the occupants, which may be for private or communal use and may be owned individually or in common.

ANIMAL SERVICES – means a commercial establishment used for pet grooming services, retail sales of domestic pets and associated pet products for purchase. Animal Services does not include boarding or kenneling.

APIARY – means a place where bees are kept; a collection of beehives.

APPLICANT – means a person who is lawfully entitled to make, and makes, an application for any document, approval, permit or other thing that may be issued, made or done under the authority of this Bylaw.

AREA REDEVELOPMENT PLAN (ARP) – means a statutory plan adopted by Council pursuant to the MGA that provides a framework for more detailed subdivision and development in an existing developed area.

AREA STRUCTURE PLAN (ASP) – means a statutory plan adopted by Council pursuant to the MGA that applies to a parcel of land that provides a framework for more detailed subdivision and development. Staging of development, land uses, densities and infrastructure matters must be considered.

AUCTION HOUSE – means a Development used for the auctioning of goods, motor vehicles and equipment or livestock, including the temporary storage of such goods.

AUTOMOTIVE SERVICES (MINOR) – means a Development or portion of a large retail establishment used exclusively for the repair and maintenance of automobiles and other single-axle vehicles, and excludes the sale of gasoline and related fuels. Typical uses include standalone mechanics shops, transmission and muffler shops, and auto body paint and repair facilities.

AUTOMOTIVE SERVICES (MAJOR) – means a Development used for the sale, servicing and repair of vehicles that may include the sale of gasoline and related fuels. Typical uses include automotive dealerships, truck stops and commercial service stations, and may include ancillary uses such as Establishment (Eating or Drinking 1) or Retail (Small).

BALCONY – means an outside projecting platform with an entrance from an upper floor of a Building.

BASEMENT – means that portion of a Building that is located wholly or partially below grade, the ceiling of which does not extend more than 1.8 metres (5.906 feet) above finished grade.

BED & BREAKFAST – means a use where accommodation is provided for periods of fourteen (14) days or less.

BOARDING HOUSE – means a detached dwelling in which the proprietor supplies for a fee sleeping accommodations for at least three (3) but not more than six (6) persons, exclusive of the proprietor’s family, but does not include Care Facilities.

BUILDING – includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

BUILDING PERMIT – a type of written authorization that must be granted by a government or other authorized regulatory body pursuant to the Alberta *Safety Codes Act* before any construction can legally commence.

BUILDING, PRINCIPAL – means a Building which, in the opinion of the Development Authority, occupies the major or central portion of a site; is the chief or main building among one or more buildings on the site; and constitutes by reason of its use the primary purpose for which the site is used. There shall be no more than one (1) principal building on each site unless specifically permitted otherwise in this Bylaw.

BUILDING, PUBLIC – means a Development that is publicly owned and provides services to residents. Typical uses include the municipal office, shop and storage yard, fire and police stations, ambulance services, libraries, museums, and other cultural facilities, but does not include Recreation (Public) facilities.

BUILDING HEIGHT – means the vertical distance between the finished ground elevation and the highest point of a Building excluding any device or addition not structurally essential to the Building (e.g. ventilating fan, skylight, steeple, chimney, smoke stack, flagpole, or an antenna).

BUS DEPOT – means a facility providing for the departure and arrival of passengers and freight carried by bus.

BULK FUEL FACILITY – means a facility for the bulk storage and distribution of petroleum products and may include card lock retail sales.

BYLAW – unless otherwise stated means this Bylaw, as amended.

CAMPGROUND – means a Development used to provide outdoor spaces to the public for temporary accommodation in tents or Recreation Vehicles.

CAMPSITE – means the site where a tent or recreation vehicle is located within a campground.

CANOPY – means a projection extending from the outside wall of a Building, no more than 1.6 metres (5.249 feet), normally for the purpose of shielding a part of the Building from the sun.

CANNABIS PRODUCTION – means a Federal licensed facility, comprised of one or more buildings or structures used for the purpose of cultivation, processing, packaging, testing, destroying, or shipping of licensed cannabis products. A Cannabis Production Facility may consist of some, or all, of the following components: greenhouses, warehouses, laboratories, processing facilities, administrative offices and shipping facilities but does not include onsite retail sales of cannabis products or any derivatives thereof. All activities associated with growing, processing or shipping functions shall be located inside the fully enclosed buildings.

CANNABIS RETAIL SALES – means the retail sale of cannabis products, its derivatives or related paraphernalia that are authorized by provincial legislation but does not include Cannabis Production Facility.

CAR WASH – means a Building used for the purpose of cleaning and/or washing motor vehicles.

CARE FACILITY (ANIMAL) – means a Development used for the accommodation, boarding, breeding, impoundment, training and medical treatment of livestock animals which also includes household domestic animals. Typical uses include veterinary clinics, and 24-hour veterinary services.

CARE FACILITY (CHILD) – means a Development where care, maintenance and supervision for seven (7) or more children under the age of fifteen (15) years, is provided by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the provincial agency for children services. Typical Uses include daycares.

CARE FACILITY (CLINIC) – means a Development where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.

CARE FACILITY (GROUP) – means a Development where individuals who are either handicapped, aged, disabled, or in need of supervision reside on a temporary or long-term basis, in accordance with their individual needs. Typical uses include foster or boarding homes for children, group homes, and family homes, halfway houses, resident schools, psychiatric care facilities, lodges and senior homes.

CARE FACILITY (TREATMENT) – means a Development where the principal use is to provide medical and health treatment services for the sick, injured or infirm, including outpatient services and accessory staff residences. Typical uses include hospitals, sanitariums, nursing homes, convalescent homes, psychiatric hospitals, auxiliary hospitals, detoxification centres and cancer centres.

CARPORT – means a structure used for vehicle parking, with one edge of the roof attached to a building and the other edge supported by posts or poles and having not more than sixty percent (60%) of the total perimeter enclosed by walls, doors or windows.

CEMETERY – means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried.

CHATTEL – means a moveable item of personal property.

COMMUNICATION STRUCTURE – means a structure that provides media communications service that may include cell towers, wireless internet towers, and oil/gas communications towers. Communication Structures are federally regulated by Innovation, Science and Economic Development (ISED) Canada under the *Radio communication Act*.

COMMUNITY GARDEN – means a non-commercial facility for the cultivation of fruits, flowers, vegetables, or ornamental plants, not including cannabis.

COMPATIBLE – means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean “same as”. Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments.

CONFERENCE CENTRE – means a Development designed to host large meetings, seminars, trade shows and conventions.

COUNCIL – means the Council of the Town of Didsbury.

CURB CUT – means the lowering of a curb, sidewalk or boulevard to provide vehicular or pedestrian access to a Parcel or roadway.

DANGEROUS OR HAZARDOUS GOODS – means a product, substance or organism listed in the *Dangerous Goods Transportation and Handling Act* or designated as such by the Major Industrial Accidents Council of Canada (MIACC).

DECK – means a wooden or hard-surfaced area adjoining a house which is intended for use as an outdoor amenity space but does not include a balcony.

DENSITY – means a quantitative measure of the number of persons, families or Dwelling Units per unit of area.

DEVELOPER – means a Registered Owner, agent or any person, firm or company required to obtain or having obtained a Development Permit.

DEVELOPMENT – means:

- a) an excavation or stockpile and the creation of either, or the clearing of land or removal of vegetation;
- b) a Building or an addition to, or replacement or repair of a Building and the construction or placing in, on, over or under land of any of them;
- 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;
- d) 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 intensity of use of the land or Building.

DEVELOPMENT AGREEMENT – means a written agreement required as a condition of approval of a Development Permit or Subdivision pursuant to this Bylaw and the MGA.

DEVELOPMENT AUTHORITY – means a person or body who is authorized to exercise Development powers and perform duties on behalf of the Town. (**Section 2-1**)

DEVELOPMENT PERMIT – means a document issued by a Development Authority authorizing a Development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents, and the conditions of approval. A Development Permit is separate and distinct from a Building Permit.

DISCRETIONARY USE – means a use of land or Buildings provided for in this Bylaw, for which a Development Permit may be issued by the Development Authority, with or without conditions.

DISTRICT – means an area of land designated on the Land Use map for which a specific set of land uses and rules have been set forth in this Bylaw.

DRIVE-THROUGH – means an establishment which services customers travelling in motor vehicles driven onto the Parcel where such business is carried on, where the customer normally remains in the vehicle for service.

DWELLING OR DWELLING UNIT – a Building or portion of a Building consisting of one or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary-facilities only for that unit. This includes Single Detached and Semi-Detached Dwellings, Townhouses and Multi-Unit Dwelling Developments, and Secondary and Caretaker Suites, but does not include Manufactured Home Dwellings.

DWELLING, MANUFACTURED HOME – means a Building or Structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A manufactured home does not include modular homes, holiday trailers or recreation vehicles.

DWELLING, MODULAR HOME – means a Building or Structure that has been constructed in an off-site manufacturing facility and transported to a parcel where the parts are assembled and placed on a permanent foundation. A Dwelling, Modular home does not include a Dwelling, Manufactured Home.

DWELLING, MULTI-UNIT (APARTMENT) – means a Building designed and built to contain more than four (4) Dwelling Units with shared services from the street, shared facilities, and shared entrances.

DWELLING, DUPLEX – means a Dwelling containing two (2) Dwelling Units having the Dwelling area of one located above the Dwelling area of the other each with a private entry.

DWELLING, ROW HOUSE – means Dwellings that are side by side, share a wall and have private entry and their own front and back yards, secondary suites are not permitted in Row Houses.

DWELLING, SEMI-DETACHED – means a Building containing not more than two Dwelling Units sharing a common wall or Structure feature (regardless of the number of Storeys) and in no case being located above or below each other, which may be subdivided along the common wall.

DWELLING, SINGLE DETACHED – means a Dwelling (constructed on site or built via modular construction) intended for occupancy by one family which is supported on a permanent foundation or basement. This does not include manufactured units of any kind.

DWELLING, STACKED TOWNHOUSE – means Dwellings where the townhouses are stacked on top of each other, each with their own front door and private outdoor space, secondary suites are not permitted in Stacked Townhouses.

DWELLING, TOWNHOUSE – means Dwellings that are side by side, share a wall and have common yards that are shared by all residents, secondary suites are not permitted in Town Houses.

EASEMENT – means an interest or right held by a municipality for the purpose of locating a system or works of a municipal public utility as defined in the MGA, as amended.

ESTABLISHMENT (EATING OR DRINKING CLASS 1) – means Development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off the Parcel. Typical uses include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants and catering services.

ESTABLISHMENT (EATING OR DRINKING CLASS 2) – means Development where prepared food and beverages are offered for sale to the public from establishments which are characterized by one or more of the following features; the provision of theatre, dancing or cabaret entertainment; facilities primarily intended for the on premise catering of food to large groups; and, facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity for one hundred (100) or more persons. Typical uses include brewpubs, beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities.

ESTABLISHMENT (ENTERTAINMENT) – means facilities within an enclosed Building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas and theatres, but does not include Establishment (Vice).

ESTABLISHMENT (VICE) – means a Development where potentially controversial goods and services are offered to the public. Typical uses include gambling venues such as casinos and bingo halls.

EXCAVATION – means any breaking of ground, except common household gardening and ground care.

FLOOD FRINGE – means the portion of the flood hazard area outside of the floodway. Water in the flood fringe is generally shallower and flows more slowly than in the floodway. New development in the flood fringe may be permitted in some communities and should be flood-proofed.

FLOOD HAZARD AREA – means the flood hazard area is typically divided into floodway and flood fringe zones and may also include areas of overland flow.

FLOODWAY – means the portion of the flood hazard area where flows are deepest, fastest and most destructive. The floodway typically includes the main channel of a stream and a portion of the adjacent overbank area. New development is discouraged in the floodway.

FLOOR AREA – means the gross floor area defined by the outside dimensions of the building for each floor, not including basements, attached garages, sheds, open porches or breezeways.

FLOOR AREA, GROSS – means the total area of all floors of all Buildings including Accessory Buildings located on any Parcel.

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.

FRONTAGE – means the length of the street boundary measured along the front lot lines of a site. On a double fronting site all sides of the site adjacent to streets shall be considered frontage.

FUNERAL HOME – means an establishment with facilities for the preparation of the human dead for burial or cremation, for the viewing of the body, and for funerals.

GARAGE – means an Accessory Building or part of the principal Building, designed and used primarily for the storage of motor vehicles.

GAS STATION – means an establishment used for the sale of gasoline and related fuels and other automotive fluids or motor vehicle accessories, but does not include Service Station (Major/Minor) or Bulk Fuel Facility.

GRADING – the work of ensuring a level base, or one with a specified slope for surface drainage, landscaping or development purposes.

GREENHOUSE – means a Development used for the growing, storage and sale of vegetables or landscaping plants, either in a greenhouse or garden, not including cannabis, and for the storage and sale of related gardening goods and equipment and landscaping supplies and materials.

GROSS VEHICLE WEIGHT – means the total weight of a vehicle, including its maximum allowable load.

HARD SURFACED – means a surface consisting of, but not limited to, asphalt, concrete, patterned concrete, interlocking brick, paving stone, or crushed gravel.

HOME OCCUPATION – means an occupation for gain or support, excluding home offices, which shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit and accessory buildings; a Home Occupation shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of the residential neighbourhood and may include instruction, minor repair and other similar domestic activities. This shall not include Cannabis Retail Sales.

HOME OFFICE – means a Home Occupation that has no clients coming to the residence, involves no delivery or storage of goods or supplies, no product is produced on site, no parking, noise or other impact on the neighbourhood and no renovations requiring a building permit, and shall not employ any person on site other than a resident of the dwelling; the business shall not be visible from the exterior of the dwelling.

HOTEL/MOTEL – means a Development used for the provision of rooms for temporary accommodation that may be equipped with individual kitchen facilities, and may include ancillary Eating or Drinking Establishments (Class 1) and Retail (Personal Services/Small).

INDOOR RECREATIONAL FACILITY – means a site of public lands where active recreation occurs within a permanent indoor which includes - swimming pool, hockey arena and / or a curling rink.

INDUSTRIAL (AGRICULTURAL) – means a Development where agricultural services are provided or feed, grain or seeds are stored or processed. Typical uses include feed mills, grain elevators and seed cleaning plants, not including Cannabis Production.

INDUSTRIAL (LOGISTICS) – means a Development accommodating the storage and inter-modal (rail, highway) distribution of goods. Typical uses include shipping/receiving facilities, transshipment and distribution centres.

INDUSTRIAL (MANUFACTURING AND OPERATIONS) – mean a Development whose principal use is:

- a) Processing or distilling of raw or finished materials;
- b) Manufacturing or assembling goods or equipment;
- c) Cleaning, servicing, repairing or testing of materials, goods, and equipment normally associated with industrial or commercial businesses;
- d) Crushing, dismantling, processing or sorting recyclable or reusable waste products provided that these activities do not involve the use of chemicals or the application of heat;
- e) Storage or shipping of materials, goods or equipment. This land use may also include accessory indoor display, office, technical or administrative support areas or sales accessory to the industrial uses.

INDUSTRIAL (OILFIELD) – means a Development where oilfield support services for cleaning are provided, servicing, repairing or testing of oilfield equipment or storage and shipping of related goods and materials in accordance with all applicable provincial and federal statutes.

INDUSTRIAL (SERVICES) – means a Development where industrial services and goods are provided, sold or repaired in a manner that does not emit excessive smoke, fumes or noises that or similar nuisances which

could adversely effects adjacent parcels, and may include onsite storage of materials and equipment. Typical uses include laboratory services, general contractors such as electrical, plumbing and landscaping services, construction firms and woodworking and related crafts, but does not include Service Station (Major/Minor), or other Industrial uses.

LANDFILL – means a place to dispose of refuse and other waste material by burying it and covering it over with soil and is restricted to Direct Control districts.

LANDSCAPING – means the preservation or modification of the natural features of a Parcel through the placement or addition of soft landscaping, screening, and grading. Landscaping does not include asphalt, concrete, patterned concrete, interlocking brick, paving stone or crushed gravel where the primary intent of the hard surface is for short term and long term parking of vehicle parking. (**Section 3-66**)

LANDSCAPING, SOFT – means landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover, including non-grass alternatives such as xeriscaping.

LANE – means a narrow roadway intended chiefly to give access to the rear of a Building or Parcel of land.

LIVESTOCK – means animals that are customarily kept/raised as pets and/or for the personal use and recreational enjoyment of the residents of the land upon which the animals are located such as but not limited to horses, cows, sheep, goats, pigs and chickens.

LOADING SPACE – means an off-street space on the same site as a Building or group of Buildings, for the temporary parking of a vehicle while commodities are being loaded or unloaded.

MANUFACTURED HOME PARK (MHP) – means a comprehensive development under one (1) title which has allocated individual serviced sites for the installation of Manufactured Homes.

MANUFACTURED HOME SUBDIVISION (MHS) – means a parcel of land subdivided by a registered plan into individual titled lots for the installation of Manufactured Homes.

MARKET – means a development used for the sale of new or used goods, crafts and food products by multiple vendors renting tables and space either in or out of an enclosed Building. Vendors may vary from day to day, although the general layout of space to be rented out stays the same.

MIXED-USE DEVELOPMENT – means development that is designed to accommodate a mix of commercial and residential use within a single site. It is intended that commercial uses be on the ground floor.

MUNICIPALITY – means the Town of Didsbury.

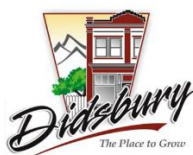
MUNICIPAL DEVELOPMENT PLAN (MDP) means the *Town of Didsbury Municipal Development Plan* Bylaw No. 2012-09 (MDP), as amended.

MUNICIPAL GOVERNMENT ACT (MGA) – means the *Municipal Government Act* for the Province of Alberta, as amended.

MUNICIPAL PLANNING COMMISSION (MPC) – means a commission established by Section 626 of the MGA, as amended and whose role is to advise and assist the Development Officer and Town Council with regard to specific subdivision and development related planning applications.

NATURAL CONSERVATION LANDS – means areas set aside for conservation of natural features or areas of cultural or scenic value. Such lands are intended to be kept in a natural state with limited development.

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;
- b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NOTICE OF VIOLATION – means a form alleging an offence under this Bylaw allowing for voluntary payment of the prescribed fine.

OFFICE – means a Building that provides space for professional, management, administrative, consulting and similar office and business support services, and financial/investing services.

OFFSITE LEVY – means the offsite levy charged under the authority of the MGA. The fees associated with an Offsite Levy are identified in the ‘Offsite Levy Bylaw’ No 2010-10, as amended.

PARCEL – means the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

PARCEL AREA – means the total area of a Parcel.

PARCEL COVERAGE – means the combined area of all Buildings or Structures upon the Parcel, measured at the approved grades, including vehicular parking, decks, patios, porches and verandas, enclosed terraces, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within an enclosed Building.

PARCEL, CORNER – means a Parcel that abuts two (2) intersecting public roadways.

PARCEL, DOUBLE FRONTING – means a Parcel which abuts two (2) non-intersecting public roadways. (excluding lanes)

PARCEL, INTERIOR – means a Parcel which is bounded by only one (1) road.

PARK – means land designated for active or passive recreational use by the public which does not require dedicated facilities beyond supporting Accessory Buildings and landscaping. Typical Development includes playgrounds, walkways, trails, nature interpretation areas, picnic areas, athletic fields and Similar Uses.

PARKING, COMMUNAL – means a formal agreement between property owners and the Town to vary the minimum parking requirements for a Development based on a professional assessment of parking needs for more than one Development.

PARKING LOT – means a cleared area that is intended for parking vehicles.

PARKING STALL – means that portion of a parking lot or Structure that is intended to accommodate a single parked vehicle.

PARKING STALL, PREFERENTIAL – means a conveniently located parking space set aside exclusively for use by a specified type of vehicle or user.

PEDESTRIAN ACCESS PATHWAY – means a pathway designed for the movement of pedestrian traffic; connecting residents to buildings, parks, greenspaces and community facilities. Pedestrian Access Pathways shall be a minimum one (1) metre (3.28 feet) in width.

PERMITTED USE – means the use of land or a Building for which the Development Authority must, if the development otherwise conforms to this Bylaw, issue a Development Permit with or without conditions.

PLACE OF WORSHIP – means a specially designed Structure or consecrated space where individuals or a group of people come to perform acts of devotion, veneration, or religious study. May include a Secondary Suite (Internal/External) for people employed at the Place of Worship.

PLAYGROUND WITH PLAY EQUIPMENT – means a site of public lands where permanent active play equipment design for children is located, which includes swings, slides and other play structures.

PORCH – means a flat floored, generally enclosed, roofed structure adjoining a principal building or built as a structural part of it. A porch shall be included in site coverage calculations.

PRINCIPAL USE – means the primary purpose in the opinion of the Development Authority for which a Building or Parcel is used. There shall be no more than one (1) Principal Use on each Parcel unless specifically permitted otherwise in this Bylaw.

PUBLIC UTILITY – means a system or works used to provide services such as potable water, sewage disposal, public transportation operated by or on behalf of the Municipality, waste management or storm systems, as well as the Buildings that house the utility, and any offices or equipment.

REAL PROPERTY REPORT (RPR) – means a legal document that clearly illustrates the location of Significant visible improvements within property boundaries prepared by a registered Alberta Land Surveyor.

RECREATION (PUBLIC) – means a public Development used for sports or recreation within an enclosed Building. Typical Uses include recreation centres, public swimming pools, curling rinks and arenas, but does not include libraries, museums or other cultural facilities.

RECREATION (PRIVATE) – means a private Development used for sports or recreation within an enclosed Building. Typical uses includes private clubs or lodges, health or fitness clubs, or private recreation facilities such as bowling alleys or racquet courts.

RECREATION (OUTDOOR) – means a Development used for outdoor recreation. Typical uses include outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, riding stables, go-cart tracks, miniature golf, and golf courses.

RECREATION VEHICLE – a portable Structure with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by another vehicle, or transported under its own power. A Recreation Vehicle is not considered a Dwelling Unit.

RECYCLING FACILITY – means the use of premises for the collection and sorting of garbage, and the packaging of paper, newspapers, clothing, cans, or bottles and similar domestic or commercial garbage.

REGISTERED OWNER – means:

- a) in respect of unpatented land, the Crown, and
- b) in respect of other land, the person who is registered under the *Land Titles Act*, as amended, as the owner of the fee simple estate in the land.

RESERVE, MUNICIPAL (MR) – means the land designated as Municipal Reserve in the MGA.

RESERVE, ENVIRONMENTAL (ER) – means the land specified to be Environmental Reserve by the Development Authority in accordance with the MGA.

RETAINING WALL – means a wall for holding in place, a mass of earth or the like, as at the edge of a terrace or excavation.

RETAIL (GROCERIES) – means a Development used for the retail of raw or prepared foods with a Gross Floor Area less than 4,500.0 metres² (48,437.6 feet²) that may include ancillary uses such as a pharmacy, optometrist or postal services;

RETAIL (PERSONAL SERVICES) – means a Development used for the provision of personal services to an individual. Typical uses include barbershops, hairdressers/salons, massage clinics, laundromats, tailors or cobblers.

RETAIL (SMALL) – means a Development used for the sale of goods and services in a physically small Building (with a Gross Floor Area less than 1,000.0 metres² (10,763.91 feet²)). Typical uses include a convenience store or sandwich shop.

RETAIL (GENERAL) – means a Development used for the sale of goods and services in a medium-sized Building (with a Gross Floor Area between 1,000.0 - 4,000.0 metres² (10,763.91 – 43,055.64 feet²)). Typical uses include a clothing store or pharmacy, but does not include Retail (Groceries).

RETAIL (LARGE) – means a Development used for the sale of goods and services in a large-sized Building (with a Gross Floor Area larger than 4,000.0 metres² (43,055.64 feet²)). Typical uses include ‘big box’ retailer, but does not include Retail (Groceries).

RETAIL (VICE) – means a Development where potentially controversial goods and services are offered to the public for sale for use or consumption off-site. Typical uses include liquor stores and adult goods stores.

RIGHT-OF-WAY/EASEMENT – means an agreement that confers on an individual, company or municipality the right to use a landowners’ property in some way. While these agreements grant rights, they also have the effect of partially restricting an owner’s use of the affected portions of land.

SATELLITE DISH – means a dish-shaped antenna used to receive and transmit Signals relayed by satellite.

SCHOOL – means a Development where education is provided, which may be located on reserve land per the MGA. This use may also include ancillary uses such as Establishment (Eating or Drinking Class 1), Retail (Small) Recreation (Public/Private) and Care Facility (Child).

SCREENING – means the use of landscaping, fences or berms to visually separate areas, sites or uses.

SECONDARY SUITE (INTERNAL) – means a secondary Dwelling Unit located within a principal Building.

SECONDARY SUITE (EXTERNAL) – means a secondary Dwelling Unit located within an Accessory Building.

SHIPPING CONTAINER (SMALL) – means a painted steel container (also known as a “Sea Can”) that is 2.6 meters (8.53 feet) in height and under 6 metres (18.685 feet) in length.

SHIPPING CONTAINER (LARGE) – means a painted steel container (also known as a “Sea Can”) that is 2.6 meters (8.53 feet) in height and over 6 metres (18.685 feet) in length.

SETBACK – means the distance that a development or a specified portion of it is set back from a property line. The setback shall be measured perpendicular from the front, rear or side property lines to the Building foundation.

SHOPPING CENTRE – means an area or complex of retail stores with on-site parking.

SIGN – means an object or device intended to advertise or call attention to a person, matter, event or location. (Sections 3-37 to 3-56)

SIMILAR USE – means a use of a site or Building in a District which, in the opinion of the Development Authority, is so similar to a Permitted Use or Discretionary Use in that District that it meets the intent of Council for the development of that District as set out in the purpose and intent statement, but does not include a use that is specifically defined as a Permitted or Discretionary Use in any other District.

SOLAR COLLECTOR – means a device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

STATUTORY PLAN – means an Inter-municipal Development Plan, a Municipal Development Plan, an area structure plan or an area redevelopment plan adopted by a municipality under the MGA.

STORAGE (OUTDOOR) – means a site exclusively utilized for the storage of goods or materials or equipment. Un-serviced Buildings or Structures are considered Accessory Buildings. Typical uses include heavy equipment storage compounds, lumber yards and pipe yards.

STORAGE (SELF) – means a development whose principal Use is to lease portions of a site for storage of goods, and includes mini-storage and Recreation Vehicle or boat storage.

STOREY – means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall be considered a storey in calculating the height of a Building if the upper face of the floor above it is more than 1.8 metres (5.906 feet) above grade.

SPORTS FIELD – means a site of public lands where active recreation occurs with permanent outdoor sports fields and permanent sports related infrastructure.

STRUCTURE – means anything constructed or erected on the ground, or attached to something on the ground, and includes all Buildings.

SUBDIVISION – means the process of dividing land into smaller Parcels, overseen by the Subdivision Authority;

SUBDIVISION AND DEVELOPMENT REGULATION – means the Subdivision and Development Regulation, enacted under the MGA.

TEMPORARY BUILDING – means a Building constructed or placed without any foundation below grade or any other building determined by the Development Authority to be temporary and compatible with other uses in a District. Typical uses include rigid tent structures or trailers for use at a Market, exhibition or fair or other Temporary Outdoor Event.

TEMPORARY OUTDOOR EVENT – means an organized public activity that is temporary in nature and does not adversely impact adjacent land uses. Typical uses may include organized sporting events, community festivals, farmers markets and outdoor faith services. Temporary Outdoor Events may be authorized as an Establishment (Eating or Drinking Class 1) for the duration of the event if granted permission from the Development Authority. No area within the Temporary Outdoor Event shall be designated and authorized for the consumption of cannabis.

TEMPORARY STORAGE – means the storage of goods and materials on a temporary basis for which the length of time is determined at the discretion of the Development Authority.

TOP-OF-BANK – means the line where the surrounding tableland is broken by a valley slope and forms the escarpment as determined by a Geotechnical Engineer.

VARIANCE – means a variation, relaxation or waiver of a development regulation or other requirement of this Bylaw.

WAREHOUSE – means a Structure for the indoor storage of raw materials, processed or manufactured goods or related commercial and industrial wares.

WAREHOUSE SALES – means a development used for the wholesale or retail sale of a limited range of bulk goods 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 consumer.

WASTE TRANSFER STATION – means a facility for the collection and temporary holding of solid waste in a storage container.

WRECKING YARD – means land and buildings that are used for the storage and dismantling of old or wrecked cars or trucks for the purpose of recycling their components.

YARD – means a part of a site unoccupied by any portion of a Building or Structure 1.0 metre or more above grade.

YARD SETBACK, FRONT – means that portion of the Parcel extending across the full width of the Parcel, from the front Parcel boundary, back to a distance required under the District regulations.

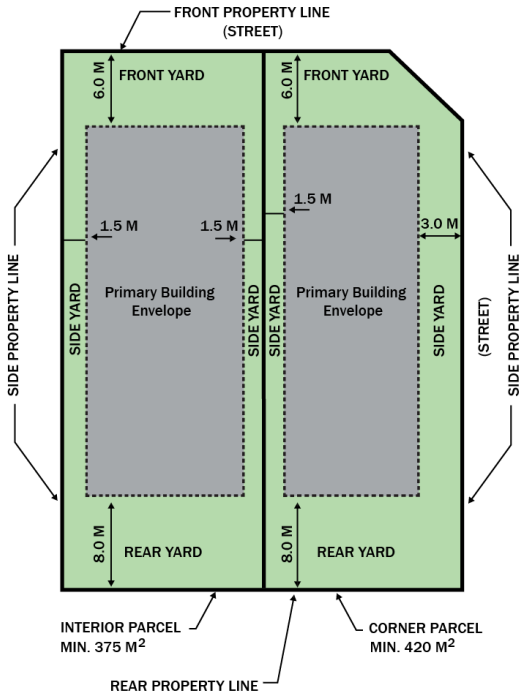
YARD SETBACK, REAR – means that portion of the Parcel extending across the full width of the Parcel from the rear Parcel boundary back to a distance required under the District regulations.

YARD SETBACK, SIDE – means that portion of the Parcel extending from the Parcel line back to that distance required under the District regulations and extending from the front yard setback to the rear yard setback.

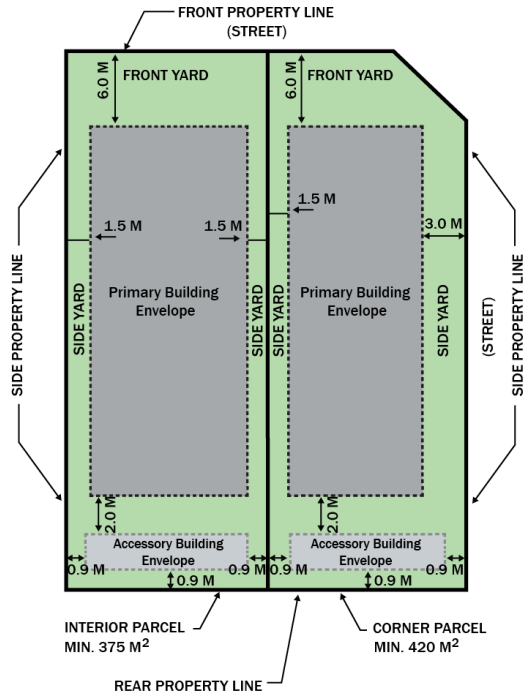
ZERO LOT LINE – means a case in which a development is permitted to be built on the side Parcel line, with no required side yard setback on the side to which the Development is located.

FIGURE 6 – EXAMPLE SETBACKS

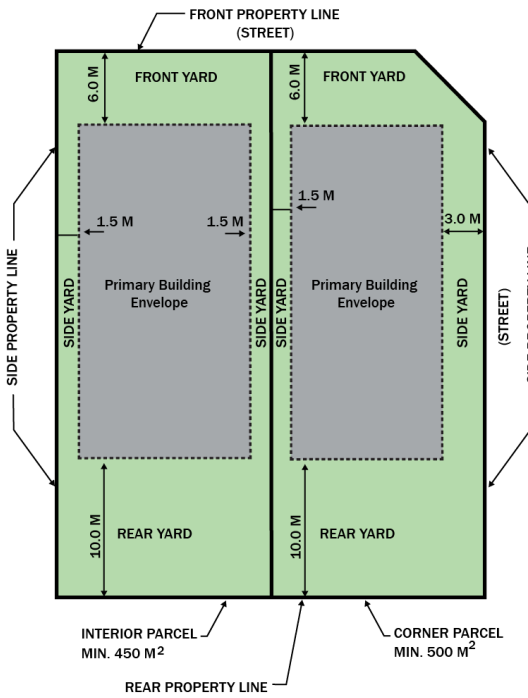
R-2 RESIDENTIAL DISTRICT- GENERAL
MINIMUM SETBACKS
FOR SINGLE DETACHED DWELLINGS



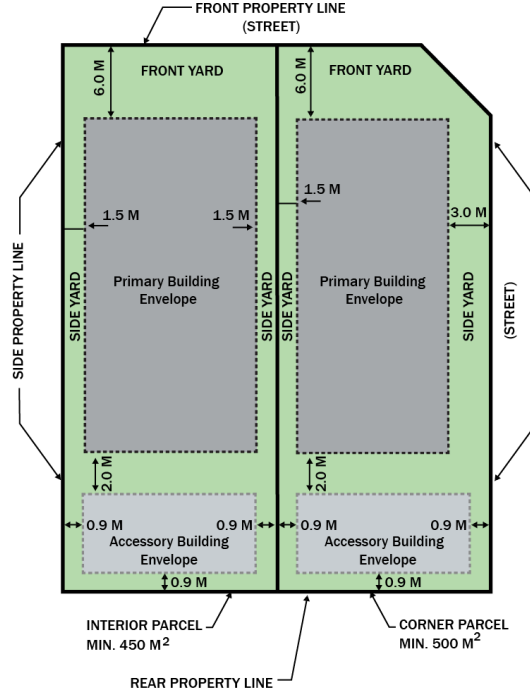
R-2 RESIDENTIAL DISTRICT- GENERAL
MINIMUM SETBACKS
FOR SINGLE DETACHED DWELLINGS



R-4 RESIDENTIAL DISTRICT- LARGE LOT
MINIMUM SETBACKS
FOR DWELLINGS



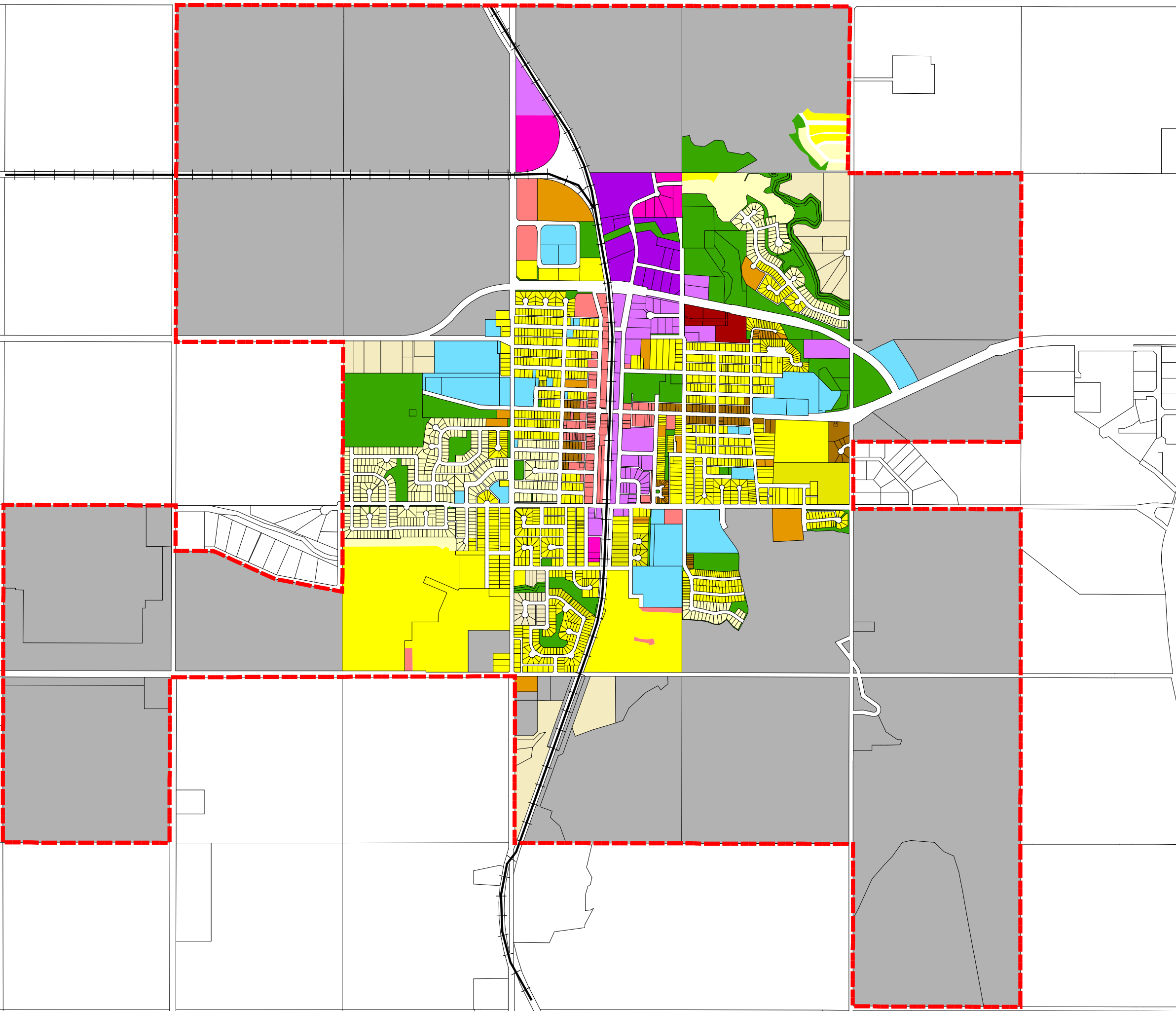
R-4 RESIDENTIAL DISTRICT- LARGE LOT
MINIMUM SETBACKS
FOR DWELLINGS



Appendix

Land Use Bylaw Map

A

















MAP A

LAND USE DISTRICT MAP

Legend

Land Use District

-  R1: Residential District - Single Detached
-  R2: Residential District - General
-  R3: Residential District - Manufactured
-  R4: Residential District - Large Lot
-  R5: Residential District - High Density
-  RC: Residential / Commercial District
-  C1: Commercial District - General
-  C2: Commercial District - Highway
-  I1: Industrial District - General
-  I2: Industrial District - Heavy
-  IS: Institutional District
-  DC: Direct Control District
-  UR: Urban Reserve District
-  REC: Recreation / Open Space District

