

TOWN OF BRUDERHEIM

Land Use Bylaw

Bylaw No. 11-2026



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GUIDE TO USING TOWN OF BRUDERHEIM LAND USE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used, and buildings can be either constructed or relocated) in the Town of Bruderheim. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the Town, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw map divide the Town into various Land Use Districts. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

1. Locate the subject property on the Land Use District map. This map divides the Town into various Land Use Districts. Each Land Use District has a designation such as “R1” for LOW DENSITY RESIDENTIAL or “C1” for DOWNTOWN COMMERCIAL. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan which may modify some of the uses and regulations of the Land Use Bylaw or impose additional regulations. **PLEASE NOTE: Land Use Districts are often referred to as “Zones” or “Zoning.” In order to conform to the language of the Municipal Government Act, this document uses the terms “District” and “Districting.”**
2. Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed in **Section 10**. In each Land Use District, you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **Section 11** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.
3. Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, **Section 6** describes the enforcement procedure. **Section 7.0** contains general regulations and **Section 8.0** contains regulations for specific land uses.
4. Discuss your proposal/concern with Planning and Development staff. Town staff are well trained and eager to assist you with your development/subdivision or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.

1 GENERAL ADMINISTRATIVE PROCEDURES

1.1 TITLE

1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Town of Bruderheim.

1.2 PURPOSE

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

- a) to divide the Town into districts;
- b) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- c) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- d) to provide the manner in which notice of the issuance of a development permit is to be given;
- e) to implement the policies of the statutory plans of Town of Bruderheim;
- f) to establish supplementary regulations governing certain specific land uses; and
- g) to establish the procedures for making amendments to this Bylaw.

1.3 APPLICATION

1.3.1 The provisions of this Bylaw apply to all lands and buildings located within the Town of Bruderheim municipal boundaries pursuant to Part 17 of the Municipal Government Act. In referencing the Municipal Government Act, all amendments to the Municipal Government Act shall be in effect.

1.4 CONFORMITY WITH THE BYLAW

1.4.1 No person shall commence any development within the Town of Bruderheim unless it is in conformance with the terms and conditions of this Bylaw.

1.5 COMPLIANCE WITH OTHER LEGISLATION

- 1.5.1 In addition to the requirements of this Bylaw, an applicant must comply with any Federal, Provincial or Municipal legislation including requirements of a Development Permit or Agreement.
- 1.5.2 The applicant/landowner must also comply with the conditions of any easement or covenant which affects the development or subdivision.

1.6 SEVERABILITY CLAUSE

- 1.6.1 The invalidity or unenforceability of any provisions of this Land Use Bylaw shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

1.7 EFFECTIVE DATE

- 1.7.1 This Bylaw comes into effect upon the date of its third and final reading by Council and signing.

1.8 REPEAL

- 1.8.1 Upon coming into force on receiving Third and Final reading by Council this Bylaw repeals **Land Use Bylaw 33-2015** and any resolutions made thereunder or amendments thereto, which shall cease to have effect on the day this Bylaw comes into force.

1.9 INTERPRETATION AND DEFINITIONS

- 1.9.1 Interpretation
 - a) The Bylaw contains “shall”, “must” and “may” policies which are interpreted as follows:
 - i. “Shall” and “must” policies are required to be complied with; and
 - ii. “May” policies indicate support in principle subject to the applicable authority determining the level of compliance that is required.
 - b) Words, phrases and terms not defined in this part may be given their definition within the Municipal Government Act or the Alberta Building Code. All other words shall be interpreted with their customary dictionary meaning.
 - c) Words used in the present tense also include all other tenses and derivative forms. Words used in the singular shall also include plural and vice-versa.

- d) All metric values within this Bylaw take precedence over imperial values, which are shown for convenience purposes only. Metric values shall be rounded up to the nearest one (1) decimal place.
- e) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
 - i. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
 - ii. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line; and
 - iii. In circumstances not covered by Section 1.9.1.I.i. and 1.9.1.I.ii. above, the location of the district boundary shall be determined:
 - I) Where dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map; or
 - II) Where no dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

2 APPROVING AUTHORITIES

2.1 DEVELOPMENT AUTHORITY

- 2.1.1 The Development Authority is hereby established.
- 2.1.2 The Development Authority shall be:
 - a) The Chief Administrative Officer; and
 - b) Council for all development decisions within Direct Control Districts, unless otherwise delegated within the provisions of that District.
- 2.1.3 The Development Authority shall perform such duties that are specified in this Bylaw.
- 2.1.4 The Development Authority shall keep a register of all applications for development, the decisions thereon and the reasons therefore, and all orders for a minimum period of seven (7) years

2.2 DEVELOPMENT OFFICER

- 2.2.1 The position of Development Officer is hereby established.
- 2.2.2 The Development Officer is hereby declared to be a designated officer for the purposes of inspection, remedy, enforcement or action pursuant to the MGA.
- 2.2.3 The Development Officer may sign any order, decision, approval, notice or other thing made or given by it.
- 2.2.4 The Development Officer shall:
 - a) Keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto;
 - b) Receive, consider and decide on applications for a development permit;
 - c) Determine whether an application for a development permit is complete in accordance with the information requirements of this Bylaw;
 - d) Review each development permit application to determine its appropriate use definition;
 - e) Issue decisions and state terms and conditions for development permit applications for those uses listed as Permitted Uses in the applicable land use district;
 - f) Issue decisions and state terms and conditions for development permit applications for those uses listed as Discretionary Uses in the applicable land use district;

- g) Issue decisions and state terms and conditions for development permit applications for those uses listed as Permitted Uses and Discretionary Uses in the applicable land use district which require a variance subject to **Section 3.12**;
- h) Provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw;
- i) Carry out their duties as prescribed in the Municipal Government Act with regard to appeals or, designate a person to do the same;
- j) Perform such duties as established to enforce this Bylaw, and amendments thereto, in conformance with the Municipal Government Act;
- k) Refer any development permit application decision to the MPC;
- l) Refer to the Council for its consideration and decision all applications for a discretionary use or any development permit application within a Direct Control (DC District); and
- m) Issue decisions for development applications for those uses listed in Direct Control District(s) when directed to do so by Council.

2.2.5 The Development Officer may:

- a) Issue a letter of compliance to an applicant stating whether or not a particular development conforms to this Bylaw.

2.3 COUNCIL

2.3.1 The Council of Town of Bruderheim shall perform such duties as are specified for it in this Bylaw.

2.4 SUBDIVISION AUTHORITY

2.4.1 The Subdivision Authority shall perform such duties as are specified in this Bylaw and Bylaw 09-2024.

2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

2.5.1 The Subdivision and Development Appeal Board established by Bylaw shall perform such duties as specified in Bylaw 06-2026, as amended or replaced from time to time, and the Municipal Government Act.

2.6 MUNICIPAL PLANNING COMMISSION

2.6.1 The Municipal Planning Commission (MPC) is established by the Municipal Planning Commission Bylaw.

2.6.2 The MPC shall perform such duties as are specified within this Bylaw and as specified in the Municipal Planning Commission Bylaw.

2.6.3 The MPC shall:

- a) Decide upon all development permit applications referred to it by the Development Authority;
and
- b) Perform such other duties as described in this Bylaw, the Municipal Planning Commission Bylaw, or as may be assigned to it by the Town Council.

3 DEVELOPMENT PERMITS, RULES, AND PROCEDURES

3.1 CONTROL OF DEVELOPMENT

- 3.1.1 Within a Direct Control District, no development shall be undertaken unless an application for the development has been approved, and the Development Authority has issued a development permit for the development.
- 3.1.2 Within the other Districts, no development other than that designated in Section 3.2 shall be undertaken within the municipality unless a development permit authorizing the use and development has been approved and issued and has come into effect.
- 3.1.3 Notwithstanding Section 3.1.1, where a variance to any regulation in this Bylaw is required for any development listed in Section 3.2, a development permit is required.
- 3.1.4 Nothing in this Bylaw affects the obligation to obtain any other permit, licence or authorization required by a bylaw, act, or regulation, including the Safety Codes Act.

3.2 DEVELOPMENT NOT REQUIRING A PERMIT

- 3.2.1 Except in the Direct Control District(s), no development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Bylaw:
- a) the use of a building or part thereof as a temporary polling station, returning officer's headquarters, reviewing officer's headquarters, candidate's campaign offices and any other temporary official use in connection with the federal, provincial, or municipal election, referendum or census;
 - b) internal alterations to a residential building provided that such alterations do not result in structural alterations or additions which would require a building permit, and/or intensification or changes in use;
 - c) mechanical, electric or maintenance alterations to a building provided that the use or intensity of the use does not change;
 - d) the carrying out of works of maintenance or repair the exterior of any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
 - e) the completion of a building which was lawfully under construction at the date of the first publication of the notice required by the Municipal Government Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and

subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice;

- f) the use of any such buildings as referred to in Section 3.2.1.e) for the purpose for which construction was commenced;
- g) the erection, construction, or maintenance, improvement or alteration of gates, fences or walls or other means of enclosure, unless the gate, fence, wall or other means of enclosure is 2.0 m (6.6 ft) or less in height in side and rear yards and 1.0 m (3.3 ft) or less in height in front yards; unless:
 - i. gates, fences or walls or other means of enclosure the exceeds the regulations indicated in Section 7.10 of this Bylaw; or
 - ii. the fencing material is barb wire, or razor wire; and/or
 - iii. the fence is electrified.
 - iv. If any of provisions (i through iii) apply, then a development permit is required.
- h) a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw. Such building shall be removed within thirty (30) days of substantial completion of the development or as determined by the Development Authority;
- i) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- j) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - i. such signs are removed within seven (7) days after the election date;
 - ii. such signs do not obstruct or impair vision or traffic;
 - iii. such signs are not attached to fences, trees, or utility poles; and
 - iv. such signs indicate the name and address of the sponsor and the person responsible for removal;
- k) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale or rent, with removal to be within one (1) month after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m² (6.5 ft²) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft) to a road right-of-way;

- l) the placement of temporary signs in any district for no more than thirty (30) days, provided that such signs are a maximum of 0.6 m² (6.5 ft²) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft) to a road right-of-way;
- m) in a residential district, construction of:
 - i. a deck with a height of less than 0.6 m (2.0 ft) above finished grade;
 - ii. a patio;
 - iii. a barbeque; or
 - iv. an accessory building no more than 10.0 m² (107.0 ft²) in floor area not exceeding 2.5 m (8.0 ft) in height, provided it conforms with **Section 7.1**;
and which satisfy all the setback requirements of this Bylaw;
- n) one satellite dish antennae, less than 1.0 m (3.3 ft) in diameter, per parcel provided it is sited to the satisfaction of the Development Authority;
- o) the stripping or stockpiling of soil, installation of utilities and construction of roads in conjunction with a development for which a development permit has been issued as per the requirements of this Bylaw;
- p) landscaping where the existing grade and natural surface and drainage pattern is not materially altered, except where landscaping forms part of a development, which requires a development permit;
- q) the demolition or removal of any building or structure for which erection a development permit would not be required pursuant this section;
- r) those developments specific in the Municipal Government Act and the Planning Exemption Regulation;
- s) the erection of one non-illuminated sign, erected on-site, as described below for each use within a building or parcel, provided such sign does not resemble or conflict with any traffic sign:
 - i. a fascia sign for the purpose of identification, direction, or warning not exceeding 0.2 m² (2.15 ft²) in area;
 - ii. a fascia sign relating to a person, partnership or company operating a profession, business or trade, not exceeding 0.3 m² (3.23 ft²) in area;
 - iii. a fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar character institution, or to a residential or apartment block, not exceeding 1.0 m² (10.76 ft²) in area; and
 - iv. a portable sign not exceeding 4.5 m² (48.44 ft²) relating to:
 - I) Sale of land or buildings in commercial or industrial districts;
 - II) Sale of goods or livestock by auction;
 - III) Informing the public of a carrying out of a construction; and

- IV) Announcement of any local event of a religious, political, governmental, educational or cultural nature.
- t) a minor home occupation provided that:
 - i. No individual other than the permanent resident of the dwelling unit operates the home occupation or home office;
 - ii. No client or customer is received at the dwelling unit for business purposes;
 - iii. The home occupation or home office does not generate any vehicular traffic nor require any additional parking;
 - iv. There are no on-site exterior displays or advertisements of the home occupation or home offices, and the home address is not advertised to the public in any form;
 - v. No equipment, materials, goods or finished products for business purposes are stored on-site; and
 - vi. Does not occupy more than 14.0 m² (150.7 ft²) of the gross floor area within the dwelling unit.

3.3 NON-CONFORMING BUILDINGS AND USES

- 3.3.1 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- 3.3.2 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- 3.3.3 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- 3.3.4 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - a) to make it a conforming building,
 - b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
 - c) in accordance with the powers possessed by the Development Authority pursuant to the Municipal Government Act and Section 2.1 of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.

3.3.5 Pursuant to the Municipal Government Act, when:

- a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
- b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building;

the development permit continues in effect.

3.3.6 If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

3.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 GENERAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.4.1 An application for a development permit shall be made to the Development Authority in writing, on the application form provided by the municipality and shall be accompanied by:

- a) a site plan, to scale, showing:
 - i. the legal description;
 - ii. north arrow;
 - iii. municipal address;
 - iv. location and dimensions of property lines;
 - v. existing utility rights-of-way and easements;
 - vi. fences;
 - vii. driveways;
 - viii. paved areas;
 - ix. proposed front,
 - x. rear, and side yards, if any;
 - xi. any provisions for off-street loading and vehicle parking;
 - xii. access and egress points to the site; and
 - xiii. any encumbrance such as rights-of-way;

- b) existing and proposed building dimensions, to scale, including, but not limited to, the house, garage, decks and any covered structures such as car ports;
- c) a statement of existing and proposed uses;
- d) a statement of ownership of the land and the interest of the applicant therein;
- e) the signatures of at least one of the registered landowners listed on the Certificate of Title;
- f) the estimated commencement and completion dates;
- g) the estimated cost of the project or contract price;
- h) an application fee as established by resolution of Council;
- i) written consent from the registered owner authorizing the right-of-entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed development; and
- j) any other information as required by the Development Authority.

3.4.2 In addition to the development permit application requirements stipulated in Section 3.3.2, the Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:

- a) floor plans;
- b) elevations and sections of any proposed buildings;
- c) a Real Property Report, or other documentation indicating the exact location of all structures on the property (prepared within the last five (5) years), in a form that is acceptable to the Development Authority;
- d) the type and location of water supply and sewage and wastewater disposal facilities;
- e) drainage, grading and landscaping plans which provide pre- and post-construction site elevations;
- f) a storm water management plan approved by Alberta Environment and Protected Areas (or other appropriate provincial authority);
- g) a certified geotechnical report prepared, stamped and signed by a qualified professional registered in the Province of Alberta in potentially hazardous or unstable areas;
- h) a certified biophysical assessment prepared, stamped and signed by a professional registered in the Province of Alberta, on the impacts of the proposed development on wildlife habitat or natural environments;
- i) a reclamation plan for aggregate extraction or site grading and excavation;
- j) an environmental assessment to determine potential contamination and mitigation;

- k) in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located;
- l) a certified hydro-geological assessment prepared, stamped and signed by a registered professional engineer or hydrogeologist, registered in the Province of Alberta, of any potential flooding or subsidence that may, in the sole opinion of the Development Authority, affect the subject site;
- m) a site plan detailing how vegetation, topography disturbance or erosion is to be minimized;
- n) an environmental impact assessment, prepared by a qualified professional, describing a development's potential environmental effects;
- o) a cumulative effects assessment prepared, stamped and signed by a registered professional, registered in the Province of Alberta, describing a development's potential cumulative effects;
- p) information on abandoned oil and gas wells as required by the Subdivision and Development Regulation and AER Directive 079;
- q) the identification of all rights-of-way and easements within or abutting the subject property; and/or

any additional information as the Development Authority deems necessary.

- 3.4.3 Where, in the opinion of the Development Authority, a proposed development will have a significant impact on surrounding properties, the Development Authority may require the applicant hold a public open house to inform affected residents and landowners of the proposed development, and to provide a written summary of public open house materials and any comments received at the public open house, prepared to the Development Authority's satisfaction, prior to considering an application complete.
- 3.4.4 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. An incomplete application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
- 3.4.5 The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.
- 3.4.6 All applications for development permits on sites adjacent to another municipality shall be submitted to the other municipality for comments prior to rendering a decision. The Development Authority shall not be bound by the recommendation of the other municipality.

3.4.7 Establishment of Fees

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

3.5 CANNABIS PRODUCTION AND DISTRIBUTION FACILITY AND INDUSTRIAL HEMP PRODUCTION AND DISTRIBUTION FACILITY DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.5.1 In addition to the information requirements indicated in Section 3.4 and Section 3.8, each application for a cannabis production and distribution facility or industrial hemp production and distribution facility may be required, at the discretion of the Development Authority, to be accompanied by the following information:

- a) a waste management plan (including the incineration of waste products);
- b) a water/wastewater plan (including the quantity and characteristics of discharge material);
- c) a stormwater management plan;
- d) a fire safety plan;
- e) a ventilation plan prepared by a qualified professional; and.
- f) any other information as may be reasonably required by the Development Authority.

3.6 COMMERCIAL & RECREATION DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.6.1 In addition to the information requirements indicated in Section 3.4, each application for commercial or recreation developments may be required, at the discretion of the Development Authority, to be accompanied by the following information:

- a) physical suitability of site with respect to soils, slopes and drainage;
- b) the size and number of parcels and proposed phasing (if any);
- c) servicing requirements and provisions for meeting them;
- d) estimated water demand and anticipated source;
- e) estimated gas demand and anticipated source;
- f) type of effluent and method of treatment;
- g) type of air emissions and method of abatement;

- h) estimated noise generated by the development and method of abatement;
- i) estimated light generated by the development and (if necessary) method of abatement;
- j) costs associated with providing new or upgraded municipal services associated with the development;
- k) the requirements and provisions for employee and customer parking and for site access;
- l) a landscaping plan;
- m) cross-sections and elevations for each building;
- n) a list of proposed uses;
- o) transportation routes and estimated traffic impact; and/or
- p) any other information as may be reasonably required by the Development Authority.

3.7 EXCAVATION AND STRIPPING OF LAND DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.7.1 In addition to the information requirements indicated in Section 3.4, the Development Authority shall require each application for the excavation, stripping, stockpiling or grading of land proposed without any other development on the same land, to be accompanied by the following information:

- a) the location of the site, including the municipal address, and legal description;
- b) location and area of the site where the excavation is to take place;
- c) the type of excavation, stripping, or stockpiling proposed, showing the dimensions of the operation including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
- d) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
- e) identification of potential for outdoor noise and the discharge of substances into the air;
- f) drainage and grading plans which provide pre- and post-development site elevations;
- g) a reclamation plan including information regarding the condition in which the site is to be left when the operation is complete, the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site; and
- h) potential long-term costs of new or upgraded municipal services associated with the development.

3.8 INDUSTRIAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.8.1 In addition to the information requirements indicated in Section 3.4, each application for industrial development shall be accompanied by the following information:

- a) type of industry;
- b) estimated number of employees;
- c) estimated water demand and anticipated source;
- d) estimated power and gas demand and anticipated source;
- e) type of effluent and method of treatment;
- f) type of air emissions and method of abatement;
- g) estimated noise generated by the development and method of abatement;
- h) estimated light generated by the development and (if necessary) method of abatement;
- i) transportation routes to be used and estimated traffic impact,
- j) reason for specific location;
- k) means of solid waste disposal;
- l) any accessory works required (pipeline, railway spurs, power lines, etc.);
- m) anticipated residence location of employees;
- n) municipal servicing costs associated with the development;
- o) physical suitability of site with respect to soils, slopes and drainage;
- p) if a subdivision is involved, the size and number of parcels and proposed phasing (if any);
- q) servicing requirements and provisions for meeting them;
- r) costs associated with providing new or upgraded municipal services associated with the development; and
- s) any other information as may be reasonably required by the Development Authority.

3.9 MULTI-DWELLING DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.9.1 In addition to the information requirements indicated in Section 3.4, the Development Authority shall require each application for an apartment, duplex dwelling, fourplex dwelling or row housing dwelling to be accompanied by the following information:

- a) design plans and working drawings including elevations which have been done or endorsed by a registered architect;
- b) site plans showing the proposed:
 - i. location and position of structures on the site, including any “For Rent” or identification signs;
 - ii. location and number of parking spaces, exits, accesses and drives from public roads;
 - iii. location of an access to refuse storage areas and incinerators and the fencing and landscaping of such facilities; and
 - iv. landscaping plan of the entire site which shall show intended surfacing for drives and parking areas.
- c) The plans identified above will append the application and once approved, shall be deemed conditions of approval. The Development Authority may require a performance bond from the developer if deemed necessary.

3.10 WIND ENERGY CONVERSION SYSTEM DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- 3.10.1 In addition to the information requirements indicated in Section 3.4, the Development Authority shall require each application for a wind energy conversion system to be accompanied by the following information:
- a) a fully dimensioned and scaled site plan showing and labeling information including the location of overhead utilities on or abutting the subject site, contours of the land and access roads;
 - b) a visual representation including scale elevations, photographs and/or digital information of the proposed wind energy conversion system showing total height, tower height, rotor diameter, colour and the landscape;
 - c) the manufacturer’s specifications for the wind energy conversion system, including:
 - i. the system’s rated output in kilowatts,
 - ii. safety features and sound characteristics, and
 - iii. type of material used in tower, place, and/or rotor construct;
 - d) an analysis of the potential for noise at:
 - i. the site of installation,
 - ii. the boundary of the lot containing the development, and
 - iii. any habitable dwelling within 2.0 km (1.2 miles) of the subject site;

- e) a report regarding any public information meetings or other processes conducted by the developer;
- f) any impacts to the local road system including required approaches from public roads having regard to Town standards;
- g) a preliminary reclamation/decommissioning plan; and
- h) appropriate reports and/or approvals from:
 - i. Alberta Utilities Commission,
 - ii. Transport Canada,
 - iii. NavCanada,
 - iv. Alberta Energy, and
 - v. Any other government departments required for provincial approvals.

3.11 DEVELOPMENT PERMIT COMPLETE APPLICATION

- 3.11.1 The Development Authority shall determine within twenty (20) days after the receipt of a development permit application whether it is complete in accordance with the information of this Bylaw.
- 3.11.2 The Development Authority shall inform the applicant by electronic or standard mail within twenty (20) days after the receipt of the development permit application that the applicant is considered complete.

3.12 DEVELOPMENT PERMIT INCOMPLETE APPLICATION

- 3.12.1 An application for a development permit shall not be considered complete and received by the Municipality until such time as the requirements of Section 3.4, and Sections 3.5, 3.6, 3.7, 3.8, 3.9, and 3.10 as applicable, have been met to the satisfaction of the Development Authority.
- 3.12.2 If an application for a development permit does not contain all the necessary information or does not contain sufficient details to complete an evaluation of the application to make a proper decision, the Development Authority shall deem the application to be incomplete and inform the applicant within twenty (20) days after the receipt of the development permit application that the application is considered incomplete. The applicant shall be informed by electronic or standard mail.
- 3.12.3 When notifying an applicant that their development permit is incomplete, the Development Authority shall inform the applicant that any outstanding information and documents in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete.

- 3.12.4 Within twenty (20) days after the receipt of an updated application the Development Authority shall inform the applicant by electronic or standard mail that the application is considered complete or incomplete.

3.13 REFERRAL OF APPLICATION

- 3.13.1 The Development Authority may refer any application for a development permit prior to making a decision on the application to any other person, agency, or organization as deemed necessary or suitable by the Development Authority.
- 3.13.2 Upon receipt of an application for a development permit for a development listed as a Discretionary Use, the Development Authority may send a written notice to all adjacent landowners indicating the location and nature of the proposed development and indicating opportunities for comment.
- a) with the exception of an application that is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, other relevant provincial and/or federal authorities in which case no notification to adjacent landowners shall be required.

3.14 DEVELOPMENT PERMIT APPLICATION DECISIONS

- 3.14.1 A development permit issued pursuant to this Bylaw is not a building permit, and work or construction of any buildings related to the development shall neither commence nor proceed until a building permit has been issued, pursuant to applicable bylaws and regulations.
- 3.14.2 Pursuant to the Municipal Government Act, the Development Authority shall make a decision on a complete development permit application within forty (40) days after the application is determined to be complete.
- 3.14.3 In making a decision on an application for a Permitted Use, the Development Authority:
- a) shall approve, with or without conditions, a development permit application where the proposed development conforms with this Bylaw; or,
- b) may refuse a development permit if the proposed development does not conform with this Bylaw.
- 3.14.4 In making a decision on an application for a Discretionary Use, the Development Authority:
- a) may approve a development permit application which meets the requirements of this Bylaw, and any approved statutory plan or policy affecting the area, with or without conditions based on the merits of the application, with the purpose and intent of any statutory plan or policies adopted by the Town of Bruderheim.

- b) may refuse a development permit application even if it meets the requirements of this Bylaw.
 - i. with the exception of an application that is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, other relevant provincial and/or federal authorities in which case the Development Authority shall approve the application to the extent that it complies with the license, permit, approval or other authorization.
- 3.14.5 In reviewing a development application for a permit for a discretionary Use, the Development Authority shall have regard for:
 - a) the circumstances and merits of the application, including, but not limited to:
 - i. the impact of such nuisance factors as smoke, airborne emissions, odours, and noise on nearby properties;
 - ii. the use, design, character and appearance of the development being compatible with surrounding properties; and,
 - iii. the servicing requirements for the proposed development;
 - b) the purpose and intent of any statutory plan adopted by the Town of Bruderheim.
- 3.14.6 The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - a) the proposed development would not:
 - i. unduly interfere with the amenities of the neighbourhood; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 3.14.7 A development permit for a discretionary use may be issued on a temporary basis and the Development Authority may specify the length of time the permit remains in effect.
- 3.14.8 For development applications for lands in a Direct Control (DC) District, the Development Authority may only decide on applications where Council has delegated its authority to the Development Authority, as the case may be.
- 3.14.9 The applicant may be required to pay to the Town the costs incurred, by the Town, for third party review of the application.
- 3.14.10 To ensure compliance with a development agreement, the Town may register a caveat under the Lands Titles Act against the certificate of title for the property that is being developed. This

caveat shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.

3.15 VARIANCE POWERS

3.15.1 In addition to the requirements of Section 3.4, when an application for a Development Permit application is submitted for a Permitted or Discretionary Use which does not comply with the provisions of the Bylaw, the Development Authority may request a statement from the applicant identifying the following:

- a) that the applicant is aware that the proposed development requires a variance of this Land Use Bylaw; and
- b) why the proposed development cannot satisfy the provisions of this Bylaw and therefore, requires the proposed variance.

3.15.2 The Development Authority may approve or conditionally approve a variance on a discretionary or permitted use that does not comply with this Bylaw if, in the opinion of the Development Authority:

- a) the proposed development would not:
 - i. unduly interfere with the amenities of the neighbourhood, or,
 - ii. materially interfere with or affect the use, enjoyment or value of neighboring parcels of land, and
- b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

3.15.3 In approving an application for a development permit the Development Authority shall adhere to the purpose statement of the land use district and the following:

- a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character or situation of the land or building that are not generally common to other land in the same land use district; and
- b) Except otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing dwelling density.

3.15.4 A variance will not be allowed if the granting of the variance contravenes the requirements of the Municipal Government Act or Subdivision and Development Regulation, and amendments thereto.

3.15.5 In the event that a regulation is varied, relaxed, or waived, the Development Authority shall specify the nature of the approved variance in the development permit approval.

3.16 DEVELOPMENT PERMIT CONDITIONS

3.16.1 The Development Authority may attach, with respect to a permitted use, conditions on the issuance of a development permit as may be required to ensure compliance with this Bylaw, including but not limited to the following:

- a) Arrangements satisfactory to the Development Authority for the supply of utilities including payment of the cost of installation or construction of any such utility or facility by the applicant;
- b) Arrangements satisfactory to the Development Authority ensuring compatibility with the surrounding land uses, including but not limited to the following:
 - i. vehicular and pedestrian access from public roads and trails;
 - ii. on-site vehicular and pedestrian circulation;
 - iii. on-site parking;
 - iv. on-site loading;
 - v. landscaping;
 - vi. drainage;
 - vii. noise attenuation;
 - viii. building location; or
 - ix. any one or more of these matters, including payment of the costs of installation or construction by the applicant.
- c) That the developer enters into a development agreement or an interim agreement according to the Municipal Government Act, which shall form part of such a development permit and may be required to be registered by caveat against title to the site at the Land Titles Office;
- d) That the developer pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act;
- e) That the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site;
- f) That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site; and
- g) That the developer provides a real property report to the satisfaction of the Development Authority.

- 3.16.2 The Development Authority may attach, with respect to issuance of a development permit for a discretionary use, any or all conditions listed in Section 3.4 as may be required and any other condition the development authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to the following:
- a) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - b) Specifying the period of time during which the development may continue;
 - c) Limiting the number of patrons; and
 - d) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development.

3.17 NOTICE OF DECISION

- 3.17.1 Within five (5) working days after a decision on a development permit application, the Development Authority shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Town office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 3.17.2 In addition to Section 3.17.1, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Authority shall:
- a) send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent landowners, as identified on Town of Bruderheim Assessment Roll, to provide notice of the decision and right of appeal; and
 - b) send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
 - c) within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.
- 3.17.3 A development permit does not come into effect until after the appeal period has expired and no appeals have been submitted.
- 3.17.4 When the Development Authority refuses a development permit application, the decision shall contain reasons for the refusal, the method for which an appeal can be made, and the deadline of the date of appeal of the development permit.

3.18 DEVELOPMENT PERMIT DEEMED REFUSED

- 3.18.1 When a development permit application is refused, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal. However, when an application has been refused as per Section 3.18.2 the Development Authority may accept a new application without waiting six (6) months after the date of the refusal.
- 3.18.2 An application for a development permit shall be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt and acceptance of the completed application by the Development Authority unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority.

3.19 ISSUANCE AND VALIDITY OF DEVELOPMENT PERMITS

- 3.19.1 Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.
- 3.19.2 When a development permit has been granted by the Development Authority, it shall not be valid unless and until the conditions of the permit, save those of a continuing nature, have been fulfilled and no notice of appeal has been served on the Subdivision and Development Appeal Board within the appeal period.
- 3.19.3 A development permit expires when development is not substantially commenced, in the opinion of the Development Authority, taking into account the circumstances of the development, within twelve (12) months from the date of its issuance or within such extended period that may be granted by the Development Authority.
- 3.19.4 Upon application before expiry, a Development Authority may grant only one extension of the effective period, and the extension period shall not be longer than twelve (12) months.
- 3.19.5 When a permit expires, a new application is required. Such application shall be dealt with as a first application and there shall be no obligation to approve it on the basis that a previous permit had been issued.
- 3.19.6 If a use is intended to be discontinued for a continuous period of six (6) months, any subsequent use of the land or building shall comply with this Bylaw and shall require a new development permit.

3.20 SUSPENSION OR REVOKING OF A DEVELOPMENT PERMIT

- 3.20.1 A Development Authority may suspend or revoke a development permit by notice in writing, to the holder of it:
- a) if, in the opinion of the Development Authority, the application for that development permit is found to have contained incorrect or misleading information;
 - b) if the conditions of the approval of the development permit have not been complied with or cease to be complied with;
 - c) if the permit was issued in error;
 - d) if requested by the applicant;
 - e) the applicant fails to comply with a Stop Order as per Section 6.1 of this Bylaw and the Municipal Government Act; or
 - f) The development has not been completed within the required time period. All developments related to residential uses shall be completed within twenty-four (24) months of the issuance of a development permit unless otherwise prescribed on the development permit.
- 3.20.2 Any person who undertakes development or causes or allows any development after a development permit has been suspended or revoked, shall discontinue such development immediately and shall not resume such development until a new development permit has been approved by the Development Authority and is valid pursuant to Section 3.19.

3.21 COMPLIANCE CERTIFICATE

- 3.21.1 The registered landowner, or an agent acting on behalf of a registered landowner, may apply to the Town for a compliance certificate stating that a particular development conforms to the requirements of this Bylaw.
- 3.21.2 An application for a compliance certificate shall include sufficient information to determine conformance with this Bylaw, including, but not limited to the following:
- a) Completed application form signed by the registered owner or authorized agent;
 - b) Application fee as determined by Council;
 - c) Legal description and property address;
 - d) Use and occupancy of all parts of the site and buildings; and
 - e) Two (2) copies of a Real Property Report prepared by an Alberta Land Surveyor within the last 12 months, which shows the details and relation to the property lines of all development located on the property.
- 3.21.3 The Development Authority may issue a compliance certificate, when in the opinion of the Development Authority, the buildings as shown on the Real Property Report provided by the

applicant are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw, or the yard and building setbacks specified in any development permit which may have been issued for the site.

3.21.4 The compliance certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.

3.21.5 The Development Authority may refuse to issue a compliance certificate when:

- a) Information provided on the Real Property Report is unclear or vague, and/or is insufficient to determine if the buildings as shown are located in accordance with the yard and building setbacks specified in any development permit which may have been issued for the site;
- b) The Real Property Report provided is older than twelve (12) months from the date of application and is not accompanied with an affidavit confirming all information provided on the Real Property Report is true and accurate;
- c) The Real Property Report does not indicate all developments that are located on the lot;
- d) Developments on the lot were constructed without a development permit; or
- e) There are outstanding infractions with this or any other Town of Bruderheim Bylaw.

3.21.6 The Development Authority shall rely on the information on the Real Property Report submitted by the applicant and is not required to undertake independent site inspections. The Development Authority shall not be liable for any damages arising from the use of a compliance certificate where the errors are the result of incorrect or incomplete information provided by the surveyor.

4 APPEALS

4.1 DEVELOPMENT APPEALS AND PROCEDURES

- 4.1.1 No appeal to the Subdivision and Development Appeal Board may be made in respect to the issuance of a development permit for a permitted use unless the provisions of the Bylaw were relaxed, varied or misinterpreted.
- 4.1.2 Subdivision and development appeals shall be made to the Town's Subdivision and Development Appeal Board in accordance with the applicable procedures of the Subdivision and Development and Appeal Board or the Land and Property Right Tribunal as the case may be. An appeal may be made to the Subdivision and Appeal Board:
- a) by the applicant, if the Development Authority
 - i. fails or refuses to issue a development permit to a person;
 - ii. issues a development permit subject to conditions; or
 - iii. issues a stop under Section 645 of the Municipal Government Act, or Section 6.1. of this Bylaw.
 - iv. fails to make a decision with respect to application within forty (40) days of the application being deemed complete as per the notice by the Development Authority or within such longer period as the applicant may have approved in writing an extension to this period referred to in Section 3.18 of this Bylaw; or
 - b) by any person claiming to be affected by an order, decision or development permit made or issued by a Development Authority.
- 4.1.3 An appeal shall be made by serving a written notice of appeal, together with the reasons for the appeal and the appeal fee, to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after:
- a) In the case of an appeal made by a person referred to in Section 4.1.2.a) after:
 - i. the date on which the person is notified of the order or decision or the issuance of the development permit; or
 - ii. if no decision is made with respect to the application within the 40-day period or within any extension issued under Section 684 of the Municipal Government Act.
 - b) the person referred to in Section 4.1.2.b) must appeal after the date on which the notice of issuance of the development permit was received or published.
- 4.1.4 Notwithstanding Sections 4.1.1, 4.1.2, and 4.1.3, if a decision with respect to a development permit application for a direct control district:

- a) is made by the Town of Bruderheim Council, there is no appeal to the Subdivision and Appeal Board; or
- b) is made by a Development Authority, the ability to appeal is available subject to the Municipal Government Act.

4.2 SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

4.2.1 Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal. The thirty day appeal period may be extended, subject to the written consent of the appellant, the development permit applicant (if different than the appellant), and the Development Authority.

4.2.2 The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:

- a) the appellant;
- b) the Development Authority from whose order, decision or development permit the appeal is made;
- c) the applicant and/or landowner(s);
- d) those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
- e) such other persons as the Subdivision and Development Appeal Board specifies.

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

- a) the application for the development permit, the decision and the notice of appeal; or
- b) the order of the Development Authority under Section 6 of this Bylaw or Section 645 of the Municipal Government Act;

4.2.4 At the appeal hearing referred to in Section 4.2, the Subdivision and Development Appeal Board shall hear:

- a) the appellant or any other person acting on his/her behalf;
- b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
- c) any other person who was served with notice of the hearing pursuant to Section 4.2 and who wishes to be heard or a person acting on his/her behalf; and

- d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his/her behalf.

4.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

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

- a) shall comply with the Province's Land Use Policies and applicable regional plans;
- b) shall comply with the intent of the Municipal Development Plan, any Intermunicipal Development Plan, or other adopted statutory or local plan affecting the land and subject to subsection 4.3.1.f), of this Bylaw and the Municipal Government Act;
- c) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location and premises described in a cannabis licence and distances between those premises and other premises;
- d) must have regard to but is not bound by the Subdivision and Development Regulation;
- e) may confirm, reverse, or vary the order, decision, or development permit or any condition attached and may impose such conditions as it considers proper and desirable for the circumstances; and
- f) may make an order, or decision, or issue a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in its 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 properties; and
 - ii. the proposed development conforms with the uses prescribed for the land or building in this Bylaw.

4.3.2 The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.

4.3.3 If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.

4.3.4 If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.

- 4.3.5 If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- 4.3.6 A decision made by the Subdivision and Appeal Board is final and binding on all parties and all persons subject only to an appeal to the Court of Appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act.
- 4.3.7 An application for permission to appeal pursuant to Section 4.3.6 of this Bylaw must be filed and served within thirty (30) days after the issuance of the decision sought to be appealed, and notice of the application must be given to:
- a) the Town;
 - b) the Land and Property Right Tribunal or the Subdivision and Appeal Board; and
 - c) any other person(s) that the judge directs.

5 AMENDMENT TO THE LAND USE BYLAW

5.1 BYLAW AMENDMENTS

- 5.1.1 Any amendment to this Bylaw shall be made pursuant to the Municipal Government Act.
- 5.1.2 Council or Town Administration may at any time initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority to prepare an amendment application, reports and recommendations.

5.2 CONTENTS OF AN AMENDMENT APPLICATION

- 5.2.1 Any person may apply to have this Bylaw amended by applying in writing, using the application form provided by Town of Bruderheim, and request that the Development Authority submit the application to Council.
- 5.2.2 An applicant proposing to amend this Bylaw for a purpose of clarification of an existing provision must provide the following information:
- a) pay Town of Bruderheim an application and advertising fee as set by Council;
 - b) undertake in writing on a form provided by Town of Bruderheim to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
 - c) reasons in support of the application;
 - d) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
 - e) the sequence of land servicing (may include, among other elements, site grading plan, infrastructure servicing concept, development concept, development phasing and landscaping), if applicable;
 - f) if applying for a map amendment for a parcel of land, a recent title search (dated within thirty days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, if applicable; and
 - g) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.
- 5.2.3 A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- a) pay Town of Bruderheim an application and advertising fee as set by Council;
- b) undertake in writing on a form provided by Town of Bruderheim to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
- c) reasons in support of the application;
- d) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
- e) the program of land servicing, if applicable;
- f) information regarding any potential impact of the development that would be allowed by the proposed amendment on the existing natural or man-made environment;
- g) information respecting the suitability of the subject site for the development that would be allowed by the proposed amendment;
- h) a recent title search (dated within thirty days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, if applicable;
- i) sign a statement authorizing the right of entry by the Development Authority to such lands and/or buildings as may be required for investigation of the proposed amendment; and
- j) any other information deemed necessary by the Development Authority or Council.

5.3 THE AMENDMENT PROCESS

- 5.3.1 Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:
 - a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
 - b) prepare a detailed report including all maps and relevant materials for Council to consider.
- 5.3.2 In order to carry out any necessary investigation or analysis of the problems involved in or related to the amendment; the Development Authority may refer the application to such agencies as they consider necessary for comment.
- 5.3.3 Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:
 - a) he/she wishes to make revisions to their submission (if required by the Development Authority and/or Council) prior to proceeding to Council for first reading and public hearing;
 - b) he/she wishes the Council to proceed with the amendment as originally submitted by the person, or

- c) he/she wishes to withdraw the application for an amendment.
- 5.3.4 As soon as reasonably convenient, the Development Authority shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.
- 5.3.5 During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- 5.3.6 Council may request such information as it deems necessary to reach a decision on the proposed amendment.
- 5.3.7 If an amendment to the Bylaw is refused, a similar application may not be received for six (6) months following the final date of the decision.
- 5.3.8 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Municipal Government Act regarding the enactment of Bylaws.
- 5.3.9 All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the requirements of the Municipal Government Act regarding the notification and holding of a public hearing.

5.4 PUBLIC HEARING PROCESS

- 5.4.1 At the discretion of Council, first reading of a proposed amendment may be given before the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Town Council.
- 5.4.2 All amendments to this Bylaw shall be made by Council, by bylaw, and in conformity with the requirements of the Municipal Government Act with regard to the holding of a Public Hearing.

6 ENFORCEMENT, PENALTIES, AND FINES

6.1 CONTRAVENTION AND STOP ORDERS

6.1.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with

- a) the Municipal Government Act or the regulations there under; or
- b) a development permit or subdivision approval; or
- c) the Land Use Bylaw;

the Development Authority shall, in accordance with the Municipal Government Act, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- a) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
- b) demolish, remove or replace the development; and/or
- c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw,

within the time frame specified by the notice, as the case may be.

6.1.2 Where a notice is issued under Section 6.1.1, the notice shall state the following and any other information considered necessary by the Development Authority:

- a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Municipal Government Act the order is being cared out;
- b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
- c) a time frame in which the contravention must be corrected prior to Town of Bruderheim pursuing action; and
- d) advise the person of his/her right to appeal the notice to the Subdivision and Development Appeal Board.

6.1.3 Where a person fails or refuses to comply with an order directed to him/her pursuant to Section 6.1.1 or an order of the Subdivision and Development Appeal Board, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order.

6.1.4 The Town may register a Caveat under the Land Titles Act pursuant to the Order against the certificate of title that is subject to the Order in accordance with Section 646(2) of the Municipal Government Act.

6.1.5 If the Town is required to perform a stop order, the Town shall, in accordance with the Municipal Government Act, register all such costs incurred in executing the stop order against the tax roll of the land that is the subject of the stop order.

6.2 ENFORCEMENT

6.2.1 This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

6.2.2 A person who:

- a) contravenes any provision of the Municipal Government Act or the regulations under the Municipal Government Act;
- b) contravenes this Bylaw;
- c) contravenes an order under Section 6.1 of this Bylaw and/or Section 645 of the Municipal Government Act;
- d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
- e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Municipal Government Act or this Bylaw

is guilty of an offense and subject to a fine as prescribed in Section 566 of the Municipal Government Act as described in Section 6.3 of this Bylaw.

6.2.3 If a person is found guilty of an offense under Section 6.1 of this Bylaw (Section 557 of the Municipal Government Act), the court may, in addition to any other penalty imposed, order the person to comply with:

- a) the Municipal Government Act and the regulations under the Municipal Government Act;
- b) this Bylaw;
- c) an order under Section 6.1 of this Bylaw and/or Section 645 of the Municipal Government Act; and/or
- d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.

6.2.4 Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:

- a) delivered personally to the person or their agent it is directed to; or
 - b) mailed by regular mail to the last known address of the person it is directed to; or
 - c) left with any agent or employee or resident at the last known address of the person to whom it is directed.
- 6.2.5 Development Permit applications submitted after development has commenced, as determined by the Development Authority, including but not limited to site preparation or construction of buildings, shall be subject to double fee provisions, as determined in the fee schedule established and revised from time to time by Council.

6.3 VIOLATION TICKETS AND FINES

- 6.3.1 In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- 6.3.2 The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Town.
- 6.3.3 Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty as specified in the Town of Bruderheim User Fees and Charges Schedule A Bylaw. **Each day that a breach of the Bylaw has occurred shall be considered to be a separate offence.**
- 6.3.4 Notwithstanding 6.3.3 above, persons contravening any provision of this Bylaw related to industrial uses and/or development shall be liable for a penalty as specified in the Town of Bruderheim User Fees and Charges Schedule A Bylaw. **Each day that a break of the Bylaw has occurred shall be considered to be a separate offence.**
- 6.3.5 The violation ticket shall be served upon the alleged offender personally or delivered by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 6.3.6 If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 6.3.7 If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed as specified in the Town of Bruderheim User Fees and Charges Schedule A Bylaw, plus court costs, for each offence.

7 GENERAL PROVISIONS

7.1 ACCESSORY BUILDINGS

7.1.1 In all Districts:

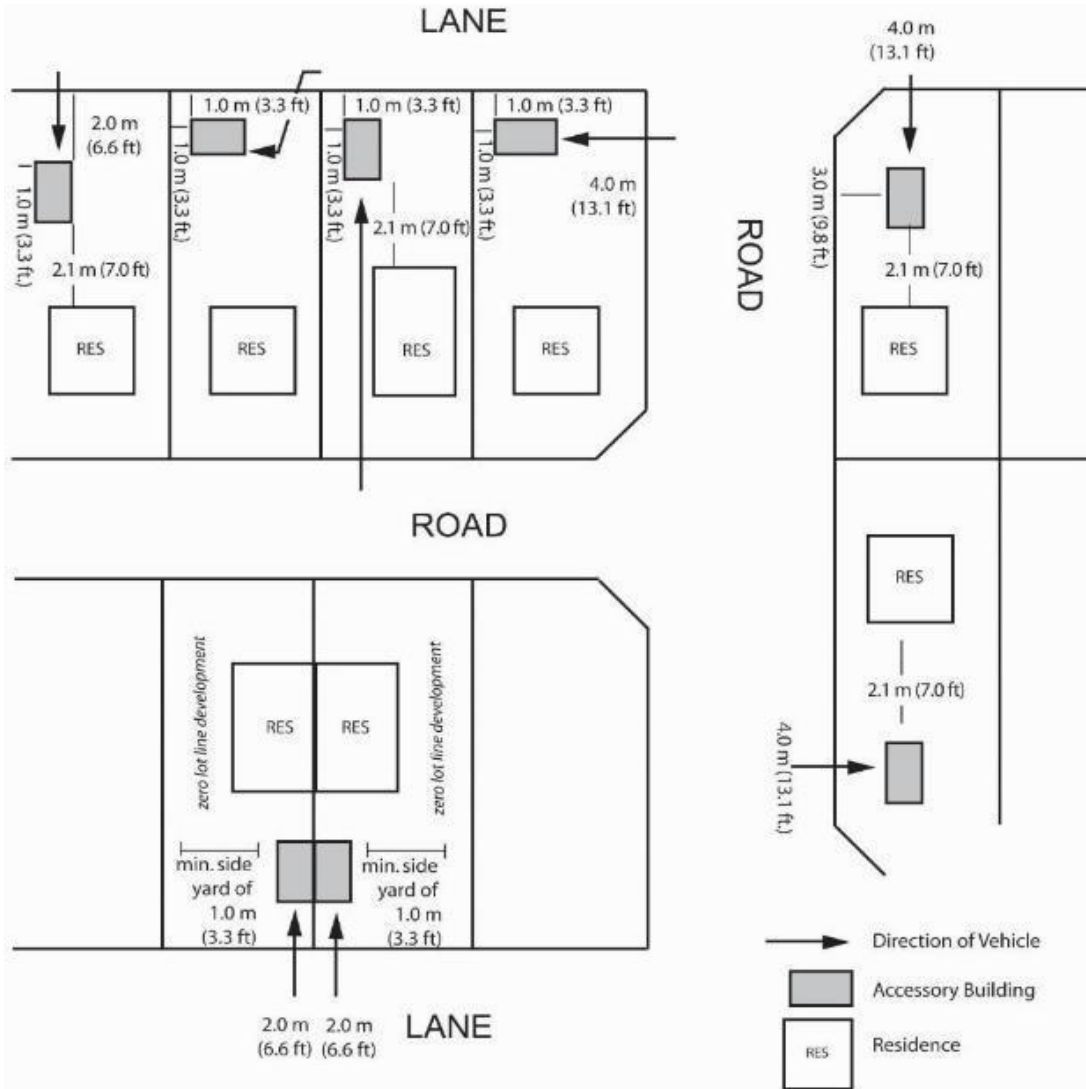
- a) Accessory buildings are permitted when accessory to a permitted use and discretionary when accessory to a discretionary use.
- b) An accessory building or use is not permitted without a principal building or use being first constructed.
- c) Notwithstanding Section 7.1.1.b), the Development Authority may, at their sole discretion, approve the development of an accessory building, in a commercial or industrial district, prior to the construction of the main use or building on the parcel, where a development permit has been issued for the development of the main use or building on the parcel.
- d) An accessory building shall not be used as a dwelling unit, unless a development permit has been issued allowing the use of the accessory building as a garage suite, or garden suite and the garage suite or garden suite meets the provisions of Section 8.31 and or 8.32 of this Bylaw.
- e) The siting of an accessory building on an irregularly-shaped lot shall be as required by the Development Authority.
- f) Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
- g) No part of an accessory structure, including eaves, cantilevers and other projections, shall be located on or over an easement or utility right-of-way registered by the Town unless authorized by the Development Authority and an "Encroachment Agreement" between the Town and the landowner has been registered on the Title of the subject parcel
- h) No accessory structure or any portion thereof shall be erected or placed within the front yard of a parcel unless otherwise approved by the Development Authority;

7.1.2 In addition to all other requirements of this section, accessory buildings, where listed as permitted or discretionary in the Residential Districts, shall comply with the following requirements:

- a) No accessory structure or any portion thereof shall be erected or placed within the front yard of a parcel;
- b) An accessory structure on an interior parcel shall be situated so that the exterior wall is at least 1.0 m (3.3 ft) from the side and rear boundaries of the parcel;

- c) Notwithstanding Section 7.1.2.b), for lots that have rear lane access and where an accessory structure is used as a detached garage, access to the detached garage shall be gained from the rear lane and such detached garage shall be setback a minimum 2.0 m (6.6 ft) from the rear property line;
 - d) The height of an accessory building shall not normally exceed 5.0 m (16.0 ft) or one (1) storey and shall not exceed the height of the main building. However, the maximum height for an accessory building may be exceeded, at the sole discretion of the Development Authority, for the height of a garage in order to facilitate the development of a garage suite on a parcel of land where it can reasonably be determined by the Development Authority that the additional height will not impact the quality of life or enjoyment of adjacent properties.
 - e) an accessory building shall not:
 - i. have an eave overhang within 0.3 m (1.0 ft) of a lot line;
 - ii. exceed more than fifteen percent (15%) of the total site area; and
 - iii. shall not be larger than the total floor area of the principal building.
 - f) The minimum separation distance between a dwelling and an accessory building in the Residential Districts shall be a minimum of 2.43 m (8.0 ft).
 - g) Notwithstanding Section 7.1.2. f) and Figure 1, in districts that allow for zero lot-line development, an accessory structure that is a mutual garage may be developed on a common property boundary line. A minimum side yard of 1.0 m (3.3 ft) is required for the other side lot line that is not attached to another building by a mutual wall.
- 7.1.3 The maximum height of accessory buildings in all districts not listed in Section 7.1.2 above, shall be at the discretion of the Development Authority.
- 7.1.4 Development permits for non-permanent structures including but not limited to portable garage shelters shall be issued on a temporary basis for a period not to exceed three (3) years.

Figure 1: Siting of Accessory Buildings in the Residential Districts



7.2 APPLICANT'S RESPONSIBILITY

- 7.2.1 A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity and all other permits required in connection with the proposed development.
- 7.2.2 The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.

7.2.3 The applicant shall prevent excess soil or debris from being spilled on public road allowances, streets, lanes and sidewalks.

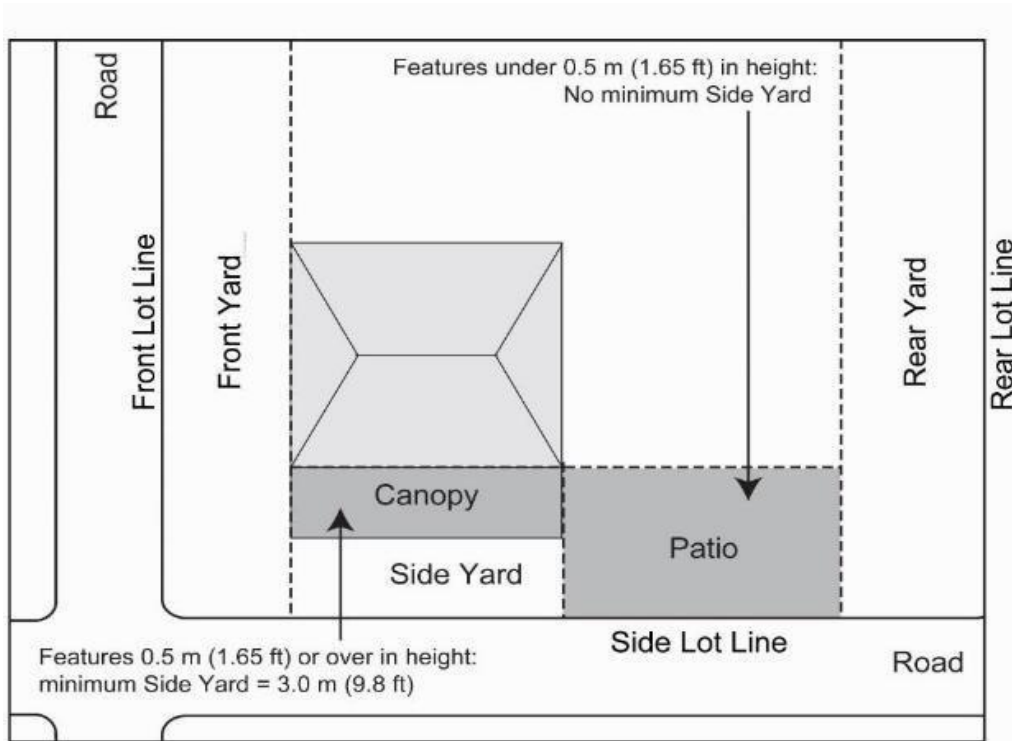
7.2.4 No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Authority, has been undertaken.

7.3 CORNER AND DOUBLE FRONTING LOTS IN RESIDENTIAL DISTRICTS

7.3.1 Within the Low Density Residential R1, Medium Density Residential R2, High Density Residential R3, Manufactured Home Subdivision MHS and Manufactured Home Park MHP Districts, the following regulations shall apply:

- a) In the case of double fronting lots, the front yard shall be that portion of the lot abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard (see Figure 2).
- b) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner lot or on a double fronting lot provide two (2) minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- c) Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner lot, the minimum required side yard on the side adjacent to the road shall not be less than 4.0 m (13.1 ft).
- d) Notwithstanding Section 7.3.1.c), features under 0.5 m (1.6 ft) in height may project to the sideline where a second minimum front yard is not required on a corner lot (see Figures 3 & 4).

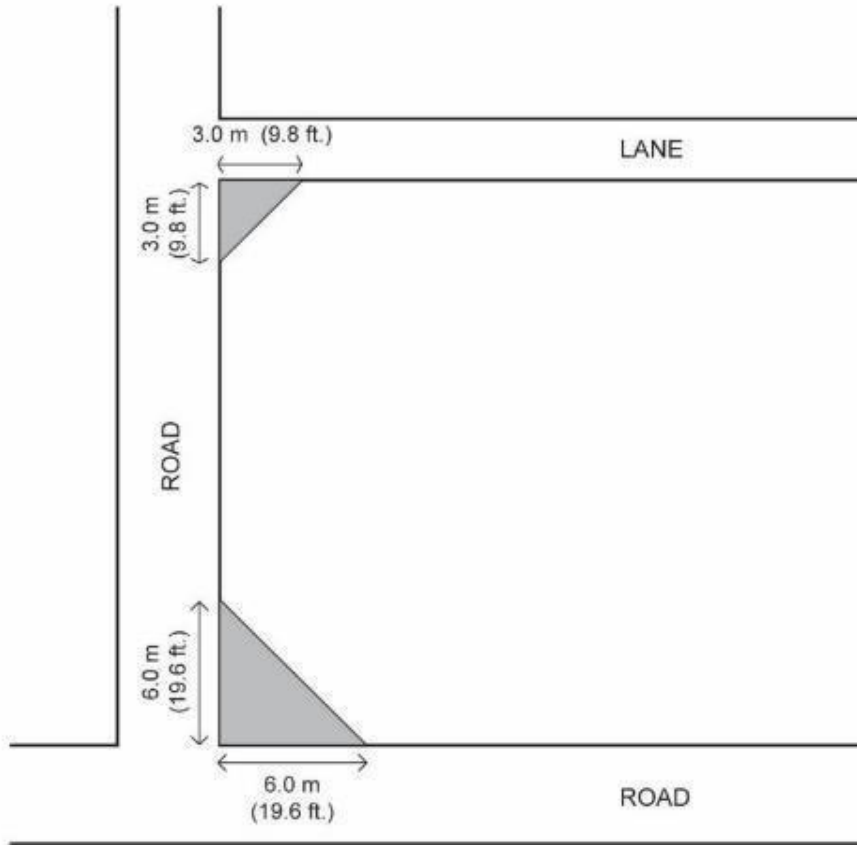
Figure 2: Permitted Encroachments in Side Yards on a Corner Site



7.4 CORNER SITES AND SITE LINE PROTECTION

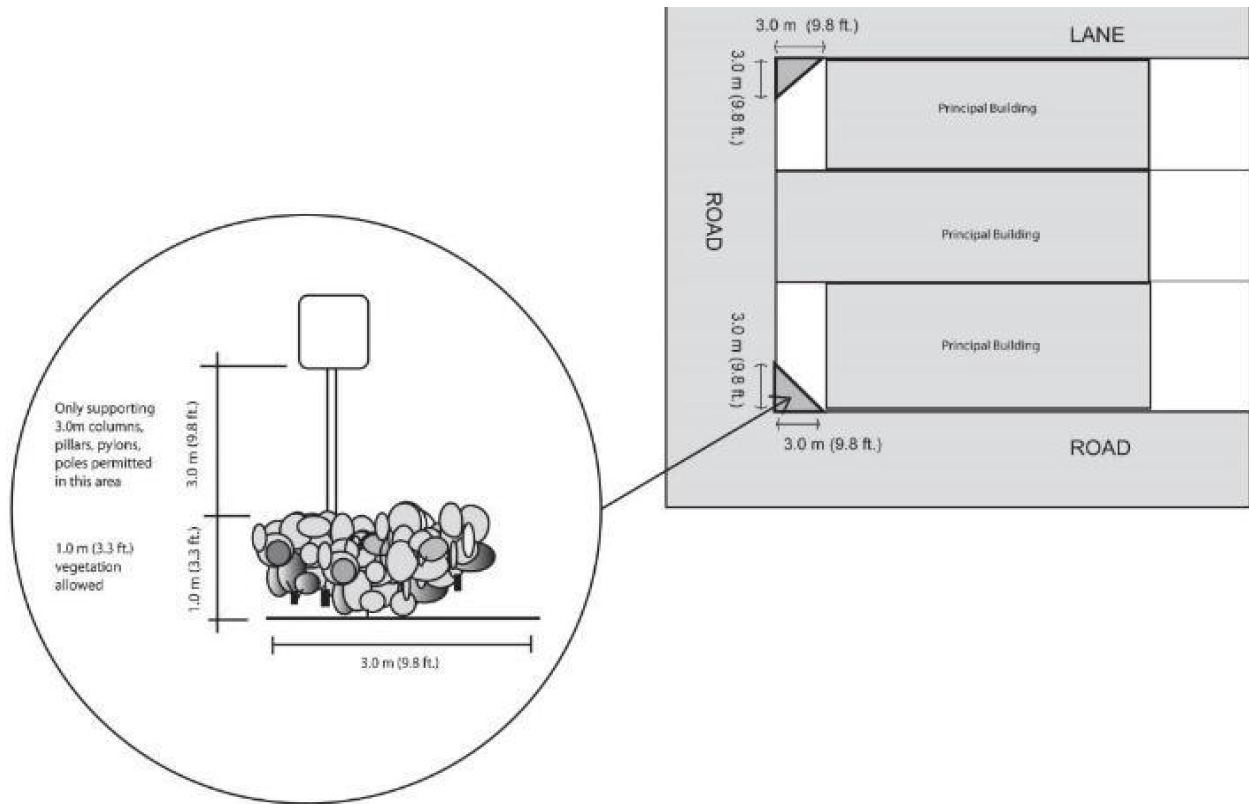
- 7.4.1 Within the Low Density Residential R1, Medium Density Residential R2, High Density Residential R3, Mobile Home Subdivision MHS and Mobile Home Park MHP Districts no person shall erect, place or maintain a wall, fence, shrub, tree, hedge, or any other object within the sight triangle. Sight triangles are determined as follows (see Figures 2 and 3).

Figure 3: Corner Site Line Protection in Residential Districts



- 7.4.2 In the Downtown Commercial (C1) District, no structure or vegetation except a supporting column, pillar, sign, or pylon/pole shall be erected or permitted to grow between the heights of 1.0 m (3.3 ft) and 3.0 m (9.8 ft) above the street grade that abuts the lot line adjacent to the road of line for a distance of 3.0 m (9.8 ft) from their point of intersection: (see Figure 4).

Figure 4: Corner site line protection in the Downtown Commercial District



7.5 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

- 7.5.1 The exterior finish on all buildings shall be of a permanent material and be of a character and quality satisfactory to the Development Authority.
- 7.5.2 Pursuant to Section 7.5.1, the Development Authority may consider the following when reviewing development proposals in all districts:
- the design, character and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;
 - the design of the building must be consistent with the purpose of the land use district in which it is located; and/or
 - the building shall comply with any provisions of any statutory plan which sets out specific guidelines as to the design, character, appearance or building materials to be used within a district or area;

- 7.5.3 The Development Authority shall encourage buildings to be sited and constructed so as to maximize passive solar energy gain.
- 7.5.4 The Subdivision Authority or the Development Authority may, where it desires to achieve a higher standard of design and appearance in a specific Area Structure Plan, Subdivision, or Development, require the developer to provide detailed architectural control guidelines.
- 7.5.5 The Subdivision Authority may require at the time of subdivision that the developer register a restrictive covenant against the subdivision in order to ensure ongoing conformance with the architectural control guidelines.

7.6 DEVELOPMENT AND ACCESS PERMIT REQUIREMENTS ADJACENT TO MUNICIPAL ROADS AND HIGHWAYS

- 7.6.1 No development permit shall be issued for development within:
 - a) 300.0 m (0.19 mi) beyond the limit of a provincial highway; or
 - b) 800.0 m (0.5 mi) from the centre line of a provincial highway and public road intersection.until any necessary permits for the development have been issued by Alberta Transportation.
- 7.6.2 All new approaches must be constructed to current Town standards and/or Alberta Transportation.

7.7 DEVELOPMENT SETBACK REQUIREMENTS

- 7.7.1 The following regulations shall apply to all buildings in all land use districts unless otherwise stated in the respective land use district or at the discretion of the Development Authority:
 - a) Where a lot is separated from a roadway by a buffer strip (i.e. Municipal Reserve, Environmental Reserve, Environmental Reserve Easement, or Public Utility Lot) the lot is considered adjacent to the roadway for the purpose of setbacks.
 - b) A municipal service road shall be treated as a Town Road for the purposes of applying setback regulations.
 - c) When a parcel of land is adjacent to a Highway, all development shall be setback a minimum distance of 40.0 m (131.0 ft) from the highway right-of-way unless a variance has been granted by Alberta Transportation.

7.8 DRIVEWAY/ACCESS TO A PARCEL

- 7.8.1 Hard Surfacing (concrete, asphalt or other similar material provided to the satisfaction of the Development Authority) of a driveway shall be provided in all districts where access is gained onto a hard surfaced public road.
- 7.8.2 Notwithstanding Section 7.8.1 above, in circumstances where the length of the driveway, measured from the parcel boundary, exceeds 9.0 m (29.53 ft), the Development Authority may allow all weather surfacing for the remainder of the driveway.

7.9 DWELLING UNITS ON A PARCEL

- 7.9.1 The number of dwelling units allowed on a parcel shall not exceed one (1).
- 7.9.2 Notwithstanding Section 7.9.1, the Development Authority may issue a permit for the construction or location of more than one (1) dwelling unit on a parcel if the use conforms to the uses prescribed for the District in which the parcel is located and:
- a) such unit(s) are contained in a building that, or in buildings each of which, are designed for or divided into two (2) or more dwelling units;
 - b) it is a manufactured home forming part of a manufactured home park for which a development permit has been issued;
 - c) is a building as defined in the Condominium Property Act that is subject to an approved condominium plan registered in the Land Titles Office;
 - d) if a garage suite, garden suite, in-law suite or secondary suite as defined in this Bylaw and meets the requirements for such development as established in Sections 8.31, 8.32, 8.33 and 8.34, respectively; and
 - e) the development complies with the provisions of this Land Use Bylaw a development permit is issued for the use.

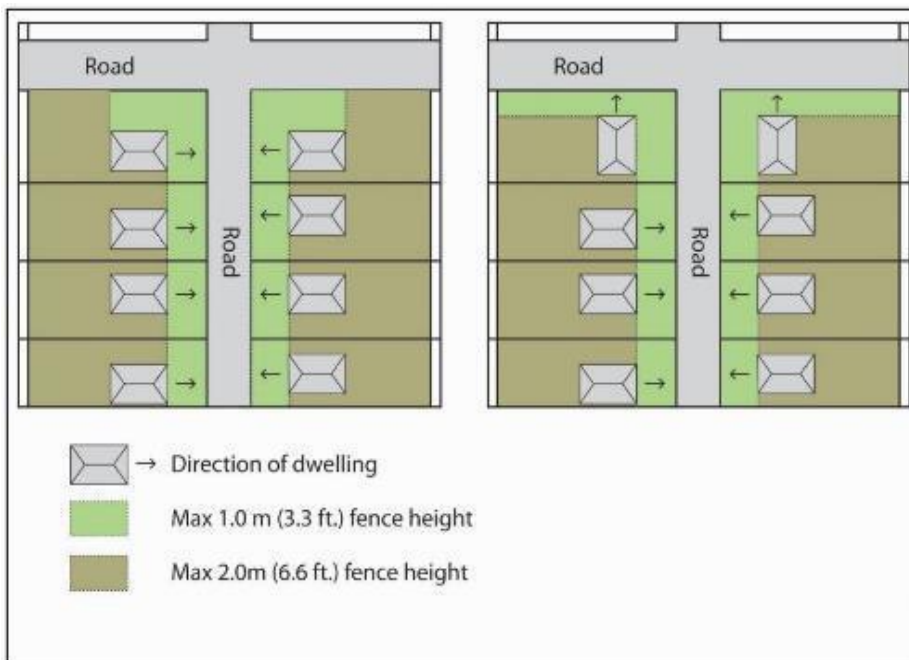
7.10 EXISTING SUBSTANDARD LOTS

- 7.10.1 Development proposed on existing substandard lots, which do not meet the provisions of this Bylaw, shall be considered by the Development Authority. The Development Authority may or may not issue a development permit for the lot, having regard for the limitations of the lot.
- 7.10.2 Development on a substandard lot is still required to meet all other provincial and federal legislation and regulations, including but not limited to the Safety Codes Act

7.11 FENCES, WALLS AND HEDGES

- 7.11.1 Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- 7.11.2 In any District, other than a residential district, the maximum height of a fence or screen as measured from grade shall be 2.0 m (6.6 ft).
- 7.11.3 No fence, wall or hedge in any Residential District shall be:
- Higher than 2.0 m (6.6 ft) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - Higher than 1.0 m (3.3 ft) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or
 - Higher than 1.0 m (3.3 ft) within 6.0 m (20.0 ft) of the intersection of lanes, roads, or any combination of them.
- 7.11.4 Notwithstanding Section 7.11.3, the Development Authority may approve a higher fence having regard to the location of fences in the surrounding area and the requirement for screening.

Figure 5: Maximum Fence Heights in Residential Districts



- 7.11.5 All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence, or landscaping of not less than 1.2 m (4.0 ft) nor more than 2.0 m (6.6 ft) in height, along any side or rear lines adjacent to any residential use.
- 7.11.6 The Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels which are adjacent to any residential property line or are adjacent to lanes or roads which abut a neighbouring residential parcel. Such screening shall be at least 2.0 m (6.6 ft) in height and developed in a manner which adequately blocks the view of the commercial or industrial parcel to the satisfaction of the Development Authority.
- 7.11.7 All drive-in businesses, car washes, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 1.2 m (4.0 ft) in height nor more than 2.0 m (6.6 ft) in height, along any side or rear property lines adjacent to any residential district.
- 7.11.8 For outdoor storage yards located adjacent to a non-industrial District, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses, and where because of the height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view of the stored materials to the satisfaction of the Development Authority shall be required
- 7.11.9 Barbed wire fences, or partially barbed wire fences are not permitted in any residential District or directly adjacent to any residential district. The Development Authority may approve barbed wire fences around areas of storage located in commercial and industrial Districts that meet the following requirements:
- a) In the opinion of the Development Authority, the barbed wire fence is required for security purposes;
 - b) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or a board fence with a minimum height of 2.4 m (7.9 ft) measured below the lowest strand of barbed wire; and
 - c) The entire fence and barbed wire are completely contained within the property lines of the parcel being fenced.
- 7.11.10 Razor wire shall not be used in the municipality without a development permit having been issued to allow its use.
- 7.11.11 The electrification of fences shall not be allowed in any District.

7.12 GARBAGE STORAGE

- 7.12.1 A commercial garbage bin shall be provided on every parcel containing commercial, industrial or institutional uses and any residential building containing three (3) or more dwellings on a parcel. The bin shall be placed in a screened enclosure, to the satisfaction of the Development Authority, in the side or rear yard at a location accessible by garbage collectors.
- 7.12.2 In the C1 Downtown Commercial District garbage screening shall be required and provided to the satisfaction of the Development Authority and will have regard for maximizing parking availability on existing legal non-conforming lots.

7.13 HEIGHT

- 7.13.1 In non-residential districts, the following may be exempt from height restrictions: industrial processing towers, chimney stacks, steeples, monuments, elevator housings, roof stairway entrances, ventilating equipment, sky lights, fire walls, parapet walls, receiving or transmitting towers, small radio communications antenna and support structures.

7.14 LANDSCAPING AND AMENITY AREA REQUIREMENTS

- 7.14.1 General Landscaping Standards
- a) In all Land Use Districts, no person shall commence or continue the removal or addition of topsoil without first obtaining an approved development permit.
 - b) Landscaping, to the satisfaction of the Development Authority, shall be required in all Land Use Districts, on all lands within a parcel not covered by buildings, parking areas including driveways, walking paths, and storage areas.
 - c) Development permit applications for landscaping shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
 - d) The developer shall provide upon occupancy of the development, a minimum topsoil coverage of 15.2 cm (6.0 in) and the affected area shall be landscaped to the satisfaction of the Development Authority.
 - e) In any residential land use district, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, xeriscapes, vegetable gardens and ornamental plants, or a combination thereof.
 - f) Landscaping may include the planting of trees, shrubs, flowers and similar vegetation and may include other landscaping materials such as grass/sod, crushed rock, wood chips, rock gardens, vegetable gardens and ornamental plants, or a combination thereof to the satisfaction of the Development Authority.

- g) Trees and shrubs provided for landscaping shall meet the following minimum requirements:
 - i. A minimum height of 3.0 m (9.8 ft) for coniferous trees;
 - ii. A minimum height of 0.45 m (1.5 ft) for coniferous shrubs;
 - iii. A minimum caliper width of 8.0 cm (3.4 in) for deciduous trees; and
 - iv. A minimum height of 0.6 m (2.0 ft) for deciduous shrubs.
- h) Unless otherwise specified in this Bylaw mature deciduous and coniferous trees shall be provided in a proportion of approximately 50:50.
- i) All trees shall be separated a minimum distance from each other to allow sufficient space for the tree's maximum potential growth radius at maturity and to ensure healthy, uninhibited growth.
- j) All landscaping requirements must be completed within one (1) year of completion of construction or the commencement of the use, whichever occurs first.
- k) The Development Authority may, as a condition of a development permit, require submission of a security up to the value of the estimated cost of providing the proposed landscaping to ensure that such landscaping is carried out with reasonable diligence. The condition of the security is that, if the landscaping is not completed in accordance with this Bylaw and development permit within one (1) growing season after completion of the development, then the specified security amount shall be made available to the Town to use to ensure the landscaping is installed according to the Town's standards.
- l) Any landscaping and/or re-contouring shall occur so that the finished grade does not direct surface drainage or cause the impounding of drainage into an adjoining site unless otherwise approved by the Development Authority.
- m) Prior to issuing a development permit the Development Authority may require submission of a detailed landscape plan to a standard satisfactory to the Development Authority, outlining, but not limited to, the following:
 - i. The location of the trees and shrubs to be planted, including distance between trees and the anticipated full growth radius at maturity;
 - ii. The number of trees and shrubs to be planted;
 - iii. The common name of the trees and shrubs to be planted; and
 - iv. The materials proposed for the landscaped area i.e. sod, crushed rock, wood chips etc.

7.14.2 Residential Landscaping Standards shall comply with Table 7.14.1

Table 7.14.1: Residential Landscaping Standards

Unit Type	Landscaping Requirement
Fourplexes	A minimum one (1) tree shall be provided in the front yard on each parcel developed with a fourplex as per the requirements of Section 7.14.1 above.
Apartments and Assisted Care Housing	Trees shall be provided on each parcel developed with an apartment or assisted care housing according to the following: 15% of the total parcel area with one (1) tree/50 m ² and four shrubs/100 m ² ; Trees shall be located within the landscaped area(s) on the parcel to the satisfaction of the Development Authority; and Trees shall meet the requirements of Section 7.14.1.

7.14.3 Residential Amenity Area Standards

- a) Means an area available to the occupants of a residential development located on that particular lot for their personal enjoyment and recreation. Amenity areas shall be provided for according to table 7.14.2:

Table 7.14.2: Residential Amenity Area Standards

Unit Type	Area Required
Fourplexes	At the discretion of the Development Authority
Apartments and Assisted Care Housing	
Bachelor Unit	19.0 m ² (204.0 ft ²)
One Bedroom Unit	28.0 m ² (301.0 ft ²)
Two Bedroom Unit	70.0 m ² (753.0 ft ²)
Three Bedroom Unit	93.0 m ² (1001.0 ft ²)

- b) Minimum apartment amenity area includes hard and soft landscaping areas, balconies, recreational facilities or communal lounges. A minimum 25% of the required apartment amenity area shall be provided outdoors at ground level. The front yard landscaping on the parcel may be used towards the minimum 25% required outdoor amenity area, however car parking areas and landscaping provided in the side and rear yard shall not be considered as part of, or contributing to any amenity area.

7.14.4 Commercial Landscaping Requirements

Notwithstanding Section 7.14.1, landscaping in any Commercial District shall be required as follows:

- a) In any Commercial District, except the Downtown Commercial (C1) District:
 - i. A 4.0 m (13.1 ft) wide area adjacent to a residential parcel shall be landscaped to the satisfaction of the Development Authority having regard to buffering any nuisance affect and may include any or all of the following; the planting of trees and/or other vegetation; the construction of landscaped berms; the construction of fencing or other acceptable screening; and
 - ii. A minimum 4.0 m (13.1 ft) wide area adjacent to any street shall be landscaped to the satisfaction of the Development Authority.
- b) In the case of car washes, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Authority. Solid fences shall be provided at least 1.5 m (4.9 ft) in height and no higher than 2.0 m (6.6 ft) adjacent to residential areas.
- c) In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 m² (2000.0 ft²) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

7.14.5 Industrial Landscaping Requirements

- a) Notwithstanding Section 7.14.1, landscaping in any Industrial District shall be required as follows:
 - i. A 4.0 m (13.1 ft) wide area adjacent to a residential parcel shall be landscaped having regard to buffering any nuisance or objectionable affect through the planting of trees and/or other vegetation, and the construction of landscaped berms and/or fencing or other acceptable screening to the satisfaction of the Development Authority;
 - ii. A minimum 4.0 m (13.1 ft) wide area adjacent any street shall be landscaped to the satisfaction of the Development Authority; and
 - iii. Outdoor Storage Facilities or any outdoor storage adjacent to any road or non-industrial district shall be screened in a manner that substantially blocks the view of the stored materials to the satisfaction of the Development Authority.

7.15 LIVESTOCK

- 7.15.1 No livestock shall be kept in any district except for Urban Reserve (UR) District. This provision does not apply to auctioneering establishments, animal hospitals, or farming operations that existed prior to the adoption of this Bylaw.

7.16 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 7.16.1 The following regulations shall apply to all lots within the Residential Districts, unless otherwise specified.
- a) No person shall keep or permit in any part of any yard:
 - i. Any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - ii. Any vehicle weighing in excess of 6,803.9 kg (15,000.0 lbs) gross vehicle weight (except recreation vehicles) for longer than is reasonably necessary to load or unload such a vehicle;
 - iii. Any object, chattel, or other use of land which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district;
 - iv. Any excavation, stockpiling or storage of materials, required during the construction stage of a development unless all necessary safety measures are undertaken to the satisfaction of the Development Authority. The owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.;
 - v. Any explosives, flammable liquids, diesel fuel, propane and gasoline products.
 - b) Notwithstanding Section 7.16.1.d) above the short term storage of gunpowder and black powder will be permitted if the storage of these explosive materials is:
 - i. For the purpose of reloading shells used with a registered firearm; and
 - ii. The amount of material on the site conforms to the provisions of the Explosive Regulation and Explosives Act.
 - c) Without first obtaining a development permit no person shall keep or permit in a yard adjacent to a dwelling, either:
 - i. a propane tank that is larger than 68.2 kg (150.0 lbs); or
 - ii. any number of propane tanks with a total capacity which exceeds 68.2 kg (150.0 lbs).
 - d) Notwithstanding Section 7.16.1.c) above, the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 68.2 kg (150 lbs.) to be located on a lot in a residential district which is:
 - i. greater than 1.2 ha (3.0 ac) in area; and
 - ii. where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;
 - e) Notwithstanding Section 7.16.1.c) above, in Commercial Districts, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety

standards as well as emergency response requirements, the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 68.2 kg (150.0 lbs.) to be located either:

- i. within an individual lot; or
 - ii. within each recreational vehicle stall located in an approved campground.
- f) All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 68.2 kg (150.0 lbs.), to be located within individual stalls, in an approved campground, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to issuance of a development permit.
- g) Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 68.2 kg (150.0 lbs.) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.
- h) Without first obtaining a development permit no person shall keep or permit in a yard adjacent to a dwelling, either:
- i. a gasoline or diesel container with a capacity greater than 20.0 L;
 - ii. more than four (4) gasoline or diesel containers; or
 - iii. any number of gasoline or diesel containers with a total capacity which exceeds 80.0 L;

7.17 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- 7.17.1 Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the work nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken according to the standards and specifications of the Town. In order to satisfy the Development Authority, the developer will be required to enter into a development agreement with the Town as a condition of development permit approval.
- 7.17.2 The Development Authority may refer plans for on-site services or improvements, or any off-site local improvements to public works, the Town's engineers or other qualified professional for review in order to determine that the proposed improvements will be undertaken according to the standards and specifications of the Town. Any costs associated with external review will be borne by the proponent of the development.
- 7.17.3 No development permit shall be considered valid for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- 7.17.4 All future development areas must be serviced to the satisfaction of the Development Authority.

7.17.5 All infrastructure improvement costs associated with the development will be borne by the proponent of the development.

7.18 PARKING AND LOADING REGULATIONS

7.18.1 In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority. Where the development is adjacent to a highway, an approach permit must be obtained from Alberta Transportation.

7.18.2 An off-street parking area:

- a) shall be designed to the satisfaction of the Development Authority with regard to the dimensions, and layout of parking stalls and maneuvering aisles;
- b) shall not be located within 0.9 m (2.95 ft) of a lot line common to the lot and to a street;
- c) shall be constructed so that adequate access to, and exit from each stall is provided at all times by means of maneuvering aisles;
- d) shall have adequate street access, curbs and curb cuts (where required) located to the satisfaction of the Development Authority; and
- e) shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority. In no case shall drainage be allowed to cross a sidewalk unless otherwise permitted by the Development Authority.

7.18.3 Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered part of the number of stalls required for the development.

7.18.4 When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original use or building and that of the enlarged building or changed use.

7.18.5 Parking spaces shall be located on the same parcel as the use for which they are being provided except, subject to the approval of the Development Authority, the spaces may be located on another parcel within 50.0 m (164.0 ft) of the boundary of the subject parcel, provided that a restrictive covenant, ensuring that such parking stalls shall remain as long as the use remains, is registered against the Certificate of Title of both parcels or the Development Authority has agreed to allow parking in an off-site public lot.

7.18.6 Parking in front yards within residential districts shall be prohibited other than on driveways.

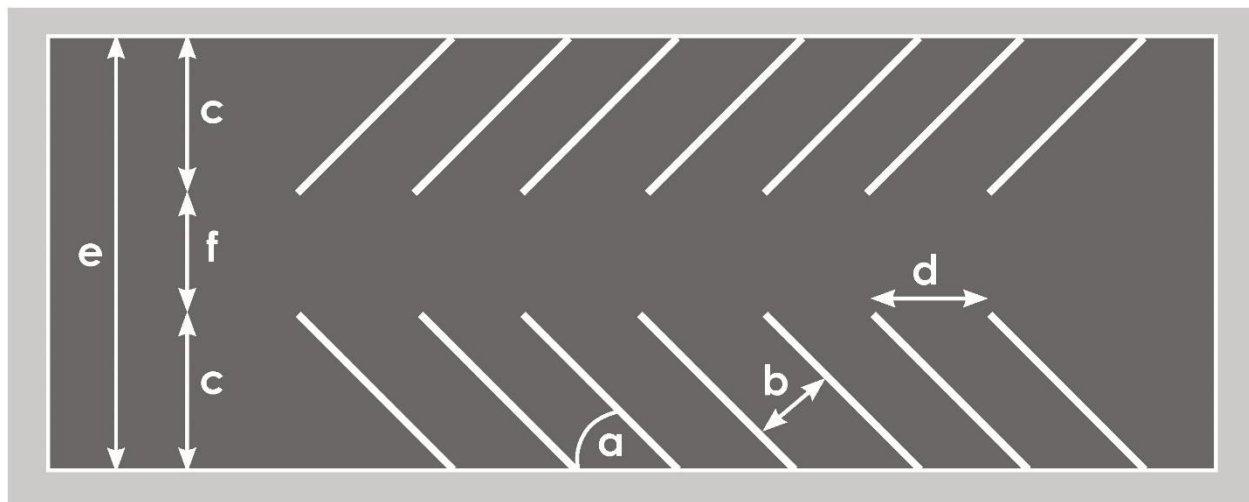
7.18.7 In all Districts, an off-street parking space shall be provided in accordance with the minimum requirements of each use as determined by the Development Authority. The following specifications as specified in Table 7.18.1 shall be adhered to:

Table 7.18.1: Parking Stall Requirements

Parking Angle in Degrees	Width of Stall	Depth of Stall (Perpendicular to Maneuvering Aisle)	Width of Stall (Parallel to Maneuvering Aisle)	Overall Depth	Width of Maneuvering Aisle (one-way)
a	b	c	d	e	f
0	3.0 m (9.8 ft)	3.0 m (9.8 ft)	7.0 m (22.3 ft)	10.0 m (32.8 ft)	4.0 m (13.1 ft)
30	3.0 m (9.8 ft)	5.0 m (16.4 ft)	5.5 m (18.0 ft)	14.0 m (45.9 ft)	4.0 m (13.1 ft)
45	3.0 m (9.8 ft)	6.0 m (19.7 ft)	4.0 m (13.1 ft)	15.5 m (50.9 ft)	4.0 m (13.1 ft)
60	3.0 m (9.8 ft)	6.0 m (19.7 ft)	3.0 m (9.8 ft)	19.0 m (62.3 ft)	6.0 m (19.7 ft)
90	3.0 m (9.8 ft)	6.0 m (19.7 ft)	3.0 m (9.8 ft)	19.0 m (62.3 ft)	7.0 m (23.0 ft)

7.18.8 The parking facility layout shall be provided in accordance with the following figure:

Figure 6: Showing the Definitions of Column Headings in Table 1



7.18.9 The following minimum number of parking spaces shall be provided and maintained upon the use of a parcel or a building in any District as described in Section 10 of this Land Use Bylaw and, unless otherwise stated, shall be calculated on the basis of gross floor area according to the table below. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded to the closest integer. In determining the parking requirement for a parcel:

- a) if a specific use is not mentioned below, the requirement shall be the same as for a similar use, as determined by the Development Authority; and
- b) if a parcel consists of multiple uses, the required parking shall be the sum of the requirements for each use, unless it is demonstrated to the satisfaction of the Development Authority that a shared parking facility with a reduced number of spaces will be sufficient. The required parking may be combined or shared parking provided that a legal agreement is entered into between the users or land owners, and further that the parking arrangements are acceptable to the Development Authority; and
- c) the minimum number of parking stalls for any development shall be in accordance with Tables 7.18.2, 7.18.3, 7.18.4 and 7.18.5 below:

Table 7.18.2: Parking Requirements for Residential Uses

Uses	Parking Spaces
One Or Two Unit Dwelling	2 per dwelling unit
Multi-Unit Dwelling with One Bedroom or Less Per Unit	1.5 per dwelling unit plus 1 visitor space per 7 units
Multi-Unit Dwelling with Two Or More Bedrooms Per Unit	2 per dwelling unit plus 1 visitor space per 7 units
Assisted Care Housing	0.1 per dwelling unit + 1 per 2 employees + 0.2 per patron (minimum 4)
Garage, Garden, In-Law, Secondary and Surveillance Suites	1 per suite
Manufactured Home Parks	2 per manufactured home unit plus 1 visitor space per 7 manufacture home unit
Bed And Breakfast Establishments	1 per guest room or in the case of dorm style accommodations (3 beds or more per room) 1 per 3 beds + stalls required for the primary dwelling unit
Boarding/Lodging House	1 per 3 beds (minimum of 1 stall) + stalls required for the primary dwelling
All Other Uses	2 per dwelling unit

Table 7.18.3: Parking Requirements for Commercial Uses

Uses	Parking Spaces (# of Stalls/Gross Floor Area)
Retail Sales	3.5/100.0 m2 (1076.4 ft2)
Commercial Business Centre	4.0/100.0 m2 (1076.4 ft2)
Offices	2.0/100.0 m2 (1076.4 ft2)
Personal Services	2.0/100.0 m2 (1076.4 ft2)
Restaurants & Drinking Establishments	1.0/5 seats and 1.0/3 employees

Uses	Parking Spaces (# of Stalls/Gross Floor Area)
Hotels & Motels	1.0/guest room and 1.5/3 employees
Automobile And Equipment Sales	2.0/100.0 m2 (1076.4 ft2)
Repair Services	2.0/100.0 m2 (1076.4 ft2)
Drive-In Services Including Car/Truck Wash	1.5/3 employees + queuing requirements
Service Station	1.5/3 employees + queuing requirements
Commercial Recreation, Indoor	5.0/100.0 m2 (1076.4 ft2)
Commercial Recreation, Outdoor	As required by the Development Authority
Commercial Entertainment Facility	5.5/100.0 m2 (1076.4 ft2)
Veterinary Clinic	2.0/100.0 m2 (1076.4 ft2)
Golf Course	5.0/golf course hole + requirements of other accessory uses occurring at the golf course (i.e. retail, lounge, restaurant etc.)

Table 7.18.4: Parking Requirements for Public Uses

Uses	Parking Spaces
Places Of Worship	1 per 4 seats
Hospitals & Other Health Care Institutions	1 per 4 beds + 1 per 4 works per shift
Schools <ul style="list-style-type: none"> Elementary & Junior High Senior High 	1 per staff + 5 visitor stalls 1 per staff and 1 per 10 students + 5 visitor stalls
Community Service Facility	3.5/100 m2 (1076.4 ft2)
Government Service	3.5/100 m2 (1076.4 ft2) + 0.5 stall/10m2 reception area
Municipal Service Facility	4 stalls
Other Service Facilities	As determined by the Development Authority but not less than 1 per 10 seats

Table 7.18.5: Parking Requirements for Industrial Uses

Uses	Parking Spaces
Manufacturing Industry <ul style="list-style-type: none"> Minimum provision Office area Other area 	6 stalls 2/100.0 m2 (1076.4 ft2) 1/100.0 m2 (1076.4 ft2)
Warehousing and Storage	

Uses	Parking Spaces
<ul style="list-style-type: none"> • Minimum provision • Office area • Other area 	4 stalls 2/100.0 m2 (1076.4 ft2) 0.7/100.0 m2 (1076.4 ft2)
Contractor Services	2/100.0 m2 (1076.4 ft2)
Industrial & Commercial Service Support	2/100.0 m2 (1076.4 ft2)
Commercial Storage	2/100.0 m2 (1076.4 ft2) for office & retail space
Outdoor Storage Facility	2/100.0 m2 (1076.4 ft2) for office space

7.18.10 Off-Site and Communal Parking Facilities

- a) Notwithstanding the above parking requirements, for uses listed in the Downtown Commercial District (C1) and subject to approval of the Council, required parking for any development(s) may be provided on another parcel, separate from the development(s) in accordance with the following:
 - i. The parking, in the opinion of the Development Authority, must be suitable, easily accessible and within a reasonable distance of the associated development(s);
 - ii. Future use of the parcel must be ensured to the satisfaction of the Development Authority. This may be done by a restrictive covenant registered on the title, a suitable bond posted by the developer(s), or by any other legal method; and
 - iii. Payment may be made to the Town in lieu of the number of off-street parking spaces deficient for the proposed use or uses as required by this Bylaw given a minimum of 75% of the total required off-street parking spaces are provided. The rate per space shall be determined by Council and shall be based on the current market value of the land.

7.18.11 Off-Street Loading Facilities

- a) Off-street loading spaces shall be required for all non-residential developments and apartments.
- b) A loading space shall be designed and located so vehicles using it can park and maneuver entirely within the bounds of the parcel before moving onto a public road.
- c) A loading space shall be at least 4.0 m (13.12 ft) wide, 8.0 m (26.24 ft) long, and 4.3 m (14.1 ft) high.
- d) A loading area shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority.
- e) Loading spaces shall be located in the rear and side yards only.

- f) A loading space shall be at least 4.0 m x 8.0 m (13.12 ft x 26.25 ft), with an overhead clearance of at least 4.6 m (15.09 ft).
- g) Hard surfacing of the loading space shall be required where a loading space enters a hard surfaced public road; otherwise, the surfacing may be all-weather.
- h) Loading spaces may be required to be screened by a method approved by the Development Authority.
- i) Loading spaces shall be provided in accordance with Table 7.18.6:

Table 7.18.6: Required Loading Spaces

Uses	Loading Spaces
Retail, industrial and the like, under 465 m² (5,000 ft²); and	1 space
between 465 m² (5,000 ft²) and 2,323 m² (25,000 ft²); and	2 spaces
each additional 2,323 m². (25,000 ft²) or fraction thereof;	1 space
Office, Place of Assembly, Institution, Club, Public Education Facility, or any other use up to 2,787 m² (30,000 ft²); and	1 space
each additional 2,787 m². (30,000 ft²) or fraction thereof	1 additional space
Neighbourhood Commercial Stores	1 additional space

7.18.12 Sight line calculations shall be in accordance with the Roads and Transportation Association of Canada methods for determining crossing sight distances for roadways.

7.19 PIPELINE AND OTHER UTILITY CORRIDOR SETBACKS

7.19.1 Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy Regulator (AER) and Alberta Utilities Commission.

7.20 PROJECTIONS INTO YARDS

7.20.1 Except as provided in this Section 7.20, and except for fences as noted in Section 7.11 of this Bylaw, no portion of a building shall be located or project into a required yard.

- 7.20.2 Architectural features, such as unenclosed steps, chimneys, awnings, eaves, cornices, leaders, gutters, pilasters, belt courses, sills, or satellite dishes under 1.0 m in diameter, may project into a required side yard if they comply with the National Building Code – Alberta Edition, and:
- a) Project no more than 0.5 m into yards equal to or less than 1.5 m, or
 - b) Project no more than 0.6 m into yards greater than 1.5 m.
- 7.20.3 Cantilevered projections, with or without windows, may project up to 0.6 m into a required yard greater than 1.5 m, but in all cases at least 1.2 m must be maintained between the wall of the projection and the property line.
- 7.20.4 Where the cantilevered projection in Section 7.20.2 above is in a required side yard that is not flanking a road, the horizontal length of any one projection shall not exceed 3.0 m. In the case of more than one (1) projection on a particular wall, the aggregate shall not exceed one-third (1/3) of the length of the building wall exclusive of garage walls.
- 7.20.5 Balconies and decks may project up to 2.0 m into required yards with a minimum depth of 4.0 m, and 0.5 m for required yards less than 4.0 m provided they do not encroach over an easement or right-of-way.
- 7.20.6 Utilities, underground parking and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.

7.21 SITE CIRCULATION

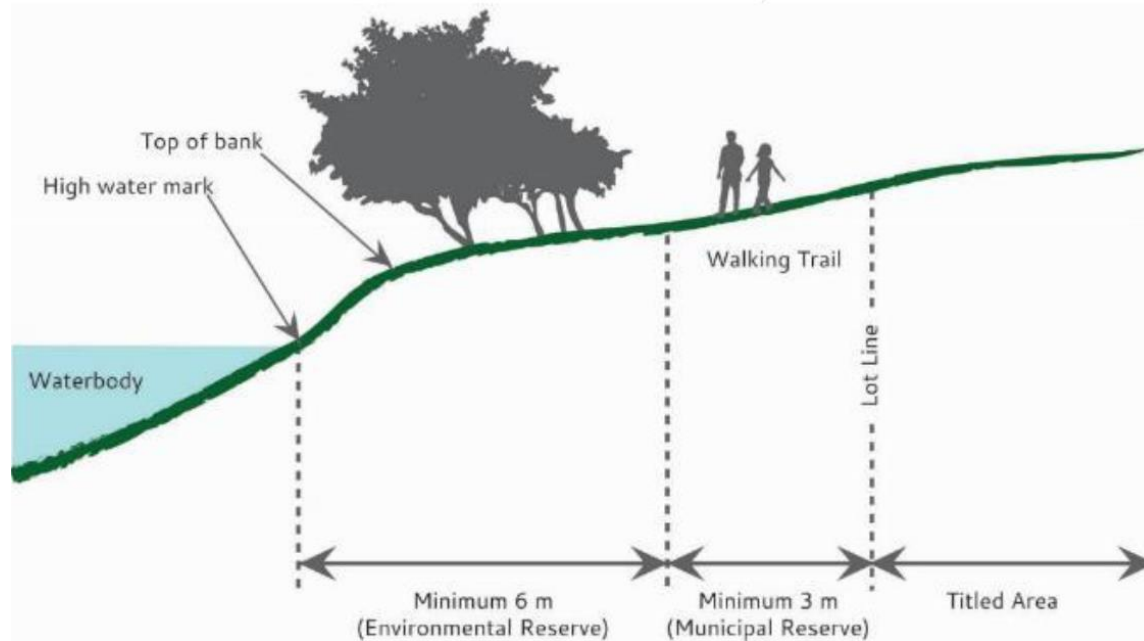
- 7.21.1 The space for the maneuvering and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads, other than lanes, or onto adjacent parcels when maneuvering and circulating, except where an easement is registered for these purposes against the title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

7.22 SITE CONDITIONS AND BUFFERING REQUIREMENTS

- 7.22.1 The proponent for a development may be required to submit a site drainage plan and/or elevation plan to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
- 7.22.2 The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- 7.22.3 The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.

- 7.22.4 In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
- 7.22.5 The Town will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.
- 7.22.6 The amount of Reserves/Easement lands shall be at the discretion of the Town and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
- a) The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see Appendix A); or
 - b) If this reserve/easement amount is disputed by the proponent of a development or subdivision then the developer may provide the Town and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative reserve/easement amount is appropriate for the subject site. If the report from the engineer indicates that a lesser reserve/easement would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser reserve/easement area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser reserve/easement area.
- 7.22.7 Notwithstanding Section 7.22.6, additional reserves/easements may be required by the Town based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
- 7.22.8 Normally, no buildings of any kind shall be allowed within required setback areas.
- 7.22.9 Notwithstanding Section 7.22.6 the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
- a) The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see Appendix A); or
 - b) If this setback amount is disputed by the proponent of a development, then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser reserve/easement area.

Figure 7: Setbacks from Watercourses and Water Bodies



- 7.22.10 The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.
- 7.22.11 If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
- 7.22.12 If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
- 7.22.13 If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- 7.22.14 If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.

- 7.22.15 The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way of any lake, river, creek, watercourse or water body.
- 7.22.16 Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.
- 7.22.17 No person shall remove topsoil without first obtaining a development permit. A temporary fence shall be erected around all excavations that, in the opinion of the Development Authority, may be hazardous to the public.
- 7.22.18 There shall be provided upon occupancy of the development, minimum topsoil coverage of 6 inches and the affected area shall be landscaped to the satisfaction of the Development Authority.

7.23 SITE LIGHTING

- 7.23.1 A development permit for non-residential uses adjacent to residential uses may require a lighting plan as part of an application, at the discretion of the Development Authority.
- 7.23.2 Where artificial outdoor lighting is provided to illuminate any lot, building or site, the type and location of lighting shall:
- a) Serve a useful purpose and be limited to what is necessary for a particular use;
 - b) Be designed to use outdoor light fixtures that direct the light downward;
 - c) Be located and arranged so that no direct rays of light are directed at an adjoining lot or site;
 - d) Not adversely affect the use, enjoyment and privacy of any dwelling and its amenity spaces;
and
 - e) Not adversely affect traffic safety

7.24 SITE PROTECTION FROM EXPOSURE HAZARDS

- 7.24.1 Any development involving pipeline rights-of-way, utility rights-of-way, and/or oil and gas wells shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines, utility corridors, and oil and gas wells shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy Regulator.

7.25 SUBDIVISION OF LAND

- 7.25.1 Where the development of land requires a subdivision, no development permit shall be issued until the subdivision has been registered
- 7.25.2 Development agreements shall be required as a condition of approval for subdivision of land within the Town.
- 7.25.3 Property taxes must be up to date prior to final endorsement of any subdivision within the Town.

7.26 WATER SUPPLY AND SANITARY FACILITIES

- 7.26.1 All buildings to be used for residential, commercial, industrial, or recreational purpose shall be provided by the applicant with water supply, sanitary facilities that meet Provincial legislation and regulations.
- 7.26.2 A development permit shall not be issued for residential, commercial, industrial or recreational uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are or will be made available to support the proposed development.

8 SPECIAL PROVISIONS

8.1 ADULT ENTERTAINMENT ESTABLISHMENTS

8.1.1 In considering an application for approval of a development permit for an adult entertainment establishment as a principal or accessory use, the Development Authority shall require the development to be located on a parcel, the boundary of which is not less than 100.0 m (492.0 ft) from the boundary of any parcel located in a residential district, any parcel with an existing institutional use, including schools and places of worship, or any parcel developed as a park or playground. Adult entertainment establishments shall only be permitted as an accessory use to a drinking establishment.

8.2 ALCOHOL RETAIL SALES

8.2.1 The proposed development shall meet all provincial and all other relevant statutory requirements prior to commencement of the operation and provide evidence of applicable provincial approvals to the satisfaction of the Development Authority.

8.2.2 Supplementary information and/or studies may be required. Additional information and studies will be determined on a case-by-case basis.

8.2.3 The development authority at its discretion may require lighting, signage, or screening measures that make the proposed development compatible with adjacent or nearby residential, mixed use, or commercial development.

8.2.4 A minimum distance of 200.0 m (656.2 ft) shall be required between the lot boundary of an alcohol retail sales development and the lot boundary of any other alcohol retail use.

8.2.5 At the time of development permit application, the lot boundary of any alcohol retail sales shall be located a minimum of 100.0 m (328.1 ft) from lot boundary to any of the following uses:

- a) a provincial health care facility;
- b) a parcel of land designated as municipal or school reserve under the Municipal Government Act; or
- c) a school established by provincial legislation.

8.2.6 Notwithstanding Section 8.2.5.c), the 100.0 m (328.1 ft) required setback shall not apply with respect to homes schools.

8.3 BARE LAND CONDOMINIUMS

- 8.3.1 A Bare Land Condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.
- 8.3.2 An application for a Bare Land Condominium development shall include a comprehensive site plan, in accordance with Section 3.4 of this Bylaw.
- 8.3.3 For the purposes of this Bylaw, a Bare Land Condominium Plan is a plan of subdivision and a unit on a Bare Land Condominium Plan is a lot.

8.4 BED AND BREAKFAST OPERATIONS

- 8.4.1 A bed and breakfast establishment, which shall be considered to be major home occupation, shall, in addition to the regulations for major home occupations, comply with the following regulations:
 - a) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved.
 - b) A bed and breakfast establishment shall have a maximum of four (4) sleeping units.
 - c) Cooking facilities shall not be located within the sleeping units. All facilities shall meet public health regulations.
 - d) Off-street parking spaces shall be provided in addition to the parking spaces required for a detached dwelling as listed in Section 6.16. Spaces shall not be tandem unless otherwise stated in this Bylaw.
 - e) A bed and breakfast establishment shall be operated by a live-in owner(s) and shall not change the character of the surrounding area.
- 8.4.2 One (1) sign with a maximum size of 0.56 m² (6.0 ft²) and a maximum height of 1.2 m (3.9 ft) shall be permitted on the site of a bed and breakfast.
- 8.4.3 A bed and breakfast shall not be permitted on a parcel where another home occupation, a care centre or a social care home exists.

8.5 CAMPGROUNDS

- 8.5.1 Where a campground proposal will ultimately exceed sixty (60) campsites and/or cabins and is located on a parcel greater than 8.0 ha (19.8 ac), a development concept plan for the development of the entire tract of land shall be submitted and approved by the Development Authority prior to submitting a development permit application for any specific development. The development concept plan shall include detailed plans and specifications (i.e. servicing, traffic, environmental considerations, etc.) for the initial stage, as well as any subsequent stages of development.

- 8.5.2 A minimum of 10% of the gross lot area of the campground shall be set aside for a common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this area.
- 8.5.3 Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- 8.5.4 All campgrounds shall be provided with safe and convenient vehicular access and all roadways within a campground shall be of a surface and standard acceptable to a Development Authority for the purposes of accommodating emergency, fire and maintenance vehicles.
- 8.5.5 Within a campground development, the roadway system will be sensitive to the topography and site characteristics of the site and shall be “signed” to avoid confusion.
- 8.5.6 All campsites shall be accessible by means of an access at least 3.7 m (12.1 ft) in width where the access is for one-way traffic, or at least 6.0 m (19.7 ft) in width where the access is for two-way traffic.
- 8.5.7 Trees and natural vegetative cover shall not be removed without an approved development permit or development concept plan. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.
- 8.5.8 Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2.0 m (6.6 ft), to the satisfaction of the Development Authority.
- 8.5.9 A sufficient number of picnic tables, fire pits and refuse facilities shall be provided to accommodate the design capacity of the campground. Exact numbers shall be at the discretion of the Development Authority
- 8.5.10 Fires shall only be permitted in facilities which have been provided for such purpose or where open fires are allowed by the Town’s fire department.
- 8.5.11 Fireplaces, fire pits, charcoal and other barbeque equipment, wood burning stoves, or any other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighbouring properties.
- 8.5.12 Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings.
- 8.5.13 A suitable access and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-four (24) hour emergency communication service (e.g. telephones) shall be provided.
- 8.5.14 Pedestrian walkways having a width of not less than 1.2 m (3.9 ft) shall be provided from campground stalls to all service buildings, facilities, refuse collection areas and recreation areas.

The walkways shall be well drained, well lighted, and the surface shall be constructed to a standard to the satisfaction of the Development Authority.

- 8.5.15 The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of the Development Authority.
- 8.5.16 Campgrounds with less than sixty (60) campsites and no permanent cabins shall be required to provide sewage disposal and water service facilities to the satisfaction of the Development Authority and in compliance with all applicable Provincial regulations.
- 8.5.17 Campgrounds with more than sixty (60) campsites and with permanent cabins shall provide on-site services as follows:
- a) A water supply system shall be provided for each campsite designed to accommodate the campground user occupying a self-contained recreational vehicle or a cabin and shall be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Town Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
 - b) Alternatively, a campground may provide one or more easily accessible supply outlets for filling potable water storage tanks. The water supply outlets shall be located within 100.0 m (328.1 ft) of the campsites. The water supply outlets shall be constructed to the satisfaction of the Town Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
 - c) An adequate and safe sewage disposal system shall be provided in a campground for each campsite designed to accommodate the campground user occupying a self-contained vehicle or cabin and shall be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Authority. The sewage disposal system in a campground shall be constructed to the satisfaction of the Town Engineer and the Development Authority and shall comply with all applicable Provincial and Town regulations and shall be maintained to the standards of the regulatory approvals.
 - d) A campground shall be provided with sanitary dumping stations in the ration of one for every one hundred recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained to Town regulations and standards to the satisfaction of the Town Engineer and the Development Authority. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be separated from any campsite or cabin by a distance of not less than 20.0 m (65.6 ft).

- e) In no case shall less than one (1) toilet and lavatory be provided for each gender for every ten (10) campsites.
- 8.5.18 Campgrounds, containing campsites, cabins, hotels and/or motels are considered temporary occupancies, and consequently, the maximum occupancy is two hundred and forty (240) days per calendar year.
- 8.5.19 The minimum size for a campsite shall be:
- a) 10.0 m (32.8 ft) in width;
 - b) 25.0 m (82.0 ft) in depth; and
 - c) 325.0 m² (3500.0 ft²) in area.
- 8.5.20 A recreational vehicle/travel trailer on a campsite shall be separated a minimum of 3.0 m (9.8 ft) from:
- a) another recreational vehicle/travel trailer on an adjacent site;
 - b) other structures; and
 - c) an interior roadway.
- 8.5.21 Each campsite shall provide two parking spaces on the campsite.
- 8.5.22 All campsites shall be required to provide an acceptable form of ground cover to prevent erosion.

8.6 CANNABIS PRODUCTION AND DISTRIBUTION FACILITY

- 8.6.1 At all times a cannabis production and distribution facility shall comply with all municipal, provincial, and federal regulations and legislation that apply to the development.
- 8.6.2 A copy of the current licence(s) and/or approvals for a proposed cannabis production and distribution facility, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 8.6.3 A cannabis production and distribution facility shall be developed and operated in accordance with all plans and other information provided to and approved by the Development Authority as part of the application for a development permit.
- 8.6.4 All processing, loading, receiving, and shipping of cannabis and other goods, materials or supplies, garbage containers, storage containers and waste material must be contained within the building containing the use.

- 8.6.5 The cannabis production and distribution facility shall include equipment installed and functional in order to remove odours from the air where it is discharged from the building as part of a ventilation system.
- 8.6.6 All cannabis production and distribution facility applications will be reviewed to ensure the proposal will not negatively impact the surrounding area in which it is located, and all applications will be at the discretion of the Development Authority.
- 8.6.7 Only the company's name and/or logo shall be visible from the property, no other advertising shall be permitted subject to approval by the Development Authority.
- 8.6.8 A cannabis production and distribution facility shall be located in a stand-alone building(s). A surveillance suite may be located on the lot containing the use.
- 8.6.9 Landscaping and parking requirements for a cannabis production and distribution facility shall be as determined by the Development Authority.
- 8.6.10 Hours of operation may be restricted as a condition of the development permit issued by the Development Authority.
- 8.6.11 The illumination of parking areas walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 8.6.12 The minimum required lot size shall be at the discretion of the Development Authority.
- 8.6.13 Parking and loading requirements for cannabis production and distribution facilities shall be provided based on the requirements for and industrial use in Section 7.18 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8.6.14 A cannabis production and distribution facility that has been closed for a period of one (1) year may be required at the discretion of the Development Authority to be decommissioned and remediated in accordance with any applicable legislation and regulations.
- 8.6.15 Landscaping requirements shall be at the discretion of the Development Authority.
- 8.6.16 The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
- 8.6.17 A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
- 8.6.18 At the time of application for a development permit, the lot boundary of any cannabis production and distribution facility use shall be located a minimum of 500.0 m (1640.4 ft) from lot boundary to any of the following uses:

- a) a provincial health care facility;
- b) a parcel of land designated as municipal or school reserve under the Municipal Government Act;
- c) a school established by provincial legislation and regulations; or
- d) an existing dwelling.

The Development Authority may reduce the separation distance where it is demonstrated that there would be no adverse land use impacts, and the intent of the regulation is not compromised.

- 8.6.19 Notwithstanding Section 8.6.11.c) the 500.0 m (1640.4 ft) required setback shall only apply with respect to home schools.
- 8.6.20 These regulations are not exclusive and shall not prevent the Town from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other federal or provincial legislation or regulations.

8.7 CANNABIS RETAIL SALES

- 8.7.1 Prior to the commencement of development, the applicant shall obtain the required provincial licence and shall maintain the licence in good standing thereafter.
- 8.7.2 At all times a cannabis retail sales use shall comply with all municipal, provincial, and federal regulations and legislation that apply to the development.
- 8.7.3 A copy of the current licence(s) and/or approvals for a proposed cannabis retail sales, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 8.7.4 A minimum distance of 200.0 m (656.2 ft) shall be required between the lot boundary of a cannabis retail sales development and the lot boundary of any other cannabis retail sales use.
- 8.7.5 At the time of development permit application, the lot boundary of any cannabis retail sales shall be located a minimum of 100.0 m (328.1 ft) from lot boundary to any of the following uses:
 - a) a provincial health care facility;
 - b) a parcel of land designated as municipal or school reserve under the Municipal Government Act; or
 - c) a school established by provincial legislation.
- 8.7.6 Notwithstanding Section 8.7.4.c), the 100.0 m (328.1 ft) required setback shall not apply with respect to homes schools.

- 8.7.7 Only the company's name and/or logo shall be visible from the property, no other advertising shall be permitted subject to approval by the Development Authority.
- 8.7.8 The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 8.7.9 Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 8.7.10 Parking and loading requirements for a cannabis retail sales shall be provided based on the requirements for a commercial use in Section 7.18 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8.7.11 No outdoor storage of goods, material, or supplies shall be permitted.
- 8.7.12 In addition to the regulations described in Section 7.14 of this Bylaw, additional landscaping may be required at the discretion of the Development Authority.

8.8 CAR WASH

- 8.8.1 A person applying to develop a site as a car wash where allowed under this Bylaw shall comply with the following provisions of this Section.
 - a) In addition to those Districts where vehicle washing establishments are permitted or discretionary, a vehicle washing establishment may be allowed as a discretionary use as part of a shopping centre if the Development Authority is satisfied that it will not adversely affect an adjoining land use or the function for the shopping centre in relation to traffic circulation.
 - b) The minimum site area shall be 557.4 m² (6,000.0 ft²) and shall contain storage space for ten (10) vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, a minimum site area shall be 111.5 m² (1,200.0 ft²).
 - c) All site and building requirements shall be to the satisfaction of the Development Authority.

8.9 CONFINED FEEDING OPERATIONS AND MANURE STORAGE FACILITIES

- 8.9.1 Confined feeding operations and manure storage facilities for which an approval or a registration is required pursuant to the Agricultural Operations Act are not permitted within the Town of Bruderheim.

8.10 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

8.10.1 During the review of a development permit application, the Development Authority may consider the following Crime Prevention Through Environmental Design (CPTED) principles, and make recommendations for the proposed development:

- a) the reduction of concealment opportunities;
- b) the provision of lighting to minimize unlit areas;
- c) the placement of windows to maximize informal surveillance; and
- d) easily identified street addresses.

8.11 DRIVE – IN (THROUGH) ORIENTED BUSINESSES

8.11.1 Queuing space shall be provided on the same site as the development as follows:

- a) For drive-in food services and other development having a service window, a minimum of six (6) inbound queuing spaces shall be provided for vehicles approaching the service window. One (1) outbound queuing space shall be provided on the exit side of the service window;
- b) For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting onto a public roadway; and
- c) Each queuing space shall be a minimum of 5.5 m (18.0 ft) long and 3.0 m (9.84 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

8.11.2 Service Stations and Gas Bars:

- a) A canopy over a pump island may extend to within 3.0 m (9.84 ft) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this section.

8.12 HOME OCCUPATIONS

8.12.1 All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his/her opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

8.12.2 A permit issued for a home occupation is valid for one year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.

8.12.3 A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provision of this Bylaw or conditions of the approval of the development permit.

8.12.4 General Regulations

- a) All home occupations shall comply with the following requirements:
- i. In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - ii. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
 - iii. Home occupations shall not involve:
 - I) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - II) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties.
 - iv. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the home occupation is located shall be produced by the home occupation.
 - v. There shall be no exterior signage, display or advertisement other than a business identification sign which shall not exceed 1.0 m² (10.8 ft²) in size unless otherwise granted in a separate development permit.
 - vi. In the Residential Districts, no more than one (1) commercial vehicle, up to the size of a tandem truck, to be used in conjunction with the home occupation, shall be parked on the site. The parking space for the commercial vehicle shall be either within a garage or adequately screened and sited behind the main building to the satisfaction of the Development Authority.
 - vii. In the Urban Reserve (UR) District, not more than four (4) commercial vehicles, each with one (1) accessory trailer, to be used in conjunction with a major home occupation, shall be parked or maintained on the site.

8.12.5 Additional Regulations Affecting Minor Home Occupations

- a) In addition to the requirements of Section 8.12.4 above, a minor home occupation shall comply with the following regulations:
- i. A minor home occupation shall not occupy more than 20% of the gross floor area or 30 m² (323 ft²) of the main building, whichever is greater.

- ii. There shall be no outdoor business activity or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed in either the dwelling or accessory buildings.
- iii. Up to five (5) business visits per day are allowed.
- iv. Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.
- v. A minor home occupation shall not employ any person on-site other than the occupants of the dwelling.

8.12.6 Additional Regulations Affecting Major Home Occupations

- a) In addition to the requirements of Section 8.12.4 above, a major home occupation shall comply with the following regulations:
 - i. The number of non-resident employees working on-site shall not exceed two (2).
 - ii. Up to eight (8) business visits per day are allowed.
 - iii. Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the Alberta Safety Codes thereunder.

8.13 INDUSTRIAL DEVELOPMENT

- 8.13.1 The Development Authority may request advisory comment from various departments within the Provincial and Federal Government and/or from the Health Authority, when considering an application for the establishment of an industrial use.
- 8.13.2 All site regulations and development requirements, including any requirement for buffers, shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
- 8.13.3 A development permit for an industrial use may only be issued if, in the opinion of the Development Authority, the applicant can satisfy the Development Authority with respect to any concerns about:
 - a) The type and level of exhaust that may be emitted into the atmosphere by the proposed development;
 - b) Servicing requirements and provisions for meeting them; and
 - c) Any costs associated with providing new or upgraded municipal services associated with the proposed development.

8.14 INDUSTRIAL HEMP PRODUCTION AND DISTRIBUTION FACILITY

- 8.14.1 At all times an industrial hemp production and distribution facility shall comply with all municipal, provincial, and federal regulations and legislation that apply to the development.
- 8.14.2 A copy of the current licence(s) and/or approvals for a proposed industrial hemp production and distribution facility, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 8.14.3 An industrial hemp production and distribution facility shall be developed and operated in accordance with all plans and other information provided to and approved by the Development Authority as part of the application for a development permit.
- 8.14.4 The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighborhood.
- 8.14.5 Hours of operation may be restricted as a condition of the development permit issued by the Development Authority.
- 8.14.6 The illumination of parking areas, walkways, signs, and other structures associated with industrial hemp production and distributions development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 8.14.7 The minimum required lot size shall be at the discretion of the Development Authority.
- 8.14.8 Parking and loading requirements for an industrial hemp production and distribution facility shall be provided based on the requirements for industrial use in Section 7.18 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- 8.14.9 Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 8.14.10 Applications for subdivision of land for this use may be required to include information required by the Development Authority in Section 3.4.
- 8.14.11 Landscaping requirements shall be at the discretion of the Development Authority.
- 8.14.12 On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- 8.14.13 Minimum setback from any watercourse or waterbody shall be 30.0 m (98.0 ft.).

- 8.14.14 The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 8.14.15 A building or structure used for security purposes for a hemp production and distribution facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.

8.15 MANUFACTURED HOME PARK

- 8.15.1 Manufactured home stalls shall be located minimum of 3.0 m (10.0 ft) from the manufactured home park boundary. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
- 8.15.2 The minimum size for a manufactured home stall shall be 464.5 m² (5000.0 ft²).
- 8.15.3 All roads shall be constructed and maintained to the satisfaction of the Development Authority. The minimum road right-of-way width shall be 9.14 m (30.0 ft).
- 8.15.4 There shall be safe, convenient, all-season pedestrian access of not less than 1.0 m (3.3 ft) in width for the intended use between individual manufactured homes, the park streets and all community facilities provided for park residents.
- 8.15.5 Visitor parking spaces shall be provided as required by the Development Authority, and shall not be used for the storage of boats, recreational vehicles, trailers, etc.
- 8.15.6 Two (2) off-street parking spaces shall be provided on or adjacent to each recreational space as required by the Development Authority.
- 8.15.7 A minimum of 10% of the gross site area shall be devoted to recreational use or recreational space as required by the Development Authority.
- 8.15.8 All areas not occupied by manufactured homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.
- 8.15.9 No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park resident and for the management and maintenance of the park.
- 8.15.10 Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.

- 8.15.11 Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- 8.15.12 Manufactured homes shall be separated from each other by at least 6.1 m (20.0 ft) side-to-side and at least 3.05 m (10.0 ft) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirement shall be 3.05 m (10.0 ft).
- 8.15.13 The minimum site area shall be 2.02 ha (5.0 ac).
- 8.15.14 The maximum permissible density shall be fifteen (15) manufactured home spaces per gross developable hectare (6 per acre) of the area actually being developed at each stage of the development.

8.16 MANUFACTURED HOMES

- 8.16.1 Before a development permit is issued for a manufactured home, the Development Authority shall normally receive verification that the home fully complies with both the CSA Z240 MH National Manufactured Home Standard and the National Building Code – Alberta Edition. If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer or structural engineer certified to conduct such inspection.
- 8.16.2 Should an inspection by a Safety Codes Officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA Z240 standard or the National Building Code – Alberta Edition, all required upgrades shall be made before the issuance of a development permit.
- 8.16.3 In addition to the requirements of Section 8.16.1, a manufactured home located within a residential District must meet the following aesthetic regulations:
- a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area.
 - b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area.
 - c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition.
 - d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate or general area.
 - e) The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contain a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area.

- f) Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed.
- g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
- h) All accessory structures, such as patios, porches, additions and skirting, shall be:
 - i. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes, and
 - ii. considered as part of the main building; and
 - iii. erected only after obtaining a development permit.
- i) The floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
- j) No accessory building, use or parking space shall be located in the front yard of a manufactured home use.
- k) For the purposes of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally and shall conform to the National Building Code – Alberta Edition standards.
- l) The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home parks:
 - i. The hitch and wheels are to be removed from the manufactured home.
 - ii. All manufactured homes shall be placed on a full perimeter foundation that complies with the National Building Code – Alberta Edition unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed; and
 - iii. The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
 - iv. The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
 - v. Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

8.16.4 Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.

8.16.5 With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park or any Residential District.

8.17 MOTELS AND HOTELS

8.17.1 A person applying to develop a site as a motel or hotel where permitted under this Bylaw shall comply with the following provisions of this section.

8.17.2 Site Requirements for Motels and Hotels shall comply with Table 8.17.1

Table 8.17.1: Motel and Hotel Required Loading Spaces

Minimum Site Area	Yards	Minimum Floor Area / Unit
One Storey 139.3 m ² (1500.0 ft ²)	<ul style="list-style-type: none"> • Front 7.6 m (25 ft) • Side 3.0 m (10 ft) • Rear 3.0 m (10 ft) 	26.4 m ² (285.0 ft ²)
Two to Four Storeys 93.0 m ² (1000.0 ft ²) per floor	<ul style="list-style-type: none"> • Front 7.6 m (25 ft) • Side 3.0 m (10 ft) • Rear 3.0 m (10 ft) 	26.4 m ² (285.0 ft ²)

8.17.3 The maximum height of a motel or hotel shall be 14.0 m (45.9 ft) or 4.0 storeys.

8.17.4 Space Between Buildings

- a) Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.6 m (12.0 ft) of clear and unoccupied space shall be provided between each rentable unit and any other building on the site.

8.17.5 Driveways

- a) Each rentable unit shall face onto or abut a driveway not less than 6.0 m (20.0 ft) in width and shall have unobstructed access thereto.

8.17.6 Entrances and Exits

- a) Not more than two (2) motor vehicle accesses, each with a minimum of width of 7.5 m (25.0 ft) and a maximum width of 12.0 m (40.0 ft) shall be permitted.

8.17.7 Maintenance of Site and Buildings and Business

- a) The owner, tenant, operator or person in charge of a motel or hotel shall at all times:
 - i. Maintain the site and the buildings, structure and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
 - ii. Maintain refuse and/or incineration facilities to the satisfaction of the Development Authority.
 - iii. Maintain an appropriate fence where required, no less than 0.9 m (3.0 ft) in height around the boundaries of the site and shall landscape and keep the site landscaped, to the satisfaction of the Development Authority.

8.18 NEIGHBOURHOOD COMMERCIAL DEVELOPMENTS

- 8.18.1 Neighbourhood commercial developments located entirely within a standalone building or located within a building that also contains residential use may be allowed to locate in the R1, R2, R3, MHS, MHP and C3 Districts provided the development meets all of the other regulations of this Bylaw and, further, that the development:
 - a) does not include as part of its operation a gas bar or vehicular servicing component, and/or
 - b) is situated on a corner lot adjacent to an arterial road or a collector road.
- 8.18.2 The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960.0 ft²).
- 8.18.3 The façade of a building containing a neighbourhood commercial development that is located in a Residential District must be integrated with the surrounding residential area.
- 8.18.4 The height of a building containing a neighbourhood commercial development in a Residential District may not exceed twice the height and massing of adjacent buildings.

8.19 PET KEEPING AND ANIMAL BREEDING AND/OR BOARDING FACILITIES

- 8.19.1 No fur bearing animals, or livestock other than small domestic pets such as cats and dogs may be permitted within the Residential Districts.
- 8.19.2 No livestock, whether or not the keeping of such livestock is considered to be a confined feeding operation for which neither an approval nor a registration is required pursuant to the Agricultural Operations Practices Act, other than small domestic pets such as cats and dogs, may be allowed in any Residential District.
- 8.19.3 The keeping of hens on a parcel of land within the Town shall be in accordance with the Urban Hen Pilot Program Bylaw.

- 8.19.4 The keeping of more than three (3) dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where animal breeding and/or boarding facilities are listed as discretionary use in this Bylaw.
- 8.19.5 The maximum number of dogs to be kept on-site in each of the above Districts shall be in accordance with the Animal Control Bylaw.
- 8.19.6 In determining the number of dogs, pups less than six (6) months of age shall not be included.
- 8.19.7 For animal breeding and/or boarding facilities, an exercise area shall be provided for each dog as follows:
 - a) breeds weighing 16.0 kg (35.0 lbs.) or less – at least 2.3 m² (25.0 ft²) per dog; and
 - b) breeds weighing more than 16.0 kg (35.0 lbs.) – at least 4.6 m² (50.0 ft²) per dog.
- 8.19.8 No building or exterior exercise area to be used to accommodate dogs shall be allowed within 25.0 m (82.0 ft) of any lot line of the lot for which an application is made.
- 8.19.9 No building or exterior exercise area to be used to accommodate dogs shall be allowed within 300.0 m (1000.0 ft) of any dwelling located on adjacent lots.
- 8.19.10 All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 2.0 m (6.6 ft).
- 8.19.11 All dogs in animal breeding and/or boarding facilities shall be kept within buildings or a fenced area at all times when not leashed.
- 8.19.12 All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.
- 8.19.13 Pens, rooms, exercise runs and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.
- 8.19.14 A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.
- 8.19.15 All facilities and operations shall be in compliance with applicable Provincial regulations.
- 8.19.16 All development permits issued for animal breeding and/or boarding facilities shall be subject to cancellation if any of the above requirements, or any other condition of the development permit, is not adhered to.

8.20 PLACES OF WORSHIP

- 8.20.1 The site on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft) and an area of not less than 930.0 m² (10,010.0 ft²) except in the case where a building for a clergyperson's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1400.0 m² (15,069.5 ft²).
- 8.20.2 Front, side and rear yards shall be those permitted within the district in which the place of worship site is located.

8.21 RECREATIONAL USES

- 8.21.1 Recreational development shall be required to:
- a) maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
 - b) install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

8.22 RECREATIONAL VEHICLES

- 8.22.1 No person shall use any vehicle for occupancy within the Town limits, other than within an approved campground in the Parks and Recreation District.
- 8.22.2 One (1) recreational vehicle may be stored in the required front yard in any residential district or in the case of a corner lot, in a required front yard or flanking side yard in any residential district. The following provisions apply:
- a) The recreational vehicle must be entirely located within the boundaries of the subject site; and
 - b) The recreational vehicle must be located on a hard surfaced driveway or pad
- 8.22.3 No person shall keep more than one (1) recreational vehicle on a residential lot at any time.
- 8.22.4 No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply or sanitary sewage disposal facilities.

8.23 RELOCATION OF BUILDINGS & MOVED ON MODULAR HOUSING

- 8.23.1 No person shall alter the location of a building on a parcel already constructed on that parcel, unless a development permit has been issued.

- 8.23.2 No person shall place on a parcel of land a building formerly erected or placed on a different parcel, including portable prefabricated buildings and/or modular homes without an approved development permit.
- 8.23.3 In addition to the requirements of Section 3.4, the Development Authority may require an application for a development permit for a relocated building, or a modular home to be accompanied by:
- a) Recent colour photographs showing all sides of the building;
 - b) A statement on the age and general condition of the building;
 - c) A statement prepared and signed by a qualified person on the structural condition of the building;
 - d) A statement of proposed improvements to the building; and
 - e) A certificate confirming compliance with the National Building Code - Alberta Edition; and
 - f) Any other requirements or conditions as required by the Development Authority.
- 8.23.4 An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located and, in the opinion of the Development Authority, is consistent with the form and character of the structures and developments in the neighbourhood in which it is to be placed.
- 8.23.5 Where a development permit has been granted for modular housing or the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a security in the form of an irrevocable letter of credit of such amount to ensure completion of any renovations or other construction set out as a condition of approval of a permit.
- 8.23.6 Where a relocated building, modular housing or other structures are placed on a permanent foundation that elevates the modular home/structure above grade, such relocated building, modular home/structure shall be enclosed as to completely screen the underside and foundation from view. The enclosure shall be constructed using the same or similar material from which the modular home/structure is constructed and shall compliment the appearance and character of the modular housing/structure, site and surrounding structures in the neighbourhood to the satisfaction of the Development Authority.
- 8.23.7 All structural and exterior renovations shall be completed within one year of the issuance of a development permit.

8.24 RESIDENTIAL USES

8.24.1 In all residential districts, residential development shall not be allowed on land having critical development constraints. The following list of development criteria shall be used in determining the suitability of land for seasonal and permanent residential development:

- a) development shall be prohibited on slopes in excess of 15%, except where a geotechnical report prepared by a certified engineer which identifies any slope stability issues and mitigation requirements is provided to the satisfaction of the Development Authority.

8.24.2 Development for multi-lot residential purposes shall be prohibited:

- a) on sites where adequate year-round access is not available by either a paved road in good condition
- b) on sites where necessary services are not provided at the sole expense of the developer.

8.24.3 Where there is an approved Outline Plan or Area Structure Plan, regulations in that Plan will apply.

8.25 SATELLITE DISHES

8.25.1 A satellite dish antenna with a dish diameter greater than 1.0 m (3.3 ft) shall:

- a) Only be located in a rear yard, or a side yard which does not abut a street;
- b) On an interior parcel, be situated so that no part of it is closer than 1.0 m (3.3 ft) from the side or rear boundaries of the parcel;
- c) On a corner parcel, be situated so that no part of it is closer to the street than the main building, or closer than 1.0 m (3.3 ft) from the other side parcel boundary or the rear parcel boundary;
- d) Display no other advertising than the manufacturer's name/logo; and
- e) Require an approved development permit.

8.25.2 A satellite dish antenna with a dish diameter equal to or less than 1.0 m (3.3 ft) may be secured to any wall or roof or a principal or accessory building.

8.26 SERVICE STATIONS AND GAS BARS

8.26.1 Service stations and gas bars shall be located in such a manner that:

- a) No entrance or exit thereto for motor vehicles shall be within 60.9 m (200.0 ft) of an entrance to or exit from a public or quasi-public use.

- b) No part of a service station or gas bar building or any pump or other accessory building shall be within 6.0 m (20.0 ft) of a side or rear property line.
- c) Service stations shall have a front yard of not less than 12.2 m (40.0 ft), and no gasoline pump shall be located closer than 6.0 m (20.0 ft) to the front property line.
- d) Storage tanks shall be set back from adjacent building in accordance with applicable provincial requirements.

8.26.2 Site Area and Coverage

- a) The minimum site area shall be 743.2 m² (8,000.0 ft²) and the maximum building coverage shall be 25% of the site area. For service stations including car washes the minimum site area shall be 1,114.9 m² (12,000.0 ft²).
- b) In the case of a service station designed and built as part of a shopping centre, the ratio of building space to parking space shall be as determined by the Development Authority.

8.26.3 Surfacing

- a) All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.

8.26.4 Lighting

- a) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.

8.26.5 Use and Maintenance of Service Station Site and Building

- a) The owner, tenant, operator or person in charge of a service station shall at all times:
 - i. Be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour, smoke or vibration.
 - ii. Be responsible for the proper, safe and orderly operation thereof and of motor vehicles using said service station or when repaired or serviced thereat, and without restricting the generality of the foregoing, shall see:
 - I) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service stations, and
 - II) that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere.
 - iii. Maintain on the boundaries of the site, where required by the Development Authority, an appropriate fence not less than 1.5 m (5.0 ft) in height.

8.27 SHIPPING CONTAINERS

- 8.27.1 The permanent placement shipping containers shall not be allowed on any parcel within a Residential District.
- 8.27.2 Notwithstanding Section 8.27.1 above, a development permit may be issued for the temporary placement of one (1) shipping container on a parcel within a Residential (R1, R2 and R3) District on a temporary basis during the construction of the principal dwelling.
- 8.27.3 If a temporary development permit for a shipping container has been approved by the Development Authority, then the shipping container may be placed on a site for a period of six (6) months. After that period has expired the developer will be required to apply to the Town for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
- 8.27.4 The maximum number of shipping containers that may be place on an urban reserve, commercial or industrial parcel is at the discretion of the Development Authority.
- 8.27.5 The placement of a shipping container on any urban reserve, commercial or industrial parcel requires a development permit.
- 8.27.6 Shipping containers may not be stacked. The maximum height for a shipping container allowed on a parcel is 3.0 m (10.0 ft).
- 8.27.7 Shipping containers located in a residential district may be a maximum of 6.0 m (20.0 ft) in length.
- 8.27.8 Shipping containers cannot be used as a dwelling, bunk house or guest house within the Town.
- 8.27.9 No human or animal habitation will be permitted within a shipping container.

8.28 SHOW HOMES

- 8.28.1 In addition to the information required for a development permit application, the following additional information shall be submitted to the Development Authority for a development permit application for a show home:
- a) Proposed hours of operation;
 - b) Anticipated number of clients expected at the show home on a daily basis and the location and number of parking stalls on site;
 - c) Location of all proposed exterior lighting; and
 - d) Location of any signs proposed for the site.

8.28.2 The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the Development Permit.

8.28.3 The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

8.29 SMALL RADIO COMMUNICATION TOWER

8.29.1 A small radio communication tower, where allowed as a discretionary use under this Bylaw, shall require an application for a development permit and may be approved provided that the structure and apparatus:

- a) have Industry Canada approval;
- b) be camouflaged and, as far as possible, have the appearance and aesthetic of other buildings permitted in the District;
- c) meet the setback requirements of the District or meet setback requirements that are satisfactory to the Development Authority;
- d) be limited to a maximum height of 18.0 m (59.0 ft) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
- e) be a free-standing, ground-mounted unit;
- f) notwithstanding Section 8.29.1.e) above, a roof-mounted unit shall be allowed where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft) from the typical ground surface to its highest point;
- g) be located in a rear yard only;
- h) not be illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
- i) be landscaped to screen the base of the antenna and reduce the negative visual impact on adjacent properties. The Development Authority may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Authority, such measures would reduce potential negative visual impact of the structure on adjacent properties.

8.29.2 All small radio communications tower shall have landscaping that reflects the typical landscaping in the District.

8.29.3 The development of all small radio communications towers shall follow the regulations of Industry Canada including public consultation as required.

8.30 SOLAR ENERGY COLLECTION SYSTEMS

8.30.1 Ground mounted solar collectors shall be located in a side or rear yard only.

8.30.2 When a solar energy collection system is installed on a lot, accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

- a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.6 m (12.0 ft) obstruction located on the lot line; and
- b) has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

8.30.3 Section 8.30.2 above does not apply to structure or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

8.31 SUITE, GARAGE

8.31.1 A maximum of one (1) garage suite shall be restricted to a site occupied by a single detached dwelling. A parcel containing a garage suite shall not be allowed to have a garden suite, in-law suite or secondary suite.

8.31.2 A garage suite shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.

8.31.3 A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft²).

8.31.4 A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage suite.

8.31.5 At-grade garage suites shall be a maximum height of 4.5 m (14.8 ft).

8.31.6 Above-grade garage suites shall be a maximum height of 5.5 m (18.0 ft) for suites with a flat roof, and 7.3 m (24.0 ft) for suites with a sloped roof, provided that the maximum height is not higher than the height of the main dwelling.

8.31.7 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.

- 8.31.8 A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet and bathing facilities.
- 8.31.9 A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 8.31.10 A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.
- 8.31.11 Windows shall primarily be located to face the interior of the lot or the lane so as to protect the privacy of the neighbouring properties.
- 8.31.12 A garage suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

8.32 SUITE, GARDEN

- 8.32.1 A maximum of one (1) garden suite shall be restricted to a site occupied by a single detached dwelling. A parcel containing a garden suite shall not be allowed to have a garage suite, in-law suite or secondary suite.
- 8.32.2 A garage suite shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- 8.32.3 Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
- 8.32.4 A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft²) in floor area.
- 8.32.5 A garden suite shall have a maximum height of 4.3 m (14.1 ft).
- 8.32.6 A garden suite shall be placed to the rear of the principal building with a minimum separation distance of 2.4 m (8ft) from the principal building.
- 8.32.7 The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.
- 8.32.8 A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.

- 8.32.9 A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.
- 8.32.10 Windows contained within a garden suite shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
- a) off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garden Suite window on an abutting site;
 - b) strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c) placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.
- 8.32.11 A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

8.33 SUITE, IN-LAW

- 8.33.1 A maximum of one (1) in-law suite shall be restricted to a site occupied by a single detached dwelling or duplex dwelling. A parcel containing an in-law suite shall not be allowed to have a garden suite, garage suite, or secondary suite.
- 8.33.2 An in-law suite is prohibited from being constructed within a fourplex, row housing or apartment housing.
- 8.33.3 An in-law suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft²).
- 8.33.4 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
- 8.33.5 An in-law suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 8.33.6 An in-law suite does not have an entrance separate from the entrance to the main dwelling.
- 8.33.7 If a permit for an in-law suite is approved by the Development Authority, then no additional garden suite, garage suite or secondary suite shall be allowed on the same lot.
- 8.33.8 An in-law suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

8.34 SUITE, SECONDARY

- 8.34.1 A maximum of one (1) secondary suite shall be restricted to a site occupied by a single detached dwelling or duplex dwelling. A parcel containing a secondary suite shall not be allowed to have a garage suite, garden suite, or in-law suite.
- 8.34.2 A secondary suite shall not be constructed within row housing, fourplex or apartment housing.
- 8.34.3 A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.1 ft²)
- 8.34.4 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 8.34.5 A secondary suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 8.34.6 A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
- 8.34.7 A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
- 8.34.8 The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft).
- 8.34.9 The minimum area for a secondary suite is 30.0 m² (322.9 ft²).
- 8.34.10 A secondary suite cannot exceed the maximum height of the main dwelling.
- 8.34.11 Prior to development permit approval the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 8.34.12 A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.
- 8.34.13 If a permit for an in-law suite is approved by the Development Authority, then no additional garden suite, garage suite or secondary suite shall be allowed on the same lot.
- 8.34.14 An in-law suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

8.35 SUITE, SURVEILLANCE

- 8.35.1 The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
- a) A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.
 - b) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
 - c) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
 - i. a minimum of 1.8 m (6.0 ft) from any buildings; and
 - ii. a minimum of 1.8 m (6.0 ft) from the rear and side property lines; and
 - iii. no closer than the front line of the main building to the front property line.
 - d) The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.6 m² (500.0 ft²).
 - e) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

8.36 SWIMMING POOLS AND HOT TUBS

- 8.36.1 Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private in ground swimming pool or hot tub. All private swimming pools and hot tubs equal to or greater than 60.96 cm (24.0 in) in depth require building and safety code approval(s). If the National Building Code – Alberta Edition is revised to change the requirements for a building permit for a pool or hot tub, then the current building and safety code requirements will apply.
- 8.36.2 Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- 8.36.3 Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.

- 8.36.4 No private swimming pool or hot tub may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (6.0 ft.) in height for the length that it replaces the fence.
- 8.36.5 Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (6.0 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
- 8.36.6 No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

8.37 TELECOMMUNICATION TOWERS

- 8.37.1 Without limiting the scope of 3.4, the Development Authority may review applications for the siting of Telecommunication Towers and has the authority to issue a letter of support or nonsupport in accordance with the spirit and intent of this Bylaw. Such considerations may include, but shall not be limited to:
- a) aesthetics;
 - b) opportunity to co-locate on an existing telecommunication tower;
 - c) consultation with affected landowners;
 - d) whether or not the Telecommunication Tower unduly interferes with the amenities of the areas which may include, but shall not be limited to:
 - i. the natural environment;
 - ii. residential communities; and
 - iii. recreational opportunities.
- 8.37.2 Notwithstanding any other provision of this Bylaw, but subject to Section 8.37.1, Industry Canada regulates the telecommunication industry in Canada is the authority that approves the location of Telecommunication Towers.
- 8.37.3 Telecommunication towers are not permitted in residential districts.

8.38 WIND ENERGY CONVERSION SYSTEMS, LARGE

- 8.38.1 Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:

- a) any adjacent municipality should the proposed development be located within 2.0 km (1.2 mi) of the municipality; and
 - b) landowners within 2.0 km (1.2 mi) of the proposed development.
- 8.38.2 Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of Section 6.0 of this Bylaw.
- 8.38.3 Property Line Setbacks
- a) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the district in which it is located.
 - b) Where, in the opinion of the Development Authority, the setbacks referred to in Section 8.38.4.a) above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
 - c) The turbine base shall be no closer to the property line than four (4) times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
- 8.38.4 The minimum vertical blade clearance from grade shall be 7.4 m (24.3 ft) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
- 8.38.5 To ensure public safety, the Development Authority may require that:
- a) a secure fence not less than 1.8 m (5.9 ft) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
 - b) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft) from grade;
 - c) a locked device be installed on the tower to preclude access to the top of the tower; and
 - d) such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.

- 8.38.6 All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.
- 8.38.7 Appearance
- a) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
 - b) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.
- 8.38.8 The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
- a) information provided in the application;
 - b) the proximity of the proposed development to other land uses;
 - c) the cumulative effect of all wind energy conversion systems approved or proposed in the area;
 - d) underlying utilities; and
 - e) information received from the circulation of the application and from the public.
- 8.38.9 Large wind energy systems must comply with applicable air traffic safety regulations. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.

8.39 WIND ENERGY CONVERSION SYSTEMS, MICRO

- 8.39.1 Notwithstanding any other provision in this Land Use Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 kW, may only be roof-mounted or ground-mounted within a side or rear yard.
- 8.39.2 Micro wind energy conversion systems shall be required to conform to setback requirements for accessory buildings.
- 8.39.3 Maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.
- 8.39.4 One micro wind energy conversion system is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

8.40 WIND ENERGY CONVERSION SYSTEMS, SMALL

- 8.40.1 Small wind energy conversion systems shall only be allowed as accessory developments.
- 8.40.2 For property sizes between 0.1 ha (0.25 ac) and 0.2 ha (0.5 ac) the wind turbine tower height shall be limited to 25.0 m (82.0 ft). For property sizes of 0.2 ha (0.5 ac) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
- 8.40.3 The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (9.8 ft) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.6 ft) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
- 8.40.4 The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10.0 m per second (22.0 mph) and except during short-term events such as utility outages and/or severe windstorms.
- 8.40.5 Development permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
- 8.40.6 Small wind energy conversion systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Nav Canada.
- 8.40.7 Building permit applications for small wind energy conversion systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.

- 8.40.8 No small wind energy conversion system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.
- 8.40.9 One small wind energy conversion system is allowed per single detached dwelling on a lot.

9 SIGNS

9.1 LIMITATIONS

- 9.1.1 Except as provided in Section 3.2 of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless he has complied with the requirements of this Section and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
- 9.1.2 The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.
- 9.1.3 Provisions for election signs and property for sale or rent signs are provided in Section 9.0 of this Bylaw.

9.2 INFORMATION REQUIREMENTS FOR A DEVELOPMENT PERMIT FOR A SIGN

- 9.2.1 In addition to the requirements of Section 3.0 of this Bylaw, a development permit application for a sign shall include the following information:
- a) A completed development permit application form,
 - b) Application fee as prescribed by resolution of Council;
 - c) written consent from the property owner,
 - d) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
 - e) any animation, moving copy, or other moving features of the sign, if applicable,

- f) method of illumination, if applicable,
- g) mounting details,
- h) the location and size of all other existing and proposed signs on the building façade or site,
- i) mounting heights and clearances to grade,
- j) the amount of projection of the sign from a building, if any, and
- k) Any other details or information that the Development Authority requires in order to assess the application.

9.3 SIGNS AS PERMITTED OR DISCRETIONARY USES

9.3.1 No sign, other than an off-site sign in the Districts indicated in Section 9.3.2 below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in Section 3.2 of this Bylaw, shall be allowed unless it is accessory to an existing use.

9.3.2 Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this section, off-site signs shall be considered to be discretionary developments in all Commercial Districts, in the Light Industrial (M1) District, and in the Urban Reserve (UR) District.

9.4 PROCEDURES FOR THE CONSIDERATION OF DEVELOPMENT PERMIT APPLICATIONS FOR SIGNS

9.4.1 All development permit applications for signs shall follow the process outlined in Section 3 of this Bylaw and be subject to appeal if applicable in accordance with Section 4 of this Bylaw.

9.5 GENERAL SIGN REGULATIONS

9.5.1 A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:

- a) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic,
- b) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
- c) it would be situated within the area regulated by Section 7.3 of this Bylaw.

9.5.2 A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.

- 9.5.3 Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
- 9.5.4 A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft) from any property boundary and no part of a sign may encroach onto an adjacent lot or a road or lane.
- 9.5.5 Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18.0 m² (193.6 ft²).
- 9.5.6 At the discretion of the Development Authority a maximum of five (5) signs may be allowed on a lot, including temporary signs and portable signs.
- 9.5.7 Signs will not be allowed on fences in Residential Districts or Commercial Districts.

9.6 CARE AND MAINTENANCE OF SIGNS

- 9.6.1 All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
- 9.6.2 Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair they may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
 - a) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
 - b) take such measures as they may specify in the notice to alter and/or refurbish and/or repair the sign.
- 9.6.3 Failure to remove the sign or to comply with the measures specified in the notice described in Section 9.6.2 above may result in the issuance of a violation ticket as described in this Bylaw.
- 9.6.4 The notice described in Section 9.6.2 above shall be considered to be a stop order for the purposes of this Bylaw.

9.7 TYPE OF SIGNS

- 9.7.1 A-Frame Signs
 - a) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
 - b) The maximum area of each A-frame sign face which is located on a sidewalk shall be 0.7 m² (7.5 ft²).

- c) The maximum area of each A-frame sign face located in another location, approved by the development authority, shall be 1.5 m² (16.0 ft²).
- d) The maximum height of an A-frame sign which is located on a sidewalk shall be 1.0 m (3.3 ft).
- e) No A-frame sign shall be located on a sidewalk in such a manner so as to obstruct pedestrian flow.
- f) The maximum height of an A-frame sign placed in other locations shall be 1.8 m (6.0 ft), measured perpendicular distance from the ground to the highest point of the sign when set up.
- g) No more than one (1) A-frame sign shall be allowed per business frontage.
- h) Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- i) The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft) around the A-frame sign.
- j) A-frame signs are not to be used in conjunction with projecting signs at grade level.

9.7.2 Billboard Signs

- a) At the discretion of the Development Authority, billboard signs may be permitted directly adjacent to Highway 45 when the billboard sign is located with a C2 – General Commercial District, BST – Business Service Transition District, or M1 – Industrial District which is located directly adjacent to Highway 45;
- b) The maximum dimensions of billboard sign shall not exceed 3.0 m (10 ft) high by 6.0 m (20 ft) long;
- c) The maximum height shall not exceed 6.0 m (20.0 ft) above the average grade of the site;
- d) Illumination of billboards shall be restricted to gooseneck type lighting that directs light downward toward the sign.

9.7.3 Canopy Signs

- a) Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:
 - i. the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
 - ii. the bottom of the canopy shall be not less than 2.5 m (8.2 ft) above grade,
 - iii. no part of the canopy shall project over a road or lane,

- iv. unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft),
- v. signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft) from grade,
- vi. each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 m² (5.4 ft²) in area, and
- vii. all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires or similar support elements are visible from a road or lane.

9.7.4 Fascia Signs

- a) Subject to the provisions in this section, a Fascia sign may be permitted in any land use district, excepting residential districts.
- b) The portion of a wall which can be used for, or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
 - i. the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft) above grade.
 - ii. in the case of a one storey building, the upper limit of the portion shall be either:
 - III) the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs, or
 - IV) a maximum of 0.8 m (31.5 in) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or
 - V) the line of the eaves.
 - iii. in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 in) above the floor elevation of the second storey.
- c) Notwithstanding Section 9.7.4.b) above, a wall sign may be located:
 - i. below the area defined in Section 9.7.4.b) above, provided:
 - I) the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
 - II) the sign states no more than the name of the building or the principal tenant of the building, and
 - III) the sign area does not exceed 20% of the building face below the area defined in Section 9.7.4.b) above.
 - ii. between the second storey window lintel and the third storey windowsill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:

- I) the sign states no more than the name of the building or the principal tenant of the building, and
 - II) the sign area does not exceed 2.5 m² (26.9 ft²), or
- d) Above the third storey window sill, provided:
 - i. the sign states no more than the name of the building or principal tenant of the building, and
 - ii. there is no more than one (1) sign per building face above the third storey.
- e) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
- f) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.

9.7.5 Freestanding Signs

- a) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- b) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft) at road level.
- c) Notwithstanding Section 9.7.5.b) above, a maximum of one (1) freestanding sign may be allowed per site except:
 - i. where a site has more than a 90.0 m (295.3 ft) frontage, one (1) additional freestanding sign may be erected at the discretion of the Development Authority.
 - ii. where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.3 ft) apart.
 - iii. additional signs may be allowed at the discretion of the Development Authority.
- d) The total sign area of all freestanding signs on a site shall not exceed 0.3 m² (3.2 ft²) in area for each lineal metre of frontage, to a maximum of 8.4 m² (90 ft²).
- e) The maximum height of a freestanding sign shall be 7.0 m (23.0 ft).
- f) Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft) shall be maintained between the signs.
- g) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

9.7.6 Inflatable Signs

- a) A small inflatable style sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is, no larger than 5.5 m² (59.2 ft²) as applicable.
- b) Larger inflatable signs require that a development permit be applied for, and approval obtained before installation.
- c) One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
- d) The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.
- e) An inflatable sign can only be located on a site twice in a calendar year and not for longer than 30 consecutive days.
- f) Inflatable signs cannot be located on the roof of a structure.

9.7.7 Portable Signs

- a) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- b) No more than one (1) portable sign shall be located on a site.
- c) Notwithstanding Section 9.7.7.b) above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer than 15.0 m (49.2 ft) to another portable sign.
- d) All portable signs shall be double-faced.
- e) No portable sign shall exceed a height of 2.5 m (8.2 ft) above grade.
- f) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- g) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in any Residential District.

9.7.8 Projecting Signs

- a) No projecting sign shall project over another site, a road, or a lane.
- b) A projecting sign shall have a vertical clearance of a minimum of 3.05 m (10.0 ft) from grade.
- c) No more than one (1) projecting sign of 0.5 m² (5.4 ft²) in size shall be allowed for each frontage of a commercial or industrial use.

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

9.7.9 Roof Signs

- a) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature, and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- b) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- c) All roof signs shall be set back a minimum of 1.0 m (3.3 ft) from the edge of the building on which the roof sign is located.

9.8 SIGNS IN OR ADJACENT TO RESIDENTIAL DISTRICTS

9.8.1 Except as provided in Sections 9.8.2 and 9.8.3 below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.

9.8.2 An approved major home occupation may display a sign, not larger than 0.2 m² (2 ft²) in the window of the dwelling.

9.8.3 An approved bed and breakfast may display a sign, not larger than 0.2 m² (2.0 ft²). If outside, the sign shall be placed in a location that is satisfactory to the Development Authority. Alternatively, the sign may be displayed from inside a window of the dwelling.

9.8.4 One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:

- a) the sign area does not exceed 5.0 m² (53.8 ft²),
- b) the height of the sign does not exceed 2.0 m (6.6 ft), and
- c) the sign is not internally illuminated, though it may be lit from the front.

9.8.5 Name or number signs shall have a surface area of no more than 0.3 m² (3.0 ft²).

9.8.6 When an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.

9.8.7 When, in the opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as they deem necessary, to protect the amenities of the Residential District.

9.9 SIGNS RELATING TO INSTITUTIONAL USES

- 9.9.1 In any District where a place of worship or a school or another institutional use is allowed, one (1) sign of not more than 5.0 m² (53.8 ft²) in area shall be allowed to be erected on the site occupied by the place of worship, school, or other institutional use.

10 LAND USE DISTRICTS

10.1 ESTABLISHMENT OF LAND USE DISTRICTS

10.1.1 For the purpose of this Bylaw, Town of Bruderheim is divided into the following Districts:

Land Use District Name	Land Use District Code
Low Density Residential District	R1
Medium Density Residential District	R2
High Density Residential District	R3
Manufactured Home Subdivision District	MHS
Manufactured Home Park District	MHP
Downtown Commercial District	C1
General Commercial District	C2
Mixed Use District	C3
Business Service Transition District	BST
Industrial District	M1
Parks and Recreation District	P
Institutional and Public Service District	IPS
Utilities District	U
Urban Reserve District	UR
Direct Control District	DC

10.1.2 For the purposes of this Bylaw, the R1, R2, R3, MHP and MHS Districts shall be considered to be Residential Districts, the C1, C2, C3 and BST Districts shall be considered to be Commercial Districts, and the M1 District shall be considered the Industrial District.

10.1.3 The boundaries of the districts listed in this Bylaw are as delineated in the **LAND USE DISTRICT MAP**, which is Section 12 of this Bylaw.

10.1.4 Where uncertainty exists as to the boundaries of districts as delineated in the **LAND USE DISTRICT MAP**, the following rules shall apply:

- a) **Rule 1:** Where a boundary is shown as following a street or lane, it shall be deemed to follow the centre line thereof.
- b) **Rule 2:** Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- c) **Rule 3:** In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined:

- i. where dimensions are set out on the LAND USE DISTRICT MAP, by the dimensions so set, or
- ii. where no dimensions are set out on the **LAND USE DISTRICT MAP** with respect to such boundary, by measurement of and use of the scale shown on the **LAND USE DISTRICT MAP**.

- 10.1.5 Where the application of the above rules does not determine the exact location of the boundary of a district, the Council, either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to the measurements and directions as the circumstances may require.
- 10.1.6 After Council has fixed a District boundary pursuant to the provisions of Section 10.1.5, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- 10.1.7 The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

10.2 R1 – LOW DENSITY RESIDENTIAL DISTRICT

10.2.1 General Purpose

To provide areas for development of detached dwellings and complementary uses on individual lots.

10.2.2 Uses

Permitted	Discretionary
Buildings and Uses Accessory to Permitted Uses	Bed and Breakfast Establishments
Day Care Facility, Minor	Boarding/Lodging House
Day Home	Buildings and Uses Accessory to Discretionary Uses
Dwelling, Detached	Dwelling, Duplex
Home Occupation, Minor	Family Care Facility
Modular Home	Group Home
Public Park	Home Occupation, Major
Social Care Home, Minor	Neighbourhood Commercial Development
Solar Energy Collection Systems	Places Of Worship
Suite, In-Law	Public Utility that has no office or workshop as a part of the development show home
Suite, Secondary	Relocated Building
Wind Energy Conversion Systems, Micro	Shipping Container (for temporary construction only)
	Small Radio Communications Tower
	Social Care Home, Major
	Suite, Garage
	Suite, Garden
	Other uses which, in the opinion of the development authority, are similar to the above mentioned permitted and discretionary uses

10.2.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.2.1. and Table 10.2.2

Table 10.2.1: Development and Subdivision Regulations for Detached Dwellings

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Minimum parcel size	360.0 m ² (3,875.0 ft ²)
	Minimum Parcel Width	
b)	Interior parcels	12.0 m (39.4 ft)
c)	Corner parcels	13.5 m (44.3 ft)
	Minimum Yards	
d)	Front yard	6.0 m (19.7 ft)
e)	Rear yard	7.5 m (24.6 ft)
f)	Side yard	1.5 m (4.9 ft)
g)	Side yard on the street facing side of a corner parcel	4.0 m (13.1 ft)
h)	Side yard for one side yard in a laneless subdivision where no front attached garage has been provided	3.0 m (9.8 ft)
	Maximum Site Coverage	
i)	Maximum site coverage	40%
	Maximum Height	
j)	Maximum height	10.0 m (32.8 ft)
	Minimum Floor Area Detached Dwelling	
k)	1 storey dwelling	80.0 m ² (861.1 ft ²)
l)	1½ storey and split level: upper floor	37.0 m ² (398.3 ft ²)
m)	1½ storey and split level: lower floors	70.0 m ² (753.5 ft ²)
n)	2 storey dwelling each floor	61.0 m ² (656.6 ft ²)
	Minimum Floor Area Other Uses	
o)	Minimum floor area for other uses	At the discretion of the Development Authority
	Parking	
p)	Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw	

Table 10.2.2: Development and Subdivision Regulations for Duplex Dwellings

Subsection	Regulation	Measurement
	Minimum Site Depth	
a)	In the case of road and lane systems	30.5 m (100.0 ft)
b)	In the case of laneless systems	33.5 m (110.0 ft)
	Minimum Site Width for Each Duplex - Per Duplex Unit	
c)	A site for an up-down duplex (which has 2 dwelling units within it) must be the same width as a site for a side-by-side duplex (which has 2 dwelling units within it)	
d)	internal sites	7.62 m (25.0 ft) per duplex
e)	corner sites	8.38 m (27.5 ft) per dwelling unit
	Minimum Site Area for Each Duplex Containing Two (2) Dwelling Units	
f)	A site for an up-down duplex (which has 2 dwelling units within it) must be the same area as a site for a side-by-side duplex (which has 2 dwelling units within it)	
g)	In the case of road and lane systems: internal site	232.4 m ² (2,500.0 ft ²) per dwelling unit
h)	In the case of road and lane systems: corner site	255.6 m ² (2,750.0 ft ²) per dwelling unit
i)	In the case of laneless systems: internal site	255.3 m ² (2,750.0 ft ²) per dwelling unit
j)	In the case of laneless systems: corner site	280.7 m ² (3025.0 ft ²) per dwelling unit

10.2.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.3 R2 – MEDIUM DENSITY RESIDENTIAL DISTRICT

10.3.1 General Purpose

To provide areas with a mixture of medium density housing types and complementary uses.

10.3.2 Uses

Permitted	Discretionary
Buildings and Uses Accessory to Permitted Uses	Buildings and Uses Accessory to Discretionary Uses
Day Care Facility, Minor	Bed and Breakfast Establishment
Day Home	Boarding/Lodging House
Dwelling, Duplex	Day Care Facility, Major
Home Occupation, Minor	Dwelling, Detached
Public Park	Dwelling, Fourplex
Social Care Home, Minor	Family Care Facility
Solar Energy Collection Systems	Group Care Facility
Wind Energy Conversion Systems, Micro	Group Home
	Home Occupation, Major
	Modular Home
	Neighbourhood Commercial Development
	Places Of Worship
	Public Utility that has no office or workshop as a part of the development
	Shipping Container (for temporary construction use only)
	Show Home
	Social Care Home, Major
	Suite, Garage
	Suite, Garden
	Suite, In-Law
	Suite, Secondary
	Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

10.3.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.3.1. and Table 10.3.2

Table 10.3.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Detached Dwelling & Modular Home	440.0 m ² (4,736 ft ²)
b)	Duplex (no rear lane access)	285.0 m ² (3,068.0 ft ²) per dwelling unit
c)	Duplex (rear lane access)	230.0 m ² (2,476.0 ft ²) per dwelling unit
	Minimum Parcel Width	
d)	Detached Dwelling & Modular Home: interior parcels	12.0 m (39.4 ft)
e)	Detached Dwelling & Modular Home: corner parcels	13.5 m (44.3 ft)
f)	Duplex (no rear lane access): interior parcels	9.5 m (31.2 ft) per dwelling unit
g)	Duplex (no rear lane access): corner parcels	11.0 m (36.0 ft) per dwelling unit
h)	Duplex (rear lane access): interior parcels	7.5 m (24.6 ft) per dwelling unit
i)	Duplex (rear lane access): corner parcels	9.0 m (29.5 ft) per dwelling unit
	Minimum Yards	
j)	Front yard	6.0 m (19.7 ft)
k)	Rear yard	7.5 m (24.6 ft)
l)	Side yard	1.5 m (4.9 ft)
m)	Side yard where the building is placed over a common property line: <ul style="list-style-type: none"> on the common property line; and on the opposite side 	<ul style="list-style-type: none"> 0.0 m 1.5 m (4.9 ft)
n)	Side yard where the building is placed over a common property line: <ul style="list-style-type: none"> on the street facing side of a corner parcel; 	4.5 m (14.8 ft)
o)	Side yard where the building is placed over a common property line: <ul style="list-style-type: none"> for the non- adjoining side yard in a laneless subdivision where no front attached garage has been provided. 	3.0 m (9.8 ft)
	Maximum Site Coverage	
p)	Maximum site coverage	40%
	Maximum Height	
q)	Maximum height	10.0 m (32.8 ft)

10.3.4 **Supplementary Regulations**

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.4 R3 – HIGH DENSITY RESIDENTIAL DISTRICT

10.4.1 General Purpose

To provide areas for multi-family residential development and complementary uses.

10.4.2 Uses

Permitted	Discretionary
Buildings and Uses Accessory to Permitted Uses	Assisted Care Housing
Day Care Facility, Minor	Boarding and Lodging House
Dwelling, Apartment	Buildings and Uses Accessory to Discretionary Uses
Dwelling, Fourplex	Day Care Facility, Major
Dwelling, Row Housing	Day Home
Home Occupation, Minor	Group Care Facility
Public Park	Home Occupation, Major
Social Care Home, Minor	Neighbourhood Commercial Development
Solar Energy Collection System	Places Of Worship
Wind Energy Conversion Systems, Micro	Public Utility that have no office or workshop as a part of the development
	Shipping Container (For Temporary Construction Use Only)
	Show Home
	Social Care Home, Major
	Other uses which, in the opinion of the development authority, are similar to the above mentioned permitted and discretionary uses.

10.4.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.4.1

Table 10.4.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Row Housing: interior parcels	185.0 m2 (1,991.0 ft2) per dwelling unit
b)	Row Housing: corner/end parcels	275.0 m2 (2,959.0 ft2) per dwelling unit
c)	Fourplexes	15.0 m (49.2 ft)

Subsection	Regulation	Measurement
d)	Apartments & Assisted Care Housing	500.0 m ² (9,149.0 m ²)
	Minimum Parcel Width	
e)	Row Housing: interior parcels	6.0 m (19.7 ft) per dwelling unit
f)	Row Housing: corner/end parcels	9.0 m (29.5 ft) per dwelling unit
g)	Fourplexes	15.0 m (49.2 ft)
h)	Apartments & Assisted Care Housing	15.0 m (49.2 ft)
	Minimum Yards	
i)	Front yard: Row housing with rear lane access	4.5 m (14.8 ft)
j)	Front yard: Row housing with no rear lane access	6.0 m (19.7 ft)
k)	Front yard: Apartments & Assisted Care Housing	6.0 m (19.7 ft)
l)	Rear yard	7.5 m (24.6 ft)
m)	Side yard: Fourplexes	1.5 m (4.9 ft)
n)	Side yard: Fourplexes, except on the street facing side of a building on a corner parcel	4.5 m (14.8 ft)
o)	Side yard: Apartments & Assisted Care Housing	3.0 m (9.8 ft)
p)	Side yard: Apartments & Assisted Care Housing on the street facing side of a building on a corner parcel	6.0 m (19.7 ft)
q)	Side yard: Row Housing for the unattached side of a building on an interior parcel	1.5 m (4.92 ft)
r)	Side yard: Row Housing on the street facing side of a building on a corner parcel	4.5 m (14.76 ft)
s)	Side yard: Row Housing for the non-adjointing side of a building on an interior parcel in a laneless subdivision where no front attached garage has been provided.	3.0 m (9.84 ft)
t)	Side yard: Row Housing interior units	0.0 m
	Maximum Site Coverage	
u)	Maximum site coverage	40%
	Maximum Height	
v)	Apartments & Assisted Care Housing	14.0 m (45.9 ft)
w)	Row Housing & Fourplexes	10.0 m (32.8 ft)

10.4.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.5 MHS – MANUFACTURED HOME SUBDIVISION DISTRICT

10.5.1 General Purpose

The purpose of this district is to provide areas for manufactured home subdivisions in which each manufactured home unit is located on a separately registered lot.

10.5.2 Uses

Permitted	Discretionary
Buildings and Uses Accessory to Permitted Uses	Buildings and Uses Accessory to Discretionary Uses
Day Home	Day Care Facility, Major
Home Occupation, Minor	Day Care Facility, Minor
Manufactured Home	Home Occupation, Major
Public Park	Neighbourhood Commercial Development
Solar Energy Collection System	Places Of Worship
Wind Energy Conversion System, Micro	Public Utility that has no office or workshop as a part of the development
	Show Home
	Small Radio Communications Tower
	Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

10.5.3 Development Regulations

- a) Development and subdivision must comply with Table 10.5.1

Table 10.5.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Interior parcels	440.0 m ² (4,736.0 ft ²)
b)	Corner parcels	480.0 m ² (5,167.0 ft ²)
	Minimum Parcel Width	
c)	Interior parcels	12.0 m (39.4 ft)
d)	Corner parcels	13.5 m (44.3 ft)
	Minimum Yards	
e)	Front yard	4.5 m (14.8 ft)

Subsection	Regulation	Measurement
f)	Rear yard	4.5 m (14.8 ft)
g)	Side yard	1.5 m (4.9 ft)
h)	Side yard on the street facing side of a corner parcel	4.5 m (14.8 ft)
i)	Side yard for one side yard in a laneless subdivision where no front attached garage has been provided	3.0 m (9.8 ft)
Maximum Site Coverage		
j)	Maximum site coverage	40%
Maximum Height		
k)	Maximum height	6.0 m (19.7 ft)
Landscaping		
l)	Landscaping	To the satisfaction of the Development Authority

10.5.4 Additional Regulations

- a) A plan for the area must first be reviewed and approved by the Development Authority having jurisdiction prior to considering a subdivision or a development permit application for this district.
- b) It shall be the responsibility of the owner to place the manufactured home on a foundation or base in accordance with the requirements of the National Building Code – 2023 Alberta Addition, as amended.
- c) No propane is to be used for heating or other indoor purposes in a manufactured home subdivision.
- d) All accessory structures such as patios, porches, additions, etc. shall be constructed to compliment the appearance and character of the manufactured home and site to the satisfaction of the Development Authority.
- e) The undercarriage of the manufactured home shall be screened from view to the satisfaction of the Development Authority with materials that, in the opinion of the Development Authority, compliment the appearance, design and construction of the manufactured home.

10.5.5 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.6 MHP – MANUFACTURED HOME PARK DISTRICT

10.6.1 General Purpose

To provide for development of manufactured home parks where stalls are provided on a rental/lease basis.

10.6.2 Uses

Permitted	Discretionary
Buildings and Uses Accessory to Permitted Uses	Buildings and Uses Accessory to Discretionary Uses
Home Occupation, Minor	Day Care Facility, Major
Manufactured Home in a manufactured home park for which a development permit has been issued	Day Care Facility, Minor
Manufactured Home Park	Day Home
Manufactured Home Park Office	Home Occupation, Major
Public Park	Neighbourhood Commercial Development
Solar Energy Collection System	Places Of Worship
Wind Energy Conversion System, Micro	Public Utility that has no office or workshop as a part of the development
	Show Home
	Small Radio Communications Towers
	Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

10.6.3 Development and Subdivision Regulations

- a) In a manufactured home park, “unit” means an area of land for the placement of a manufactured home for the exclusive use of its occupants.
- b) Development and subdivision must comply with Table 10.6.1.

Table 10.6.1: Development Regulations

Subsection	Regulation	Measurement
	Maximum Density	
a)	Maximum density for Manufactured Homes	17.0 per ha (7.0 per acre)
	Lot and Park Area	
b)	Minimum Manufactured Home Park site area	2.0 ha (5.0 acres)

Subsection	Regulation	Measurement
	Minimum Unit Size	
c)	Minimum Unit Size for Manufactured Homes	372.0 m ² (4,004.0 ft ²)
	Manufactured Home Minimum Setbacks	
d)	From one another	4.5 m (14.8 ft)
e)	From front lot line	3.0 m (9.8 ft)
f)	From rear lot line	3.0 m (9.8 ft)
g)	From one side lot line	1.5 m (4.9 ft)
h)	Except on the street facing side of a corner parcel.	4.5 m (14.8 ft)
	Maximum Height	
i)	Maximum Height	6.0 m (19.7 ft)
	Maximum Site Coverage	
j)	Maximum Site Coverage	50%

10.6.4 Additional Regulations

- a) A fully dimensioned and labelled comprehensive site plan shall be submitted to the Development Authority prior to issuance of a Development Permit and shall include the following:
 - i. location of lots, including lot numbers;
 - ii. access points, roads, laneways and walkway systems;
 - iii. proposed location the manufactured home on each lot;
 - iv. location of parking aprons for each lot;
 - v. provision for an area open space according to Section 10.6.4.b);
 - vi. provision for a minimum 4.0 m (13.1 ft) landscaped perimeter;
 - vii. provision of visitor parking provided at a ratio stated in Section 10.6.4.d);
 - viii. provision of outdoor lighting;
 - ix. location of directional signs;
 - x. location of all existing and proposed easements and rights-of-way;
 - xi. location of garbage storage containers; and
 - xii. any other information the Development Authority deems necessary.

- b) An open space area consisting of a minimum 5% of the total manufactured home park shall be provided as a contiguous recreational and playground use area for the enjoyment of the park residents;
- c) All roads within a manufactured home park shall be well drained, surfaced and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 7.5 m (24.6 ft);
- d) Visitor parking spaces shall be provided throughout the park at a ratio of at least one space for every two manufactured home units. Each visitor parking area shall provide at least three (3) parking spaces and shall be located at convenient locations throughout the manufactured home park. These spaces shall not be used for the storage of boats, trailers, etc.
- e) All municipal utilities shall be provided underground to stalls in a manufactured home park.
- f) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- g) Only one main, free-standing, identification sign shall be erected at the entrance to a Manufactured Home Park and shall be subject to the sign regulations of this Bylaw.
- h) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.

10.6.5 **Building Appearance**

- a) All accessory structures such as patios, porches, additions, etc. shall be constructed to compliment the appearance and character of the manufactured home to the satisfaction of the Development Authority.
- b) The undercarriage of each manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority.
- c) All areas of a Manufactured Home Park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities, shall be landscaped to the satisfaction of the Development Authority.

10.6.6 **Landscaping**

- a) Notwithstanding Section 7.14, a 4.0 m (13.1 ft) strip along the perimeter of the manufactured home park shall be landscaped to the satisfaction of the Development Authority.

10.6.7 **Supplementary Regulations**

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.7 C1 – DOWNTOWN COMMERCIAL DISTRICT

10.7.1 General Purpose

To provide pedestrian-orientated commercial development that offers a wide variety of services appropriate for the Central Business District in a mixed use environment.

10.7.2 Uses

Permitted	Discretionary
Alcohol Retail Sales	Amusement Establishment, Indoor
Buildings and Uses Accessory to Permitted Uses	Automotive and Equipment Maintenance and Repair Shop
Business Support Services Establishment	Assisted Care Housing
Commercial Business Centre	Bed And Breakfast Establishment
Commercial Use	Buildings and Uses Accessory to Discretionary Uses
Eating and Drinking Establishment	Bus Depot
General Retail Establishment	Cannabis Retail Sales
Government Services	Caretaker/Security Residence
Library and Cultural Exhibit	Children’s Indoor Play Facility
Office Use	Commercial Business Centre
Personal Service Facility	Commercial Entertainment Facility
Professional, Financial, Office and Business Support Service	Commercial School
Protective And Emergency Services	Contractor Service, Limited
Public or Quasi-Public Building	Day Care Facility, Major
Public or Quasi-Public Use	Day Care Facility, Minor
Restaurant	Drinking Establishment
Retail, Convenience	Drive-In Food Service
Retail, General	Dwelling, Apartment
Solar Energy Collection System	Dwelling, Detached (Existing as of the Approval Date of this Bylaw)
Wind Energy Conversion System, Micro	Entertainment Establishment
	Essential Public Service
	Funeral Services
	Head Shop
	Health Service
	Hotel
	Household Repair Service
	Mixed Use Development

Permitted	Discretionary
	Parking Facility (Public or Private)
	Places Of Worship
	Private Club
	Public Utility
	Recreation, Indoor
	Recycling Depot
	Service Station
	Social Care Housing, Major
	Social Care Housing, Minor

10.7.3 Development Regulations and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.7.1.

Table 10.7.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Minimum parcel size	280.0 m2 (3,013.0 ft2)
	Minimum Parcel Width	
b)	Minimum parcel width per lot	9.0 m (29.5 ft)
	Minimum Yards	
c)	Front yard: No front yard setback is required except where the Development Authority may deem it necessary to conform to existing adjoining development.	0.0 m (0.0 ft)
d)	Rear yard	0.0 m (0.0 ft)
e)	Rear yard: except where loading, parking, and waste disposal requirements are required	6.0 m (19.7 ft)
f)	Rear yard: except abutting a residential district.	3.0 m (9.8 ft)
g)	Side yard	0.0 m (0.0 ft)
h)	Side yard: except where abutting a residential district	3.0 m (9.8 ft)
i)	Side yard: except where no rear lane exists.	6.0 m (19.7 ft)
	Maximum Site Coverage	
j)	Maximum site coverage: provided that provision has been made for parking, loading, storage, and waste disposal to the satisfaction of the Development Authority.	100%
	Maximum Height	

Subsection	Regulation	Measurement
k)	Maximum height	14.0 m (45.9 ft) or 4.0 storeys

10.7.4 Additional Regulations

- a) Dwelling units within mixed use developments shall:
 - i. Have an entrance that is separate and distinct from the entrance to any non-residential component of the building;
 - ii. Not be located below the second storey; and
 - iii. Not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority;
- b) Notwithstanding Section 7.16 and the maximum site coverage regulation of this District, assisted care facilities, commercial entertainment facilities, funeral services, hotels, mixed use developments incorporating residential dwelling units, and places of worship shall provide all parking on-site.
- c) Where possible a building(s) within a commercial business centre shall front directly onto the street with parking provided at the rear of the building or buildings.
- d) No outdoor/open storage or display of goods or other material shall be permitted, except for special occasions that occur on a temporary basis. Such occasions shall be subject to approval of the Development Authority.

10.7.5 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.8 C2 – GENERAL COMMERCIAL DISTRICT

10.8.1 General Purpose

To provide development that serves the travelling public and businesses that benefit from exposure to large volumes of vehicular traffic, and where limited outdoor storage is permitted.

10.8.2 Uses

Permitted	Discretionary
Amusement Establishment, Indoor	Alcohol Retail Sales
Animal Hospital	Amusement Establishment, Outdoor
Automotive and Equipment Maintenance and Repair Shop	Animal Breeding and/or Boarding Facility
Automotive Sales and Service Outlet	Auctioneering Establishment
Buildings and Uses Accessory to Permitted Uses	Automotive and Heavy Equipment Repair and Auto Body Shop
Business Support Services Establishment	Buildings and Uses Accessory to Discretionary Uses
Car Wash	Bulk Fuel Storage and Sales
Commercial Use	Cannabis Retail Sales
Commercial Entertainment Facility	Children’s Indoor Play Facility
Commercial School	Commercial Business Centre
Contractor Service, Limited	Commercial Storage
Drive-In Food Service	Crematorium
Drive-Through Vehicle Service	Day Care Facility, Major
Eating and Drinking Establishment	Drinking Establishment
Entertainment Establishment	Essential Public Service
Equipment Rental Establishment	Head Shop
Funeral Services	Indoor Recreation Facility
Gas Bar	Microbrewery
Government Services	Parking Facility (Public or Private)
Greenhouse	Pet Grooming Facility
Health Service	Shipping Container
Highway Commercial Use	Small Radio Communications Tower
Hotel	Suite, Surveillance
Household Repair Service	Trucking and Cartage Establishment
Library And Cultural Exhibit	Vehicle Repair Establishment
Motel	Veterinary Clinic
Municipal Service Facility	Warehouse
Office Use	Wind Energy Conversion System, Micro
Personal Service Facility	

Permitted	Discretionary
Professional, Financial, Office and Business Support Service	
Public or Quasi-Public Building	
Recreation, Indoor	
Recycling Depot	
Restaurant	
Retail, Convenience	
Retail, General	
Service Station	
Solar Energy Collection System	

10.8.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.8.1.

Table 10.8.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Minimum parcel size	0.2 ha (0.5 ac)
	Minimum Yards	
b)	Front yard:	6.0 m (19.7 ft)
c)	Rear yard	7.0 m (19.7 ft)
d)	Side yard	6.0 m (19.7 ft)
	Maximum Floor Area Ratio	
e)	Maximum floor area ratio	2.0
	Maximum Height	
f)	Maximum height	14.0 m (45.9 ft)

10.8.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.9 C3 – MIXED USE DISTRICT

10.9.1 General Purpose

To provide development that integrates street-oriented commercial, and business uses with potential residential uses on upper floors. This district is not intended for large format commercial development.

10.9.2 Uses

Permitted	Discretionary
Alcohol Retail Sales	Buildings and Uses Accessory to Discretionary Uses
Animal Grooming Facility	Cannabis Retail Sales
Buildings and Uses Accessory to Permitted Uses	Drive-In Food Service
Business Support Services Establishment	Drive-Through Food Service
Children’s Indoor Play Facility	Essential Public Service
Day Care Facility, Major	Health Service
Dwelling, Duplex	Retail, General
Dwelling, Row Housing	Show Home
Eating and Drinking Establishment	Small Radio Communication Tower
Government Services	
Home Occupation, Major	
Home Occupation, Minor	
Household Repair Service	
Library And Cultural Exhibit	
Mixed Use Development	
Municipal Service Facility	
Neighbourhood Commercial Development	
Office Use	
Personal Service Facility	
Professional, Financial, Office and Business Support Services	
Public or Quasi-Public Building	
Public or Quasi-Public Use	
Restaurant	
Retail, Convenience	
Solar Energy Collection System	
Suite, In-Law	
Suite, Secondary	

10.9.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.9.1.

Table 10.9.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Minimum parcel size	At the discretion of the Development Authority
	Minimum Yards	
b)	Front yard:	3.0 m (9.8 ft)
c)	Rear yard	3.0 m (9.8 ft)
d)	Side yard	3.0 m (9.8 ft)
	Maximum Height	
e)	Maximum height	14.0 m (45.9 ft)

10.9.4 Additional Regulations

- a) Commercial and Residential Uses may occur in the same building.
- b) Dwellings shall have access to grade which is separate from the access of the Commercial Use.
- c) Dwellings shall not be located on the same floor as a Commercial Use.
- d) No outdoor storage is permitted.
- e) Parking associated with a dwelling shall be located on the same parcel as the dwelling.
- f) Parking reserved and marked for employees shall be located on the same parcel, to the satisfaction of the Development Authority.
- g) Onsite parking associated with Commercial uses shall be maximized where possible, to the satisfaction of the Development Authority.
- h) All development must have a strong pedestrian orientation, to provide both site circulation and to provide access to and from the site.

10.9.5 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.10 BST – BUSINESS SERVICE TRANSITION DISTRICT

10.10.1 General Purpose

To permit commercial and light industrial business uses that do not create a nuisance which extends beyond the lot on which it occurs.

10.10.2 Uses

Permitted	Discretionary
Amusement Establishment, Indoor	Alcohol Retail Sales
Animal Hospital	Amusement Establishment, Outdoor
Automotive and Equipment Maintenance and Repair Shop	Animal Breeding and/or Boarding Facility
Automotive Sales and Service Outlet	Auctioneering Establishment
Buildings and Uses Accessory to Permitted Uses	Automotive and Heavy Equipment Repair and Auto Body Shop
Business Support Services Establishment	Buildings and Uses Accessory to Discretionary Uses
Car Wash	Bulk Fuel Storage and Sales
Commercial Entertainment Facility	Cannabis Retail Sales
Commercial School	Day Care Facility, Major
Commercial Storage	Day Care Facility, Minor
Commercial Use	Children’s Indoor Play Facility
Contractor Service, Limited	Commercial Business Centre
Drive-In Food Service	Contractor Service, General
Drive-Through Vehicle Service	Crematorium
Eating and Drinking Establishment	Drinking Establishment
Entertainment Establishment	Equipment Rental Establishment
Gas Bar	Essential Public Service
Government Services	Head Shop
Greenhouse	Indoor Recreation Facility
Health Service	Industrial Use, Light
Highway Commercial Use	Microbrewery
Household Repair Service	Parking Facility (Public or Private)
Municipal Service Facility	Pet Grooming Facility
Office Use	Shipping Container
Professional, Financial, Office and Business Support Service	Small Radio Communications Tower
Public or Quasi-Public Building	Suite, Surveillance
Public or Quasi-Public Use	Trucking and Cartage Establishment
Protective and Emergency Services	Vehicle Repair Establishment

Permitted	Discretionary
Recreation, Indoor	Veterinary Clinic
Recycling Depot	Wind Energy Conversion System, Small
Restaurant	
Retail, Convenience	
Retail, General	
Service Station	
Solar Energy Collection System	
Wind Energy Conversion System, Micro	
Warehouse	

10.10.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.10.1.

Table 10.10.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Size	
a)	Minimum parcel size	30.0 m (98.4 ft)
	Minimum Yards	
b)	Front yard	6.0 m (19.7 ft)
c)	Rear yard	3.0 m (9.8 ft)
d)	Rear yard: except where abutting a residential district or a public road right-of-way (not including a lane) or railway right-of-way	6.0 m (19.7 ft)
e)	Side yard	3.0 m (9.8 ft)
f)	Side yard: except where abutting a residential district or a public road right-of-way (not including a lane) or railway right-of-way	6.0 m (19.7 ft)
	Maximum Floor Area Ratio	
g)	Maximum floor area ratio	1.0
	Maximum Height	
h)	Maximum height	14.0 m (45.9 ft)

10.10.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.11 M1 – INDUSTRIAL DISTRICT

10.11.1 General Purpose

To provide an area for light and medium industrial uses that may require a large area of land to conduct their operations, which are likely to generate a nuisance.

10.11.2 Uses

Permitted	Discretionary
Agriculture, Extensive	Airport
Animal Breeding and/or Boarding Facility	Agricultural Industry
Animal Hospital	Automotive Wrecker
Auctioneering Establishment	Buildings and Uses Accessory to Discretionary Uses
Automotive and Equipment Maintenance Repair Shop	Cannabis Production and Distribution Facility
Automotive and Heavy Equipment Repair and Auto Body Shop	Children’s Indoor Play Facility
Automotive Sales and Service Outlet	Contractor Service, General
Buildings and Uses Accessory to Permitted Uses	Crematorium
Bulk Fuel Storage and Sales	Day Care Facility, Major
Bus Depot	Day Care Facility, Minor
Business Support Services Establishment	Equipment Rental Establishment
Car Wash	Essential Public Service
Commercial Storage	Heavy Vehicle Wash
Commercial Use	Industrial and Commercial Service Support
Contractor Service, Limited	Industrial Vehicle And Equipment Sales/Rentals Establishment
Drive-Through Vehicle Service	Industrial Use, Medium
Eating and Drinking Establishment	Manufacturing/Processing Facility
Essential Public Service	Microbrewery
Gas Bar	Oilfield Support
Government Services	Parking Facility (Public or Private)
Greenhouse	Pet Grooming Facility
Heavy Truck and Equipment Storage	Recreational Vehicle Storage
Highway Commercial Use	Shipping Container
Household Repair Service	Small Radio Communication Tower
Industrial Use, Light	Suite, Surveillance
Municipal Service Facility	Vehicle Repair Establishment
Office Use	Veterinary Clinic

Permitted	Discretionary
Outdoor Storage Facility	Wind Energy Conversion System, Small
Parking Facility	
Professional, Financial, Office and Business Support Service	
Protective and Emergency Services	
Public or Quasi-Public Building	
Public or Quasi-Public Use	
Recycling Depot	
Retail, Convenience	
Service Station	
Shop	
Solar Energy Collection System	
Trucking and Cartage Establishment	
Wind Energy Conversion System, Micro	
Warehouse	
Warehouse Sales Establishment	

10.11.3 Development Regulations

- a) Development and subdivision must comply with Table 10.11.1.

Table 10.11.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Area	
a)	Minimum parcel area	0.2 ha (0.5 ac)
	Minimum Parcel Width	
b)	Minimum parcel width	30.0 m (98.4 ft)
	Minimum Yards	
c)	Front yard	6.0 m (19.7 ft)
d)	Rear yard	6.0 m (19.7 ft)
e)	Side yard	6.0 m (19.7 ft)
	Maximum Height	
f)	Maximum Height	18.0 m (59.0 ft)
	All Other Regulations	
g)	All other regulations shall be at the discretion of the Development Authority	

10.11.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.12 P – PARKS AND RECREATION DISTRICT

10.12.1 General Purpose

To provide an area for public leisure, recreation, and enjoyment.

10.12.2 Uses

Permitted	Discretionary
Buildings and Uses Accessory to Permitted Uses	Buildings and Uses Accessory to Discretionary Uses
Municipal Service Facility	Campground
Natural Environmental Preserve	Community Service Facility
Public or Quasi-Public Buildings	Essential Public Service
Public or Quasi-Public Uses	Exhibition Grounds
Public Park	Golf Course
Public Utility	Recreation, Indoor
	Recreation, Outdoor
	Surveillance Suite

10.12.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.12.1.

Table 10.12.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Width	
a)	Minimum parcel width	At the discretion of the Development Authority
	Minimum Yards	
b)	Front yard	7.0 m (23.0 ft)
c)	Rear yard	7.0 m (23.0 ft)
d)	Side yard	4.5 m (14.8 ft)
	Maximum Height	
e)	Maximum height	14.0 m (45.9 ft)
	All Other Regulations	
f)	All other regulations shall be at the discretion of the Development Authority	

10.12.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.13 IPS – INSTITUTIONAL AND PUBLIC SERVICE DISTRICT

10.13.1 General Purpose

To permit development of uses which provide a variety of community services to the Town.

10.13.2 Uses

Permitted	Discretionary
Assisted Care Housing	Amusement Establishment, Indoor
Buildings and Uses Accessory to Permitted Uses	Amusement Establishment, Outdoor
Community Service Facility	Buildings and Uses Accessory to Discretionary Uses
Government Services	Campground
Places of Worship	Cemetery
Protective and Emergency Services	Day Care Facility, Major
Public Park	Day Care Facility, Minor
Public or Quasi-Public Buildings	Essential Public Service
Public or Quasi-Public Uses	Exhibition Grounds
Municipal Service Facility	Golf Course
Public Education Facility	Hospital
Public Utility	Outdoor Storage Facility
	Recreation, Indoor
	Recreation, Outdoor
	Restaurant, limited to restaurant uses located at the following location legally described as Section 33 Township Road 55, Range Road 20 West 4

10.13.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.13.1.

Table 10.13.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Parcel Width	
a)	Minimum parcel width	30.0 m (98.4 ft)
	Minimum Yards	
b)	Front yard	6.0 m (19.7 ft)

Subsection	Regulation	Measurement
c)	Rear yard	7.0 m (23.0 ft)
d)	Side yard	3.0 m (9.8 ft)
e)	Side yard: except where abutting a residential district or a public road right-of-way (not including a lane) or railway right-of-way.	4.5 m (14.8 ft)
	Maximum Height	
f)	Maximum height	14.0 m (45.9 ft)
	All Other Regulations	
g)	All other regulations shall be at the discretion of the Development Authority	

10.13.4 Additional Development Regulations for Permitted and Discretionary Uses

- a) Restaurant uses shall be limited to the location legally described as: Section 33, Township Road 55, Range Road 20, West 4.

10.13.5 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.14 U – UTILITIES DISTRICT

10.14.1 General Purpose

To provide for public and private utilities necessary to serve the Town and the surrounding area.

10.14.2 Uses

Permitted	Discretionary
Buildings And Uses Accessory to Permitted Uses	Buildings And Uses Accessory to Discretionary Uses
Municipal Service Facility	Essential Public Service
Public And Quasi-Public Buildings	Outdoor Storage Facility
Public And Quasi-Public Uses	
Public Park	
Public Utility	

10.14.3 Development and Subdivision Regulations

- a) Development and subdivision must comply with Table 10.14.1.

Table 10.14.1: Development and Subdivision Regulations

Subsection	Regulation	Measurement
	Minimum Yards	
a)	Front yard	6.0 m (19.7 ft)
b)	Rear yard	7.0 m (23.0 ft)
c)	Side yard	6.0 m (19.7 ft)
	Maximum Height	
d)	Maximum height	10.0 m (32.8 ft)
	All Other Regulations	
e)	All other regulations shall be at the discretion of the Development Authority	

10.14.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.15 UR – URBAN RESERVE DISTRICT

10.15.1 General Purpose

The purpose of this district is to restrict subdivision and development until such time as the lands can be planned for and developed for urban uses in an orderly and efficient fashion.

10.15.2 Uses

Permitted	Discretionary
Agriculture, Extensive	Agriculture, Intensive
Building and Uses Accessory to Permitted Uses	Building and Uses Accessory to Discretionary Uses
	Day Home
	Detached Dwelling, Existing at the Time of Adoption of This Bylaw
	Home Occupation, Major
	Home Occupation, Minor

10.15.3 Development Regulations

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

10.15.4 Supplementary Regulations

- a) All uses shall also comply with the requirements of Sections 7 through 9 of this Bylaw.

10.16 DC – DIRECT CONTROL DISTRICT

10.16.1 General Purpose

To provide for the development of land uses under individually unique or special circumstances requiring site-specific controls where the application of conventional land use districts would be inappropriate or inadequate. This district is not intended to be a substitution for any other land use district in this Bylaw that could be used to achieve the same result.

10.16.2 Uses

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

10.16.3 Direct Control District Regulations

- a) In approving this District, Council shall specify those regulations, in addition to the regulations within Section 7 through Section 10 of this Bylaw, which shall apply to uses in the district.
- b) Each new Direct Control District shall be identified by DC after it is adopted by bylaw by Council.
- c) A development permit shall only be issued for the uses prescribed in the Direct Control District applicable to the site.

10.16.4 Administrative Provisions

- a) This District shall only be applied where the following conditions are met:
 - i. The development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and surrounding area and its compatibility with the scale and character of surrounding development;
 - ii. The use of any other District on the site would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of uses in the District be realized; and
 - iii. The development is of a unique form or nature not contemplated or reasonably regulated by another District.
- b) In addition to the information required in Section 5 of this Bylaw for an amendment application, the applicant shall also provide the following:
 - i. Support rationale explaining why the proposed District is desirable for the site having regard for the conditions listed in 10.16.4.a) above;
 - ii. A list of uses proposed for the site;

- iii. An explanation of the methods used to obtain public input and written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to those concerns;
 - iv. Plans and elevations that would help substantiate the need for the District and establish the development standards that would apply to the site; and
 - v. Any other information as required by the Development Authority to evaluate the proposed development and its potential impacts.
- c) In approving a bylaw for a Direct Control District for a particular site, Council may specify:
- i. The Development Authority for those uses to be decided upon; and
 - ii. Those development standards for which a variance may be granted.

10.16.5 Sites Subject to Direct Control

- a) The allowable uses and specific regulations for a particular site subject to Direct Control are described in the applicable bylaw (listed below, if any).

11 DEFINITIONS

11.1 DEFINITIONS

For the purposes of this Bylaw:

- 11.1.1 **“ABUT or ABUTTING”** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it.
- 11.1.2 **“ACCESSORY BUILDING”** means a building separate and subordinate to the main building and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, hobby greenhouse, sundeck, patio, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings.
- 11.1.3 **“ACCESSORY USE”** means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building.
- 11.1.4 **“ACT”** means the Municipal Government Act, R.S.A. 2000, c M-26, as amended.
- 11.1.5 **“ADJACENT LAND”** means land that is contiguous to a particular parcel of land and includes:
- a) land that would be contiguous if not for a highway, road, river or stream; and
 - b) Any other land identified in this Bylaw as adjacent for the purpose of this Bylaw; (see Figure 1).
- 11.1.6 **“ADULT ENTERTAINMENT ESTABLISHMENT”** means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, adult mini-theatres, exotic dancing, lap dancing, topless or bottomless waiters or waitresses and nude mud wrestling. Adult entertainment establishment shall only be permitted as an accessory use to a drinking establishment.

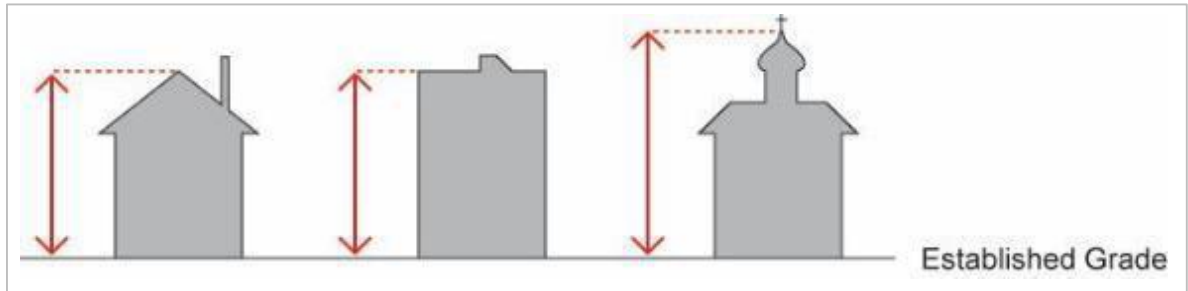
- 11.1.7 “**ADULT USE**” means any of the following: Adult Bookstore, Adult Motion Picture Theatre, Adult Paraphernalia Store, Adult Video Store, and Adult Entertainment Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition, an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment’s inventory stock; or twenty-five percent (25%) of the subject premises’ gross floor area, or 18.6 m² (200.0 ft²), whichever is greater, devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.
- 11.1.8 “**AIRPORT**” means any area of land or water, including the frozen surfaces thereof, or other supporting surfaced used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft, and includes any building, installation or equipment in connection therewith.
- 11.1.9 “**AGRICULTURAL INDUSTRY**” means an industrial activity involving the processing, cleaning placing or storage of agricultural products. Agricultural industry includes but is not restricted to seed cleaning and/or or processing plants, cannabis production and distribution facilities, industrial hemp production and distribution facilities, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs.
- 11.1.10 “**AGRICULTURAL OPERATION**” means an agricultural activity, (other than a confined feeding operation), conducted on agricultural land for gain or reward and includes:
- a) The cultivation of land;
 - b) The raising of livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act and poultry;
 - c) The raising of fur-bearing animals, pheasants or fish;
 - d) The production of agricultural field crops;
 - e) The production of fruit, vegetables, sod, trees, shrubs, cannabis, industrial hemp, and other specialty horticultural crops;
 - f) The production of eggs and milk;
 - g) The production of honey;
 - h) The operation of agricultural machinery and equipment, including irrigation pumps;
 - i) The application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying for agricultural purposes;
 - j) The collection, transportation, storage, application, use, transfer and disposal of manure; and
 - k) The abandonment and reclamation of confined feeding operations and manure storage facilities.

- 11.1.11 **“AGRICULTURE, EXTENSIVE”** means the use of land or buildings, including the first dwelling or manufactured home, for an agricultural operation which requires large tracts of land (usually in the order of 32.4 ha (80.0 ac or more). This use may include the outdoor cultivation of industrial hemp, but does not include intensive agriculture, cannabis production and distribution facilities, industrial hemp production and distribution facilities, or confined feeding operations;
- 11.1.12 **“AGRICULTURE, INTENSIVE”** means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, silviculture and sod farms, but does not include confined feeding operations, a cannabis production and distribution facilities, or industrial hemp production and distribution facilities.
- 11.1.13 **“ALCOHOL RETAIL SALES”** means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods. This does not include cannabis retail sales establishments
- 11.1.14 **“AMENITY AREA”** means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership. Amenity areas may include landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways.
- 11.1.15 **“AMENITY AREA, COMMUNAL”** means an amenity area which shall be provided in accordance with the regulations in this Bylaw, but which must be developed for the active or passive recreation and enjoyment of all occupants of a building. Such area must be for communal use and accessible by all occupants of a building it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways’
- 11.1.16 **“AMENITY AREA, PRIVATE OUTDOOR”** means an amenity area which shall be provided in accordance with the regulations in this Bylaw, but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit, and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles or access driveways.
- 11.1.17 **“AMUSEMENT ESTABLISHMENT, INDOOR”** means a development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys but does not include a cannabis lounge.

- 11.1.18 **“AMUSEMENT ESTABLISHMENT, OUTDOOR”** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses.
- 11.1.19 **“ANIMAL BREEDING AND/OR BOARDING FACILITY”** means an establishment for the keeping, breeding, housing, exercising, training, and/or raising of three (3) or more animals over six months in age, that are not livestock for profit or gain but shall not apply to the keeping of animals in a veterinary clinic for the purpose of observation and/or recovery necessary to veterinary treatment.
- 11.1.20 **“ANIMAL HOSPITAL”** means a building used by veterinarians primarily for the purposes of the consultation, diagnosis and office treatment of household pets, but shall not include long-term board facilities for animals nor kennels.
- 11.1.21 **“APARTMENT”** see **“DWELLING, APARTMENT”**.
- 11.1.22 **“AREA STRUCTURE PLAN”** means a plan adopted by Council as an Area Structure Plan pursuant to the Municipal Government Act.
- 11.1.23 **“ASSISTED CARE HOUSING”** means a residential multi-unit building designed to provide long term housing wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may also receive such services as housekeeping and personal care assistance. Typical uses include seniors’ lodges and nursing homes.
- 11.1.24 **“AUCTIONEERING ESTABLISHMENT”** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment, excluding animals/livestock. Auctioneering establishments do not include flea markets.
- 11.1.25 **“AUTOMOTIVE AND EQUIPMENT MAINTENANCE AND REPAIR SHOP”** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment maintenance and repair shops include transmission shops, muffler shops, tire shops, paint shops, automotive glass shops, and upholstery shops. This does not include automotive and heavy equipment supply, repair and body shop or automotive wreckers.
- 11.1.26 **“AUTOMOTIVE AND HEAVY EQUIPMENT SUPPLY, REPAIR AND BODY SHOP”** means a facility used for servicing and mechanical repair of commercial motor vehicles and heavy equipment such as tractor and tractor-trailer units, large recreation vehicles, motor homes, front-end loaders, backhoes and dump-trucks. It also includes the repair or noncommercial and commercial motor vehicle bodies. It does not include automotive wreckers.

- 11.1.27 “**AUTOMOTIVE SALES AND SERVICE OUTLET**” means a facility providing for the sale, rental, service and repair of commercial and non-commercial motor vehicles including, but not limited to, cars, trucks, farm and heavy equipment, recreation vehicles, boats, snowmobiles or similar light recreation vehicles.
- 11.1.28 “**AUTOMOTIVE WRECKER**” means a parcel used for storing, junking, dismantling or wrecking three or more motor vehicles and parts thereof and may include subsequent sales of such parts.
- 11.1.29 “**BARELAND CONDOMINIUM**” means a condominium development containing Bareland Condominium Units, created specifically through subdivision and registered as a condominium plan in accordance with the Condominium Property Act, RSA 2000, c. 22.
- 11.1.30 “**BARE LAND CONDOMINIUM UNIT**” means a bare land unit as defined in the Condominium Property Act, RSA 2000, c. 22.
- 11.1.31 “**BASEMENT**” means the portion of a development which is wholly or partially below grade, the ceiling of which is not more than 1.83 m (6.0 ft) above grade.
- 11.1.32 “**BED AND BREAKFAST ESTABLISHMENT**” means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public. A bed and breakfast establishment shall not include a boarding house.
- 11.1.33 “**BERM**” means a landscaped earthen mound that is utilized to attenuate the noise and visual effects of adjacent land uses and/or direct ground water flows as part of an engineered storm water management system.
- 11.1.34 “**BOARDING/LODGING HOUSE**” means a building or portion thereof where meals are served for a remuneration involving no more than four (4) persons, exclusive of the occupant and immediate family. For the purposes of this Bylaw, boarding houses shall not include an eating or drinking establishment, a drive-in restaurant, a refreshment stand, or other similar use.
- 11.1.35 “**BUFFER**” means berms, fencing and planting for the purpose of screening noise, views, dust, sprays and uses between properties where off-site impacts may occur.
- 11.1.36 “**BUILDING**” includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.
- 11.1.37 “**BUILDING AREA**” means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centerline of fire walls.
- 11.1.38 “**BUILDING HEIGHT**” means the vertical distance between the building grade and the highest point of a building, excluding a stairway entrance, an elevator housing, a mechanical skylight, ventilating fan, chimney, steeple, fire wall, parapet wall, flagpole or similar device not structurally essential to the building (see Figure 8).

Figure 8: Building Height



- 11.1.39 **“BUILDING PERMIT”** means a permit authorizing construction and issued under the Safety Codes Act.
- 11.1.40 **“BULK FUEL STORAGE AND SALES”** means lands, buildings and structures for the storage and distribution of fuels and oils including retail sales and key lock operations.
- 11.1.41 **“BUS DEPOT”** means a facility providing for the arrival and departure of passengers and freight carried by bus or other similar passenger vehicles.
- 11.1.42 **“BUSINESS SUPPORT SERVICES ESTABLISHMENT”** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments.
- 11.1.43 **“CABIN”** means a one-room structure (not including a washroom, bathroom, or toilet) intended for short term occupancy, often rented for short period of time to the traveling or vacationing public.
- 11.1.44 **“CAMPGROUND”** means an area which has been planned and improved to be used and maintained for a seasonal short-term period (where the maximum occupancy shall not exceed 240 days in one year, for campers located in tents, tent trailers, holiday trailers, campers, motor homes and similar recreation vehicles within a defined area.
- 11.1.45 **“CAMP SITE”** means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin.
- 11.1.46 **“CANNABIS”** mean cannabis as defined in the Cannabis Act, S.C. 2018, c. 16, as amended or replaced.
- a) Cannabis includes:

- i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant; or
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
 - b) Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf, flower, seed or branch, of such a plant;
 - iii. fibre derived from a stalk referred to in subsection 11.1.47.b.ii;
 - iv. the root or any part of the root of such a plant;
 - v. a derivative made by processing parts of such a plant referred to in subsections 11.1.47.b.i, 11.1.47.b.iii, or 11.1.47.b. iv, or a product made from that derivative; or
 - vi. a derivative made by processing a stalk referred to in subsection 11.1.47.b.ii, or a product made from that derivative, that does not contain an isolated or concentrated phytocannabinoids.
- 11.1.47 “**CANNABIS ACCESSORY**” means a thing that is commonly used in the consumption or production of cannabis. Cannabis accessories include, but are not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers.
- 11.1.48 “**CANNABIS, LOUNGE**” means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution facilities.
- 11.1.49 “**CANNABIS, MEDICAL**” means cannabis that is obtained for medical purposes in accordance with applicable law.
- 11.1.50 “**CANNABIS PRODUCTION AND DISTRIBUTION FACILITY**” means a development used principally for one or more of the following activities relating to cannabis:
- a) the production, cultivation, and growth of cannabis;
 - b) the processing of raw materials;
 - c) the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
 - d) the storage or shipping of materials, goods, or products, or:
 - e) the distribution and sales of materials, goods, and products to cannabis retail sales stores or to individual customers.

- 11.1.51 **“CANNABIS RETAIL SALES”** means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. The Use may include retail sales of cannabis of cannabis accessories, as defined in the Cannabis Act S.C. 2018, c. 16 as amended or replaced. This use does not include cannabis production and distribution facilities.
- 11.1.52 **“CARETAKER/SECURITY RESIDENCE”** means a dwelling unit on a parcel of land which is incidental and contained within a main building, or one manufactured home which is incidental to the main use, provided that the dwelling unit is specifically used in conjunction with the protection of private property.
- 11.1.53 **“CARPORT”** means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed.
- 11.1.54 **“CAR WASH”** means a facility used for the cleaning of motor vehicles, such as passenger cars, trucks and motorcycles. A heavy vehicle wash is a separate use.
- 11.1.55 **“CEMETERY”** means development of land for the interment or entombment of the deceased, and may include, at the discretion of the Development Authority, crematoriums, burial grounds, mausoleums, gardens of remembrance and memorial parks or a religious assembly, and one attached or separate manse.
- 11.1.56 **“CHILDREN’S INDOOR PLAY FACILITY”** means a commercial indoor recreation and play area not exceeding, 370 m² (3,982.65 ft²), designed for children, which provides supervised indoor play and creation opportunities and may include: soft play areas, toddler areas, climbing stations, trampoline areas, slides, biking or scootering areas, obstacles courses, crafting areas and/or children’s party rooms.
- 11.1.57 **“CO-LOCATION”** means locating on a site and tower with other Wireless Communications Operators.
- 11.1.58 **“COMMERCIAL BUSINESS CENTRE”** means any group of commercial establishments planned, constructed and managed by a single or group of owners or tenants, either in a mall-type setting, where individual businesses front onto a pedestrian walkway within one building, or on a common site. Commercial business centres may have common site access/accesses and a common parking area(s) for customers and staff.

- 11.1.59 “**COMMERCIAL ENTERTAINMENT FACILITY**” means a privately owned indoor facility or development operated for financial gain in which the public participates in and/or views an activity for entertainment/social purposes. Commercial Entertainment Facilities may offer food and beverages for sale to the patrons and may be licensed by the Province of Alberta for the on-site consumption of alcohol. Without limiting the generality of the foregoing, they may include facilities for display of motion pictures, live theatres, dinner theatres, dancing and cabaret entertainment, amusement arcades with mechanical and/or electronic games, billiard or pool halls. This use does not include adult entertainment establishments, drinking establishments, cannabis lounges, or recreation indoor uses.
- 11.1.60 “**COMMERCIAL SCHOOL**” means a facility for instruction and education which is not maintained at public expense, and which may or may not offer courses equivalent to those offered at publicly supported education facilities.
- 11.1.61 “**COMMERCIAL STORAGE**” means a self-contained building or group of buildings containing units available for rent for the storage of goods and materials.
- 11.1.62 “**COMMERCIAL USE**” means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, drive-in businesses, drive-in restaurants, eating and drinking establishments, entertainment establishments, general retail stores, greenhouses, health services, highway commercial uses, hotels, office uses, personal service shops, recreation camps, and resorts, but shall not include cannabis retail sales or cannabis lounges.
- 11.1.63 “**COMMUNICATION TOWER/ANTENNA**” means a structure designed for the purpose of receiving and transmitting communication signals.
- 11.1.64 “**COMMUNITY SERVICE FACILITY**” means a building used by the public for cultural or community activities or for the provision of community services. Such uses include, but are not limited to, museums, libraries, community halls, YMCAs, tourist information/interpretive centres, and multi-purpose facilities.
- 11.1.65 “**CONFINED FEEDING OPERATION**” means a confined feeding operation as defined in the Agricultural Operation Practices Act.
- 11.1.66 “**CONTRACTOR SERVICE, LIMITED**” means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be stored and sold, where all materials are kept within an enclosed building, and where there are no accessory manufacturing activities or parking or storage of more than four (4) vehicles.

- 11.1.67 “**CONTRACTOR SERVICE, GENERAL**” means a development where building, concrete, landscaping, electrical, excavation, drilling, heating, plumbing, paving, road, oil field, pipeline, or similar services of a construction or services nature are provided, which have on-site storage of materials, construction equipment, or vehicles normally associated with the contractor service, and which is not a limited contractor service. Any sales, display, office or technical support service areas shall be accessory to the main use only.
- 11.1.68 “**CORNER LOT**” see “**LOT, CORNER**”.
- 11.1.69 “**COUNCIL**” means the Council of Town of Bruderheim.
- 11.1.70 “**COVERAGE**” means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot.
- 11.1.71 “**CREMATORIUM**” means an establishment with one or more cremation chambers used only for the reduction of the human body to ashes by heat and where funeral services will not be permitted to be conducted.
- 11.1.72 “**DANGEROUS OR HAZARDOUS GOODS**” means a product, substance or organism listed in the Dangerous Goods Transportation and Handling Act.
- 11.1.73 “**DATE OF ISSUE**” means the date on which the notice of a decision of the Development Authority is published, or five (5) working days after such a notice is mailed.
- 11.1.74 “**DAY CARE FACILITY, MAJOR**” means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage but does not include overnight accommodation. Day care facilities include day care centres, day nurseries, kindergartens, nursery school, play schools and after-school or baby-sitting programs which satisfy this definition. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division.
- 11.1.75 “**DAY CARE FACILITY, MINOR**” means a provincially licensed development providing daytime personal care, maintenance and supervision to six (6) or less children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage but does not include overnight accommodation. Day care facilities include day care centres, day nurseries, kindergartens, nursery school, play schools and after-school or baby-sitting programs which satisfy this definition. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division.
- 11.1.76 “**DAY HOME**” means a provincially licensed childcare facility operated from a dwelling supplying supervision to a maximum of six (6) children under the age of eleven (11) years or senior citizens, including any resident children and seniors, for periods of more than three (3) but no more than fourteen (14) consecutive hours. A day home may supply an outside recreation space that is both fenced and gated and shall meet all fire regulations and health regulations.

- 11.1.77 **“DECK”** means any open structure attached to a building having a height greater than 0.6 m (2.0 ft) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft) or a roof.
- 11.1.78 **“DENSITY”** means a measure of the average number of persons or dwelling units per unit of area.
- 11.1.79 **“DETACHED DWELLING”** see **“DWELLING, DETACHED”**
- 11.1.80 **“DEVELOPER”** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.
- 11.1.81 **“DEVELOPMENT”** means
- a) an excavation or stockpile and the creation of either of them, or
 - b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
 - e) and without restricting the generality of the foregoing, includes:
 - i. in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
 - ii. in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
 - iii. the display of advertisements or signs on the exterior of a building or on any land,
 - iv. the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
 - v. any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site,
 - vi. the placing of refuse or waste material on any land,

- vii. the use of land for the storage or repair of motor vehicles or other machinery or equipment,
- viii. the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,
- ix. the demolition or removal of a building,
- x. the placement of an already constructed or a partially constructed building on a parcel of land,
- xi. the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way,
- xii. the removal of topsoil from land,
- xiii. the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months, or
- xiv. the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery.

11.1.82 **“DEVELOPMENT AUTHORITY”** means the development authority of the Town as established within this Land Use Bylaw.

11.1.83 **“DEVELOPMENT OFFICER”** means an official of the Town of Bruderheim appointed, according to the procedures authorized by Town Council, to act as a development authority according to the Municipal Government Act.

11.1.84 **“DEVELOPMENT PERMIT”** means a document authorizing a development issued pursuant to this Land Use Bylaw.

11.1.85 **“DETACHED DWELLING”** see **“DWELLING, DETACHED”**.

11.1.86 **“DISCONTINUED”** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased.

11.1.87 **“DISCRETIONARY USE”** means the use of land, or a building provided for in this Land Use Bylaw for which a development permit may be issued upon an application having been made.

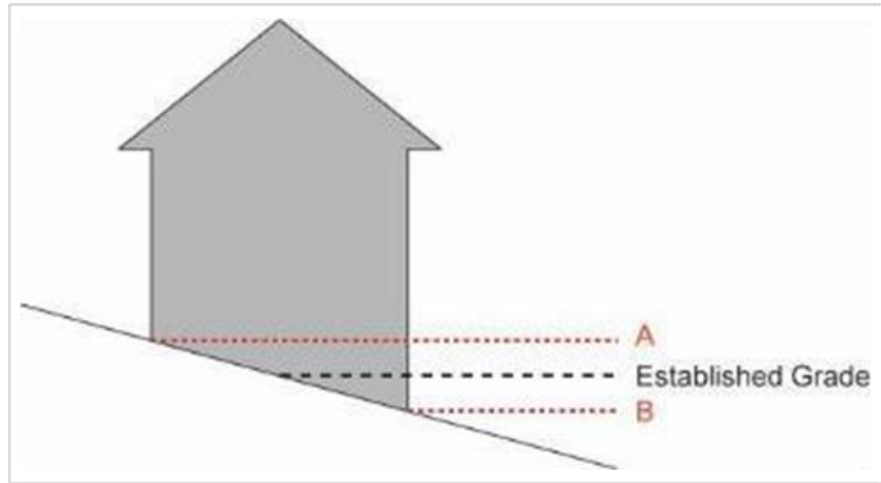
11.1.88 **“DISTRICT”** means Land Use District.

11.1.89 **“DOMESTIC PETS”** means animals which are not livestock as defined in the Agricultural Operation Practices Act and which are often kept within a dwelling unit. Such animals include dogs, cats, and similar animals.

- 11.1.90 **“DRINKING ESTABLISHMENT”** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on-site are open to the public and where alcohol, rather than food, is the predominant item consumed. A drinking establishment does not include an entertainment establishment or a cannabis lounge.
- 11.1.91 **“DRIVE-IN FOOD SERVICE”** means a restaurant or part of a restaurant which offers a limited menu produced in a manner that allows rapid customer service and includes, but is not limited to, drive-through food and drink pick-up services, or parking primarily intended for the on-site consumption of food within a vehicle and may be served by a car attendant.
- 11.1.92 **“DRIVE-THROUGH VEHICLE SERVICE”** means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes, but does not include bulk fuel storage and sales establishments.
- 11.1.93 **“DRIVEWAY”** means a portion of land that is designated for and capable of providing space for parking a vehicle(s).
- 11.1.94 **“DUPLEX”** see **“DWELLING, DUPLEX”**.
- 11.1.95 **“DWELLING”** means any building used exclusively for human habitation. This definition shall include single detached dwellings, duplexes, row housing, apartments, and manufactured homes.
- 11.1.96 **“DWELLING, APARTMENT”** means a residential building consisting of at least three dwelling units but shall not include buildings containing units with individual separate exterior entrances.
- 11.1.97 **“DWELLING, DUPLEX”** means two (2) dwelling units joined side by side or one above the other by a common wall with each dwelling unit having a separate exterior entrance.
- 11.1.98 **“DWELLING, FOURPLEX”** means an arrangement of four attached dwelling units, other than row housing, intended to be occupied by separate households with separate exterior access to grade
- 11.1.99 **“DWELLING, ROW HOUSING”** means a building consisting of at least three dwelling units with each unit having direct access to the outside grade but shall not mean apartment.
- 11.1.100 **“DWELLING, DETACHED”** means a building normally consisting of one (1) dwelling unit that is physically separate from any other residential building and does not include manufactured homes. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site and thus may be a modular dwelling.

- 11.1.101 **“DWELLING UNIT”** means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit.
- 11.1.102 **“EASEMENT”** means a right to use land, generally for access to other property, or as a right of way for a public utility.
- 11.1.103 **“EATING AND DRINKING ESTABLISHMENT”** means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site. An eating and drinking establishment does not include: a cannabis lounge, drinking establishment, or an entertainment establishment unless otherwise provided for in an approved development permit.
- 11.1.104 **“ENCROACHMENT AGREEMENT”** means an agreement under which a municipality permits an intrusion onto public property that is under the direction, control and management of the municipality or improvements made on land that is adjoining that public property.
- 11.1.105 **“ENTERTAINMENT ESTABLISHMENT”** means a development where persons are entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it a drinking establishment, but only if specifically provided for in an approved development permit.
- 11.1.106 **“EQUIPMENT RENTAL ESTABLISHMENT”** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced.
- 11.1.107 **“ESSENTIAL PUBLIC SERVICE”** means a development that is necessary for the continued health, safety or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations and similar facilities.
- 11.1.108 **“ESTABLISHED GRADE”** means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment (see Figure 9).

Figure 9: Established Grade



- 11.1.109 **“EXCAVATION”** means any breaking of ground, except common household gardening and ground care.
- 11.1.110 **“EXHIBITION GROUNDS”** means a development where entirely or primarily outdoor entertainment is provided to the public, and may include vendors of food, beverage and commodities, amusement rides, agricultural fairs, and outdoor rodeos.
- 11.1.111 **“EXTENSIVE AGRICULTURE”** see **“AGRICULTURE, EXTENSIVE”**.
- 11.1.112 **“EXTERIOR WALL”** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft).
- 11.1.113 **“FAMILY CARE FACILITY”** means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are physically handicapped, aged, or disabled, and in need of adult supervision for those reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children but not group homes.
- 11.1.114 **“FENCE”** means a vertical physical barrier constructed out of typical building material (wire, wood, plastic, or tubular steel) to prevent visual or unauthorized access or both.
- 11.1.115 **“FLOOR AREA”** means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in an apartment shall be included in the calculation of floor area.

- 11.1.116 **“FLOOR AREA RATIO”** means the numerical value of the gross floor area of the building or structure divided by the area of the site. The gross floor area does not include basement areas used exclusively for storage or service to the building, parking areas below grade and floor areas devoted exclusively to mechanical or electrical equipment servicing the development.
- 11.1.117 **“FRONT LINE”** means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line.
- 11.1.118 **“FRONT YARD”** see **“YARD, FRONT”**.
- 11.1.119 **“FUNERAL SERVICES”** means a business establishment where deceased are prepared for burial and where funeral services can be held. Funeral Services does not include crematory or interment services.
- 11.1.120 **“GARAGE”** means a building to be used for the storage of vehicles such as a passenger car, a truck, a recreational vehicle, a boat, or similar chattels.
- 11.1.121 **“GARAGE SUITE”** see **“SUITE, GARAGE”**.
- 11.1.122 **“GARDEN SUITE”** see **“SUITE, GARDEN”**.
- 11.1.123 **“GAS BAR”** means a site, or portion thereof, where vehicle fuels, lubricant and fluids and the accessory sales of convenience retail items are sold to the public, but vehicle maintenance and repairs are not done. Service station is a separate use.
- 11.1.124 **“GENERAL RETAIL ESTABLISHMENT”** means a development where, among other goods, groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, secondhand goods, and similar goods are bought, rented, and/or sold, except for any and all types of alcoholic beverages or cannabis products. Minor public services, such as postal services and film processing depots may also be provided.
- 11.1.125 **“GOLF COURSE”** means an outdoor establishment/development designed for the game of golf. Accessory uses include a clubhouse, pro-shop, driving range and/or other practice facility, restaurant, drinking facility and other commercial uses typically associated with the golf clubhouse facility.
- 11.1.126 **“GOVERNMENT SERVICES”** means a development providing Crown Corporation, municipal, provincial or federal government services to the public. Typical uses include, but are not limited to, town halls, court houses, postal offices, social service offices and taxation offices. It does not include municipal service facilities, essential public services, schools or hospitals.

11.1.127 “**GRADE**” means the ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building.

11.1.128 “**GROSS FLOOR AREA**” means the total floor area of all floors, excluding the basement, of a non-residential building or structure.

11.1.129 “**GREENHOUSE**” means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden, plant nursery or hydroponic or aquaponics operation. A greenhouse does not include a cannabis retail sales or a cannabis production and distribution facility.

11.1.130 “**GROUP CARE FACILITY**” means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are physically handicapped, aged, or disabled, and in need of adult supervision for those reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children but not group homes.

11.1.131 “**GROUP HOME**” means a building or portion of a building used for the care or rehabilitation of adults or children which is not predominantly related to age or a physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability.

11.1.132 “**GUEST HOUSE**” means an accessory building to a single detached dwelling, which contains a dwelling unit or part of a dwelling unit which is used solely by members of the family or by temporary guests of the family occupying the single detached dwelling.

11.1.133 “**HARD SURFACING**” means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority which is used in the construction of a driveway or parking area.

11.1.134 “**HEAD SHOP**” means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, or other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales establishments or a cannabis production and distribution facility.

11.1.135 **“HEALTH SERVICE”** means a development where physical or mental health services are provided on an out-patient or on an in-patient basis. If the services are provided on an in-patient basis, health service may include room and board for the sick, injured, or infirm, and may also include accessory staff residences. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics, medical cannabis clinics, and counseling services, hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

11.1.136 **“HEAVY TRUCK AND EQUIPMENT STORAGE”** means the on-lot storage, inside a single accessory building, of heavy trucks and equipment owned and operated by a resident or residents of the single detached dwelling or manufactured home situated on the same lot.

11.1.137 **“HEAVY VEHICLE WASH”** means a facility used for the cleaning of commercial motor vehicles, such as tractor and tractor-trailer units, large recreation vehicles and motor homes.

11.1.138 **“HIGHWAY”** means a highway as defined in the Highways Development and Protect Act, R.S.A. 2000.

11.1.139 **“HIGHWAY COMMERCIAL USE”** means a commercial use intended to serve the motoring public and includes, but is not limited to, service stations, gas bars, drive-in restaurants, and motels. Highway commercial uses do not include cannabis retail sales.

11.1.140 **“HOME OCCUPATION”** means any occupation, trade profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw. For the purposes of this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw:

- a) A minor home occupation does not include any business which would normally attract more than five (5) clients per week, or the employment at the dwelling or accessory buildings of any paid assistant, other than the occupants of the dwelling.
- b) A major home occupation may include a business which would normally attract more than five (5) clients per week but does not include the employment at the dwelling or accessory buildings of more than two (2) paid assistants, other than the occupant and the occupant's family.

A home occupation does not include outdoor storage of any goods or stock in trade or the employment of more than one person who does not reside at the location at which the home occupation occurs. A home occupation does not include uses such as:

- a) a bed and breakfast establishment;
- b) veterinary clinic;

- c) any automotive, industrial and/or recreation vehicle or equipment sales, rental, storage, service or repairs;
- d) a dating or escort service;
- e) an adult entertainment establishment;
- f) a cannabis retail sales; or
- g) a cannabis production and distribution facility.

11.1.141 **“HOME OFFICE”** means a business office in a dwelling which:

- a) Is accessory to the primary residential use of the dwelling;
- b) Is located in a room or partitioned area of the dwelling that does not exceed 14 m² (150.69 ft²);
- c) Is not visited by any clients or off-site employees;
- d) Does not have any internal or external storage of goods other than files and other papers necessary for the operation of the office;
- e) Does not change the external appearance or residential character of the dwelling and is undetectable from the outside the dwelling unit; and
- f) Is carried on only by the resident(s) of that dwelling.

A home office does not include a home occupation.

11.1.142 **“HOSPITAL”** means a building used to provide in-patient and out-patient health care to the public, typically where the sick and injured are given medical or surgical care.

11.1.143 **“HOTEL”** means a commercial development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels will have a check-in/registration counter and may include accessory restaurants, drinking establishments, meeting rooms, and personal service facilities. This does not include alcohol retail sales establishments or cannabis retail sales.

11.1.144 **“HOUSEHOLD”** means:

- a) a person, or
- b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
- c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children.

- 11.1.145 **“HOUSEHOLD REPAIR SERVICE”** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage.
- 11.1.146 **“INDOOR AMUSEMENT ESTABLISHMENT”** see **“AMUSEMENT ESTABLISHMENT, INDOOR”**.
- 11.1.147 **“INDOOR RECREATION FACILITY”** means a development for sports and active recreation within an enclosed building. Indoor recreation facilities include such facilities as ice arenas, gymnasiums, curling rinks, swimming pools, and similar, though smaller, facilities. As well, indoor recreation facilities may also include meeting rooms and eating and drinking establishments as accessory uses.
- 11.1.148 **“INDUSTRIAL AND COMMERCIAL SERVICE SUPPORT”** means a development used for industrial and commercial service support and construction. Typical uses include oilfield support services, road construction, landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage of materials, equipment and vehicles associated with the contract business. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use.
- 11.1.149 **“INDUSTRIAL HEMP”** means a cannabis plant – or any part of the plant – in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves, as defined in Industrial Hemp Regulations, SOR/2018-145, as amended or replaced. This does not include cannabis retail sales or cannabis production and distribution facility, or the outdoor cultivation or industrial hemp.
- 11.1.150 **“INDUSTRIAL HEMP PRODUCTION AND DISTRIBUTION FACILITY”** means the use of land, buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import industrial hemp, including related research, under the Industrial Hemp Regulations, SOR/2018-145, as amended, or replaced and where no adverse environmental impact, including but not limited to noise, smoke, odour, dust, or vibration, extends beyond the boundaries of the lot on which the facility is located. This does not include cannabis retail sales or cannabis production and distribution facility, or the outdoor cultivation of industrial hemp.

11.1.151 **“INDUSTRIAL USE, HEAVY”** means a development which would be considered to be a light or a medium industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants; and natural resource or agricultural product processing plants, large scale cannabis production and distribution facilities, large scale industrial hemp production and distribution facilities, or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses. The Heavy Industrial Use is not permitted within the Town of Bruderheim.

11.1.152 **“INDUSTRIAL USE, HEAVY PETROCHEMICAL”** means activities involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the sole opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. This does not include industrial hemp production and distribution facilities or cannabis production distribution facilities. The Heavy Petrochemical Industrial Use is not permitted within the Town of Bruderheim.

11.1.153 **“INDUSTRIAL USE, LIGHT”** means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industrial uses are usually less capital intensive than heavy industrial uses and may be more consumer-oriented than business-oriented. Light industrial uses often require only a small amount of raw materials, area and power. For further clarification, light industrial uses include developments where:

- a) raw materials are processed; and/or
- b) semi-finished or finished goods, products or equipment are manufactured and/or assembled; and/or
- c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested; and/or
- d) goods and equipment associated with personal, or household use are cleaned, serviced, and/or repaired; and/or
- e) materials, goods and equipment are stored and/or transshipped; and/or
- f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers; and/or
- g) personnel are trained in all industrial operations; and/or
- h) small scale cannabis production and distribution facilities; and/or

i) small scale industrial hemp production and distribution facilities;

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

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

11.1.154 **“INDUSTRIAL USE, MEDIUM”** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, where no adverse environmental impact (noise, smoke, odor, dust or vibration) takes place beyond the boundaries of the lot on which the medium industry is located. For the purpose of this Bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot.

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

11.1.155 **“INDUSTRIAL VEHICLE AND EQUIPMENT SALES/RENTALS ESTABLISHMENT”** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments.

11.1.156 **“INSTITUTIONAL USE”** includes but is not limited to hospitals, public offices, educational facilities, religious assemblies, libraries and senior citizen housing.

11.1.157 **“INTENSIVE AGRICULTURE”** see **“AGRICULTURE, INTENSIVE”**

11.1.158 “**KENNEL**” see “**ANIMAL BREEDING AND/OR BOARDING FACILITY**”.

11.1.159 “**LAND TITLES ACT**” means the Land Titles Act, Chapter L-4, Revised Status of Alberta 2000, as amended.

11.1.160 “**LAND USE DISTRICT**” means an area as shown in Section 10 of this Land Use Bylaw.

11.1.161 “**LANDSCAPED AREA**” means an area of land made attractive by the use of hard or soft landscaping materials; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways.

11.1.162 “**LANDSCAPING**” means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture.

11.1.163 “**LANDSCAPING, HARD**” means the use of non-vegetative material such as brick, stone, tile, paving stone and gravel but excluding asphalt and monolithic concrete as part of a landscaped area.

11.1.164 “**LANDSCAPING, SOFT**” means the use of vegetative material as part of a landscaped area.

11.1.165 “**LANDSCAPING PLAN**” means a scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and calliper of trees and shrubs, the colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction or features which contribute to the landscaping of a parcel.

11.1.166 “**LANE**” means a public thoroughfare which provides a secondary means of access to a parcel or parcels, and which is registered in a land titles office.

11.1.167 “**LIBRARY AND CULTURAL EXHIBIT**” means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, available, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits include libraries, museums, and art galleries.

11.1.168 “**LIVESTOCK**” means livestock as defined in the Agricultural Operation Practices Act.

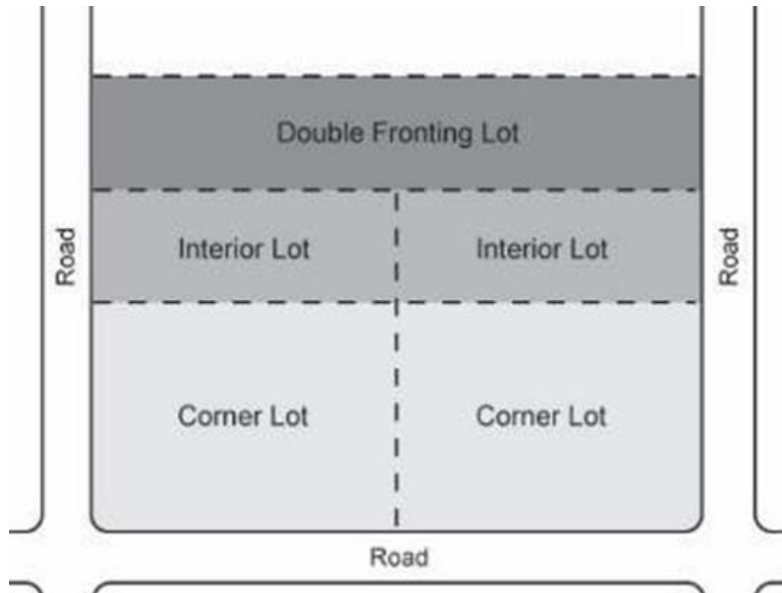
11.1.169 “**LOADING SPACE**” means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials.

11.1.170 “**LOT**” means:

- a) a quarter section,
- b) a river lot, lake lot, or settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,

- c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
- d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision (see Figure 10).

Figure 10: Illustration of lot definitions: Corner Lot, Double Fronting Lot, and Interior Lot



11.1.171 **“LOT, CORNER”** means a lot with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road or highway shall not include a lane (see Figure 10),

11.1.172 **“LOT COVERAGE”** means the percentage of the total horizontal area of a parcel that can be built upon. In calculating the site coverage this includes the enclosed portion of any structure located on the parcel, but does not include architectural features such as cantilevers, steps, stairways or balconies.

11.1.173 **“LOT, DOUBLE FRONTING”** means a lot which abuts two roads (except alleys as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot but does not include a Corner Lot (see Figure 9).

11.1.174 **“LOT, INTERIOR”** means a lot which abuts a road only on the front line (see Figure 10).

11.1.175 **“LOT WIDTH”** means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary.

11.1.176 **“MAIN BUILDING”** means a building in which the main or principal use of the site is conducted.

11.1.177 **“MAIN USE”** means the primary purpose or purposes for which a building or lot is used.

- 11.1.178 “**MAINTENANCE**” means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building.
- 11.1.179 “**MANUFACTURING/PROCESSING FACILITY**” means a facility in which the fabrication, processing or assembly of goods and materials is conducted to produce items of enhanced value and may include other accessory uses related to, or supportive of, the manufacturing/processing operation such as offices, indoor and outdoor storage areas and display areas.
- 11.1.180 “**MANUFACTURED HOME**” means a single or multiple section residential building containing one dwelling unit that is normally equipped with wheels and chassis for transport to a site. Manufactured homes must be constructed in full compliance with both the Canadian Standards Association (CSA) Z-240 MH National Mobile Home Standard and the National Building Code – Alberta Edition, bearing a prominently displaced CSA Z240MH Mobile Home label AND an Alberta Municipal Affairs label that certifies compliance to the ABC. Notwithstanding the requirement regarding labels, should a building not have a label, it can still be considered a manufactured home for the purposes of this Bylaw should the inspection and upgrading procedures outlined in Section 8.13 of this Bylaw be followed. A manufactured home is normally constructed off-site and then transported to its site. Upon arriving at the site for location, apart from incidental operations such as placement on a foundation and connection of utilities, it is ready for year round use as a dwelling for one household. A manufactured home does not include a modular home, park model trailer or a recreational vehicle.
- 11.1.181 “**MANUFACTURED HOME PARK**” means a parcel comprehensively designed, developed, operated and maintained to provide individual sites, which are not registered with Alberta Land Titles, and facilities for the placement and occupancy of manufactured homes on a long-term basis.
- 11.1.182 “**MANUFACTURED HOME PARK OFFICE**” means a facility providing for the administration, management or direction of the manufactured home park and may include supplementary retail convenience sales that specifically service the manufactured home park.
- 11.1.183 “**MANUFACTURED HOME SUBDIVISION**” means the planned division of a parcel of land into one or more smaller parcels, each of which is individually registered with the Alberta Land Titles Office, for the sole purpose of placing a manufactured home and accessory structures on each separately registered parcel.
- 11.1.184 “**MAY**” is an operative word meaning a choice is available, with no particular direction or guidance intended.

- 11.1.185 **“MEDICAL CANNABIS CLINIC”** means any business or enterprise, whether or not operated for profit, intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation.
- 11.1.186 **“MICROBREWERY”** means the manufacturing of beer, wine, spirits or other alcoholic beverages. This use may include the sale of alcoholic beverages to the public for consumption with the premises. Retail sales of alcoholic beverages for consumption off-site shall be limited to alcoholic beverages that are manufactured on-site. Accessory activities may include the storage, packaging, bottling, canning and shipping of products manufactured within the premises, and may include an eating and drinking establishment. This use does not include entertainment establishment.
- 11.1.187 **“MIXED USE DEVELOPMENT”** means a building designed for more than one land use, which are listed as uses within the same land use district, on the same site, such as residential and retail development, residential, office and retail development and office warehouse development.
- 11.1.188 **“MOBILE HOME”** see **“MANUFACTURED HOME”**
- 11.1.189 **“MODULAR HOME”** means a factory built or prefabricated residential building or sections of a residential building that does/do not require chassis, running gear or wheels for transport to a site. Sections of the building may be stacked side by side or vertically to form one or more complete unit(s) placed on a permanent foundation for year round occupancy. A modular home does not include a manufactured home.
- 11.1.190 **“MOTEL”** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding twenty-one (21) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include a liquor store, an entertainment establishment, or an establishment where there is a dance floor.
- 11.1.191 **“MUNICIPAL DEVELOPMENT PLAN”** means a plan adopted by the Council as a Municipal Development Plan pursuant to the Municipal Government Act.
- 11.1.192 **“MUNICIPAL PLANNING COMMISSION”** means the Municipal Planning Commission which may be appointed pursuant to Town’s Municipal Planning Commission Bylaw and the Municipal Government Act.
- 11.1.193 **“MUNICIPAL SERVICE FACILITY”** means a building or parcel at which the municipality maintains and/or stores equipment used to provide services to the public and may contain offices to administer such services. It does not include Government Services.
- 11.1.194 **“MUNICIPALITY”** means Town of Bruderheim.

11.1.195 “**MUST**” is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory.

11.1.196 “**NATURAL ENVIRONMENTAL PRESERVE**” means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor recreation facilities.

11.1.197 “**NEIGHBOURHOOD COMMERCIAL DEVELOPMENT**” means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960 ft²). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops. This use does not include cannabis retail sales.

11.1.198 “**NON-CONFORMING BUILDING**” means a building

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

11.1.199 “**NON-CONFORMING USE**” means a lawful specific use:

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

11.1.200 “**NUISANCE**” means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Municipality’s office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law.

11.1.201 “**OBNOXIOUS**” means; when used with reference to a development; a use which may by its nature, or from the manner of carrying on the same, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, which in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or interferes with the normal enjoyment of any land, building or development.

11.1.202 **“OCCUPANCY”** means the use or intended use of a building or part thereof for the shelter or support of persons or property.

11.1.203 **“OCCUPANT”** means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resides thereon or conducts a business thereon.

11.1.204 **“OFF-STREET”** means, when used as an adjective, that the defined thing is not located on a road or highway, but rather a lot, and, further, that it is not directly accessory to a particular use or development on a lot.

11.1.205 **“OFFENSIVE”** see **“OBNOXIOUS”**

11.1.206 **“OFFICE USE”** means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies.

11.1.207 **“OILFIELD SUPPORT”** means a development that provides cleaning, repairing, servicing or testing of goods, materials and equipment normally associated with the oil and gas industry and may include the storage and transshipping of such materials, goods and equipment, excluding petrochemical products and supplies. This definition applies to oil and gas support operations, including but not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations.

11.1.208 **“OPEN SPACE”** means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options.

11.1.209 **“OUTDOOR AMUSEMENT ESTABLISHMENT”** see **“AMUSEMENT ESTABLISHMENT, OUTDOOR”**.

11.1.210 **“OUTDOOR STORAGE FACILITY”** means land and/or buildings designed for the storage of goods, materials or equipment and may include the distribution and collection of such goods, materials or equipment, excluding dangerous or hazardous goods or materials

11.1.211 **“OWNER”** means:

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

- b) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land.

11.1.212 **“PARCEL OF LAND”** see **“LOT”**.

11.1.213 **“PARCEL, CORNER”** see **“LOT, CORNER”**.

11.1.214 **“PARCEL COVERAGE”** see **“LOT COVERAGE”**.

11.1.215 **“PARCEL, INTERIOR”** see **“LOT, INTERIOR”**.

11.1.216 **“PARCEL, DOUBLE FRONTING”** see **“LOT, DOUBLE FRONTING”**.

11.1.217 **“PARCEL WIDTH”** see **“LOT WIDTH”**.

11.1.218 **“PARK”** see **“PUBLIC PARK”**

11.1.219 **“PARK MODEL TRAILER”** means a recreational unit that meets that meets the CAN/CSA-Z241 “Park Model Trailer” criteria:

- a) it is built on a single chassis mounted on wheels;
- b) it is designed to facilitate relocation from time to time;
- c) it is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
- d) it has a gross floor area, not exceeding 50 square meters (538 square feet) when in the set-up mode, and has a width greater than 2.6 meters (8-feet, 6-inches) in the transit mode, and prohibits lofts

For the purposes of this Bylaw, park model trailers are not allowed in any District within this Land Use Bylaw unless either recreational vehicles or recreational vehicle parks are listed as a permitted or a discretionary use within the District, and, further, that a park model trailer has been specifically identified and approved by the Development Authority within an approved development permit. As well, park model trailers shall not be used as dwellings within the municipality. T

11.1.220 **“PARKING AREA”** means the area set aside for the storage and/or parking of vehicles.

Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building.

11.1.221 **“PARKING FACILITY”** means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot.

- 11.1.222 **“PARKING LOT”** means a parking area which is located on a lot and not accessory to a particular use or development.
- 11.1.223 **“PARKING SPACE”** means an area set aside for the parking of one (1) vehicle.
- 11.1.224 **“PATIO”** means an at grade structure without a roof or walls which is intended as an outdoor amenity area.
- 11.1.225 **“PERMANENT FOUNDATION”** means any foundation that meets the requirements of the National Building Code – 2023 Alberta Addition, as amended.
- 11.1.226 **“PERMITTED USE”** means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority.
- 11.1.227 **“PERSONAL SERVICE FACILITY”** means a facility used for the provision of a service to individuals on a commercial basis and includes such services as photographers, travel agencies, beauty salons, massage services, dry cleaners, including their associated offices.
- 11.1.228 **“PET GROOMING FACILITY”** means an establishment where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc. and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioural counselling.
- 11.1.229 **“PLACES OF WORSHIP”** means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish-halls, convents and monasteries.
- 11.1.230 **“PRINCIPAL BUILDING”** means a building that, in the opinion of the Development Authority, is utilized for the main purpose for which the building was constructed on the parcel.
- 11.1.231 **“PRIVATE CLUB”** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly but does not include a cannabis lounge.

- 11.1.232 “**PROFESSIONAL, FINANCIAL, OFFICE AND BUSINESS SUPPORT SERVICE**” means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, planners, doctors and architects, as well as offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering, and similar office support services. Additional uses also include banks, credit unions, loan offices, printing establishments, film processing establishments, janitorial firms and business equipment repair shops.
- 11.1.233 “**PROTECTIVE AND EMERGENCY SERVICES**” means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and accessory training facilities.
- 11.1.234 “**PUBLIC EDUCATION FACILITY**” means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools”, and their administrative offices and maintenance facilities.
- 11.1.235 “**PUBLIC OR QUASI-PUBLIC BUILDING**” means a building which is owned or leased by a department or agency of the federal or provincial government, or the Municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities.
- 11.1.236 “**PUBLIC OR QUASI-PUBLIC USE**” means a use by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities.
- 11.1.237 “**PUBLIC PARK**” means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields.
- 11.1.238 “**PUBLIC UTILITY**” means a public utility as defined in the Municipal Government Act, except that it shall not include landfills.

- 11.1.239 **“REAL PROPERTY REPORT”** means a plan prepared by an Alberta Land Surveyor which establishes dimensions of the boundaries of a parcel and the location of the improvements thereon.
- 11.1.240 **“REAR LINE”** means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road.
- 11.1.241 **“REAR YARD”** see **“YARD, REAR”**
- 11.1.242 **“RECREATION, INDOOR”** means facilities within an enclosed building for sports, active recreation, and performing and cultural arts where patrons are predominantly participants. Typical uses include but are not limited to arenas, athletic clubs, health and fitness clubs, gymnasiums, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.
- 11.1.243 **“RECREATION, OUTDOOR”** means lands used for recreational activities, for profit or not, which are predominately conducted outdoors, and which utilize tracts of land and may or may not require facilities or structures. Typical uses include cross-country ski trails, walking or cycling paths, ski hills, sports fields and playgrounds. A golf course is a separate use.
- 11.1.244 **“RECREATIONAL VEHICLE”** means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes, but is not limited to, such vehicles as a motor home, a camper, a holiday travel trailer and a tent trailer. It does not include a manufactured home as defined in this Bylaw.
- 11.1.245 **“RECREATIONAL VEHICLE STORAGE”** means a development which provides fenced or indoor, secure, on-site storage of two (2) or more recreational vehicles.
- 11.1.246 **“RECYCLING DEPOT”** means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound.
- 11.1.247 **“RECYCLING FACILITY”** means a ‘facility used to recycle’, as defined in the Environmental Protection and Enhancement Act, RSA 2000, c. E-12, as amended, and excludes the processing of hazardous recyclables as that term is defined in the Waste Control Regulation.
- 11.1.248 **“REGISTERED OWNER”** means:
- a) In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
 - b) In the case of any other land:

- i. The purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
- ii. In the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

11.1.249 **"RELOCATED BUILDING"** means a building that was constructed off-site in one piece or in pieces and relocated to another site but does not include manufactured homes.

11.1.250 **"RENOVATION"** means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act.

11.1.251 **"RENTABLE UNIT"** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more person.

11.1.252 **"RESIDENTIAL"** means any building or structure, or portion thereof, used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding/lodging houses, and (unless more closely defined for the purposes of one or more sections of the Bylaw) includes manufactured and modular homes.

11.1.253 **"RESIDENTIAL USE"** includes the occupation and use of land and buildings by and as dwellings, whether on a seasonal or year-round basis.

11.1.254 **"RESTAURANT"** means an establishment for the preparation and sale of food for consumption on the premises and may include takeout food service and entertainment, excluding adult entertainment, and may or may not include the sale of alcoholic beverages when minors are present during hours of operation.

11.1.255 **"RETAIL, ALCOHOL SALES"** see **"ALCOHOL RETAIL SALES"**

11.1.256 **"RETAIL, CONVENIENCE"** means the sale of those goods required by all residents or employees on a day to day basis, from a business premise that does not exceed 275 m² (2,960 ft²) in gross floor area. Typical uses include small food stores, drug stores, video sales or rentals, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceuticals, personal care items, or printed matter. Retail convenience does not include cannabis retail sales.

11.1.257 **"RETAIL, GENERAL"** means the retail sale of groceries, beverages, household goods, furniture, appliances, hardware, printed matter, confectionery, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary, video sales and rentals and similar goods within an enclosed building. Minor government services such as postal services are permitted within general retail stores. This use excludes warehouse sales establishments and cannabis retail sales.

- 11.1.258 **“ROAD”** means land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office or used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road but does not include a highway or a lane.
- 11.1.259 **“ROOF”** means the top of any enclosure, above or within the vertical walls of a building.
- 11.1.260 **“ROW HOUSING”** see **“DWELLING, ROW HOUSING”**.
- 11.1.261 **“SATELLITE DISH”** a dish shaped apparatus used for the reception of satellite transmitted television or radio waves. If it is free standing, it is considered an accessory structure. If it is attached to a principal building, it is considered part of that structure.
- 11.1.262 **“SCHOOL”** see **“PUBLIC EDUCATION FACILITY”**.
- 11.1.263 **“SCREEN OR SCREENING”** means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites.
- 11.1.264 **“SECONDARY SUITE”** see **“SUITE, SECONDARY”**.
- 11.1.265 **“SERVICE STATION”** means a building or a portion thereof for the servicing and light repair of motor vehicles and includes the sale of fuel, oils and other accessories for motor vehicles and may include the accessory sales of convenience retail items. A service station does not include automotive sales or body repair.
- 11.1.266 **“SETBACK”** means the distance between the closest part of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.
- 11.1.267 **“SHALL”** is an operative word which means the action is obligatory.
- 11.1.268 **“SHED”** means a building to be used for storage.
- 11.1.269 **“SHIPPING CONTAINER”** means a container, including a sea/land/rail shipping container, which is used as a storage vault. A shipping container shall only be allowed on a lot and use as an accessory building and/or use to a main building or use. A shipping container shall not be used for a dwelling or any part of a dwelling; and, notwithstanding any other provision of this Bylaw to the contrary, not attached, in any way, to a main building.
- 11.1.270 **“SHOULD”** is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances.

11.1.271 “**SHOW HOME**” means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of the municipality. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located.

11.1.272 “**SIDE YARD**” see “**YARD, SIDE**”

11.1.273 “**SIGN**” means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as provided for in this Bylaw, is subject to all regulations governing signs.

11.1.274 “**SIGN AREA**” means the total surface area within the outer periphery of the said sign, and in the case of a sign comprised of individual letters or symbols shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

11.1.275 “**SIGN, A-FRAME**” means a type of self-supporting sign commonly referred to as “sandwich boards”, composed of two hinged or otherwise joined boards which leans on the ground.

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

11.1.277 “**SIGN, CANOPY**” means a sign which is part of or attached to the outside edge of a canopy, but which does not extend below the bottom edge or surface of the canopy.

11.1.278 “**SIGN, FASCIA**” means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.3 m (12.0”) from the surface of the building and does not project above the roof or parapet. Fascia signs are also called wall signs.

11.1.279 “**SIGN, FREESTANDING**” means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure.

11.1.280 “**SIGN, INFLATABLE**” means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Commonly used as a temporary sign for special events or promotions.

11.1.281 “**SIGN, OFF-SITE**” means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location.

- 11.1.282 “**SIGN, PORTABLE**” means a sign, excluding A-frame and temporary signs, on a standard or column fixed to its own self- contained base that can be moved from one site to another.
- 11.1.283 “**SIGN, PROJECTING**” means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft). This does not include a sign attached to the ground.
- 11.1.284 “**SIGN, ROOF**” means a sign placed on, against or directly above the roof of a building or the top of a parapet wall.
- 11.1.285 “**SIGN, TEMPORARY**” means a sign or banner that is not permanently installed or affixed for the purpose of advertising a product.
- 11.1.286 “**SIGN, UNDER-CANOPY**” means a sign which is attached to the bottom surface or edge of a canopy.
- 11.1.287 “**SIGNIFICANT**” means a use which in the opinion of the Subdivision Authority or the Development Authority may impact regional or sub-regional servicing or infrastructure.
- 11.1.288 “**SIMILAR USE**” means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment.
- 11.1.289 “**SINGLE DETACHED DWELLING**” see “**DWELLING, DETACHED**”.
- 11.1.290 “**SITE**” means one or more parcels for which an application is being made, and may include streets, lanes, walkways, and any and any other surface upon which development is proposed.
- 11.1.291 “**SMALL RADIO COMMUNICATIONS TOWER**” means a development that is intended for transmitting or receiving radio communications signals from devices such as ham radios, fleet dispatch systems, or private communications systems. Typical small radio communications towers are short, usually no more than 3 m (9.8 ft.) taller than the adjacent buildings.
- 11.1.292 “**SOCIAL CARE HOME, MAJOR**” means the use of one dwelling unit as a care facility licensed by the Provincial authority to provide room and board for more than six (6) residents with physical, mental, social, or behavioural problems that require professional care, counselling, guidance and supervision. The character of the use is that the occupants live together as a single housekeeping unit and use a common kitchen. This use does not include assisted care housing.

- 11.1.293 **“SOCIAL CARE HOME, MINOR”** means the use of one dwelling unit as a care facility licensed by the Provincial authority to provide room and board for not more than six (6) residents with physical, mental, social, or behavioural problems that require professional care, counselling, guidance and supervision. The minor social care/group home may include any combination of staff, residents requiring care and residents not requiring care to a maximum of six (6). The character of the use is that the occupants live together as a single housekeeping unit and use a common kitchen. This use does not include assisted care housing.
- 11.1.294 **“SOLAR ENERGY COLLECTION SYSTEM”** means the complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics.
- 11.1.295 **“STALL”** means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park.
- 11.1.296 **“STOREY”** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey.
- 11.1.297 **“STRUCTURAL ALTERATIONS”** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act.
- 11.1.298 **“SUBDIVISION AND DEVELOPMENT APPEAL BOARD”** means a Subdivision and Development Appeal Board appointed pursuant to Town’s Subdivision and Development Appeal Board Bylaw and the Municipal Government Act.
- 11.1.299 **“SUBDIVISION AND DEVELOPMENT REGULATION”** means the Subdivision and Development Regulation, as amended.
- 11.1.300 **“SUBDIVISION AUTHORITY”** means the Subdivision Authority established pursuant to the Municipal Government Act through the municipality’s Subdivision Authority Bylaw and the Municipal Government Act.
- 11.1.301 **“SUBSTANDARD LOT”** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located.
- 11.1.302 **“SUITE, GARAGE”** means a self-contained dwelling unit located above a detached garage which is located in a rear yard, and which is accessory to a single detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building. Suites cannot be subdivided to become a separately owned parcel.

- 11.1.303 **“SUITE, GARDEN”** means detached dwelling unit, located on a lot containing an existing single detached dwelling. Suites cannot be subdivided to become a separately owned parcel.
- 11.1.304 **“SUITE, IN-LAW”** means an additional dwelling unit intended for the sole occupancy of one (1) or two (2) adult persons, which has access to the adjoin dwelling unit. The floor area of the in-law suite shall not exceed thirty percent (30%) of the existing living area of the primary dwelling unit or 80 m² (861.1 ft²) in floor area on a residential lot, whichever is the lesser. Suites cannot be subdivided to become a separately owned parcel.
- 11.1.305 **“SUITE, SECONDARY”** means a self-contained dwelling unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit. Suites cannot be subdivided to become a separately owned parcel
- 11.1.306 **“SUITE, SURVEILLANCE”** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and security of the development and does not include a manufactured home. Suites cannot be subdivided to become a separately owned parcel.
- 11.1.307 **“STREET”** means a road other than a lane or a highway.
- 11.1.308 **“SURVEILLANCE SUITE”** see **“SUITE, SURVEILLANCE”**.
- 11.1.309 **“TEMPORARY DEVELOPMENT”** means a development for which a development permit has been issued, and which is to exist for a limited time only.
- 11.1.310 **“TRUCKING AND CARTAGE ESTABLISHMENT”** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3,000.0 kg (6,613.9 lbs.).
- 11.1.311 **“UNIT”** other than when referred to as a dwelling unit, means an area of land or a building designated as a unit in a condominium plan.
- 11.1.312 **“USE”** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained.
- 11.1.313 **“VEHICLE REPAIR ESTABLISHMENT”** means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, upholsterer shops, and body repair and/or paint shops.

11.1.314 **“UTILITY”** see **“PUBLIC UTILITY”**

11.1.315 **“VETERINARY CLINIC”** means a facility for the medical care and treatment of animals, not including large animals such as livestock. This includes provision for their overnight accommodation, but does not include kennels, outdoor pens, runs or enclosures. A Veterinary Clinic does not include an animal hospital.

11.1.316 **“WAREHOUSE”** means a facility where a range of goods are displayed and/ or stored.

11.1.317 **“WAREHOUSE SALES ESTABLISHMENT”** means a development where goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores.

11.1.318 **“WIND ENERGY CONVERSION SYSTEM, LARGE”** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 Kw.

11.1.319 **“WIND ENERGY CONVERSION SYSTEM, MICRO”** means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure. The micro energy conversion system is designed to convert wind energy into mechanical or electrical energy which has a rated capacity of less than 0.5 kW.

11.1.320 **“WIND ENERGY CONVERSION SYSTEM, SMALL”** means to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale.

11.1.321 **“WIND TURBINE TOWER”** refers to the guyed or freestanding structure that supports a wind turbine generator.

11.1.322 **“WIND TURBINE TOWER HEIGHT”** The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

11.1.323 **“WIRELESS COMMUNICATIONS FACILITY”** means a facility that provides communication service using radio frequency technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna deicing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems.

11.1.324 “**YARD**” means a part of a parcel upon or over which no building is to be erected unless otherwise provided for in this Bylaw.

11.1.325 “**YARD, FRONT**” means a yard extending across the full width of a parcel from the front lot line to the front wall of the main building situated on the parcel.

11.1.326 “**YARD, REAR**” means a yard extending across the full width of a lot from the rear wall of the main building situated on the lot, to the rear lot line.

11.1.327 “**YARD, SIDE**” means the portion of the site extending from the front yard to the rear yard and lying between the side lot line of the site and the nearest portion of the exterior wall of the building.

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act, as amended.

12 LAND USE DISTRICT MAP

Map 1 – Town of Bruderheim Land Use Bylaw Map



LEGEND

- | | |
|---|--|
|  R1 Low Density Residential |  C3 Mixed Use District |
|  R2 Medium Density Residential |  BST Business Service Transition |
|  R3 High Density Residential |  MI Industrial |
|  MHP Manufactured Home Park |  P Parks and Recreation |
|  MHS Manufactured Home |  IPS Institutional and Public Service |
|  C1 Downtown Commercial |  U Utilities |
|  C2 General Commercial |  UR Urban Reserve |
| |  DC Direct Control |

Datum / System: NAD84 UTMz12N || Geoid: CGG2013
 0 1,000 2,000 metres

Digital Geographic Information: Canada National Topological Survey Geobase and Geogratis & Altalis



