



# LAND USE BYLAW

Bylaw PLU 1-25

## LIST OF AMENDMENTS

The following is a list of amendments to the Town of Gibbons Land Use Bylaw. This page is provided for information only and is not approved as part of the bylaw.

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# GUIDE TO USING THE TOWN OF GIBBONS LAND USE BYLAW

The Town of Gibbons Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used, and how buildings can be constructed or moved) in the Town. Regulations vary depending on the location, type, density, and intensity of proposed development. Other bylaws, policies, and regulations of the Town of Gibbons must also be followed, as well as all applicable acts, laws, and regulations of the Provincial and Federal governments.

There are several parts of the Land Use Bylaw that need to be reviewed together to understand how the Land Use Bylaw affects the use and development of land within the Town of Gibbons.

The following steps may assist in the review of the Land Use Bylaw by a prospective development or subdivision proponent:

## LOCATE

Locate the subject property on the Land Use District maps. These maps divide the Town of Gibbons into various Land Use Districts. Each Land Use District has a designation such as “R1” for RESIDENTIAL or “C1” for 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 that Land Use Districts are commonly referred to as “Zones” or “Zoning.” To conform to the language of the Municipal Government Act, this Land Use Bylaw uses the terms “District” and “Districting.”

## CHECK

Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed in Section 11 – Land Use Districts. In each Land Use District, you will find a list of permitted and discretionary uses, subdivision regulations, and regulations for specific types of development. These districts identify what can be developed in any given Land Use District. The definitions provided in Section 3.1 – Definitions should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

## REVIEW

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 8 describes the enforcement procedure, Sections 10.1 and 10.2 contain regulations about accessory buildings and Section 10.14 contains specific regulations about home occupations.

## DISCUSS

Discuss with the Planning and Development staff about your proposal or concern. The staff at the Town of Gibbons are knowledgeable and ready to help with any questions or issues related to development, subdivisions, or general inquiries. They can also guide you through procedures and assist with matters like enforcement or amendments to the Land Use Bylaw.

Please note that this page is intended to assist the reader of the Land Use Bylaw and does not form part of the approved bylaw.



# 1. GENERAL ADMINISTRATIVE PROCEDURES

---

## 1.1 TITLE

- 1.1.1 The title of this Bylaw shall be the Town of Gibbons Land Use Bylaw (Bylaw PLU 1-25).

## 1.2 PURPOSE

- 1.2.1 The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:
- a. to divide the municipality into districts;
  - b. to prescribe and regulate the permitted and discretionary uses of land and buildings within each district
  - c. to establish a method of making decisions on applications for development permits;
  - d. to provide the manner in which notice of the issuance of a development permit is to be given;
  - e. to establish a system of subdivision and development appeals;
  - f. to establish the number of dwelling units permitted on a lot; and
  - g. to comply with:
    - i. approved statutory plans;
    - ii. the Municipal Government Act, as amended;
    - iii. the Matters Related to Subdivision and Development Regulation, as amended or replaced; and
    - iv. the Provincial Land Use Policies (or, where applicable, a regional plan adopted under the Alberta Land Stewardship Act, as amended).

## 1.3 COMMENCEMENT

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

## 1.4 REPEAL

- 1.4.1 Bylaw No. PLU 8/06, as amended, is hereby repealed.

## 1.5 AREA OF APPLICATION

- 1.5.1 The provisions of this Bylaw apply to all land and buildings within the Town of Gibbons.

## 1.6 CONFORMITY

- 1.6.1 No person shall commence any subdivision or development unless it is in accordance with this Bylaw.

## 1.7 COMPLIANCE

- 1.7.1 Compliance with the requirements of this Bylaw does not exempt a person from:
- a. The requirements of any federal or provincial legislation;
  - b. The policies and regulations of the municipality's statutory plans and bylaws; and
  - c. Complying with any easement, covenant, agreement, or contract affecting the development.

## 1.8 SEVERABILITY

- 1.8.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions.
- 1.8.2 If any provision of this Bylaw is declared invalid, that provision shall be severed, and all other provisions of the Bylaw shall remain in force and effect.

## 1.9 FIGURES

- 1.9.1 Figures are included within this Bylaw for information purposes only and do not form part of the approved Bylaw.

## 2. AUTHORITIES

### 2.1 COUNCIL

- 2.1.1 The Council of the Town of Gibbons shall perform such duties that are specified for it in this Bylaw.
- 2.1.2 Council shall decide upon all development permit applications within a Direct Control District, as stated in the Act.

### 2.2 DEVELOPMENT AUTHORITY

- 2.2.1 The office of the Development Authority is established in the Town of Gibbons' Approving Authorities and Municipal Planning Commission Bylaw.
- 2.2.2 The Development Authority shall perform such duties that are specified in this Bylaw.
- 2.2.3 The Development Authority is the Development Officer for:
  - a. an application for development approval which is a permitted use under the Land Use Bylaw, and which complies with the requirements and regulations set out in the Land Use Bylaw; and
  - b. an application for development approval which is a permitted use under the Land Use Bylaw, and which requests a minor waiver not more than 10 percent of a measurable standard or any other waiver as specifically authorized in the Land Use Bylaw.
- 2.2.4 The Development Authority is the Municipal Planning Commission for:
  - a. an application for development approval for a discretionary use under the Land Use Bylaw; or
  - b. an application for development approval for a permitted use under the Land Use Bylaw which does not otherwise comply with the requirements and regulations as set out in the Land Use Bylaw, except as identified in 2.2.3.b.

### 2.3 DEVELOPMENT OFFICER

- 2.3.1 The Development Officer shall perform such duties and responsibilities specified in this Bylaw and in the Town of Gibbon's Approving Authorities and Municipal Planning Commission Bylaw.
- 2.3.2 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; and
  - b. keep a register of all applications for development, including a record of decisions and reasons for decisions. This information shall be made available to the public upon request in accordance with the Freedom of Information and Protection of Privacy Act.
- 2.3.3 The Development Officer shall receive and review all development permit applications for all Direct Control Districts prior to being sent to the Chief Administrative Officer Council.
- 2.3.4 The Development Authority may forward applications for development approval to the Municipal Planning Commission for a decision.

### 2.4 MUNICIPAL PLANNING COMMISSION

- 2.4.1 The Municipal Planning Commission shall perform such duties and responsibilities specified in this Bylaw and in the Town of Gibbon's Approving Authorities and Municipal Planning Commission Bylaw.

### 2.5 DESIGNATED OFFICERS

- 2.5.1 For the purpose of this Bylaw, a designated officer shall be the holder of a position as identified in the Town of Gibbons' Designated Officer Bylaw as amended or replaced.

### 2.6 SUBDIVISION AUTHORITY

- 2.6.1 The Subdivision Authority of the Town of Gibbons shall be established by the Town's Approving Authorities and Municipal Planning Commission Bylaw.
- 2.6.2 The Subdivision Authority shall be appointed by resolution of Council.
- 2.6.3 The Subdivision Authority shall perform such duties as are specified in this Bylaw and the Town of Gibbons' Approving Authorities Bylaw as amended or replaced.

### 2.7 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 2.7.1 The Intermunicipal Subdivision and Development Appeal Board shall perform such duties as are specified in Section 7 of this Bylaw.

### 3. INTERPRETATION

#### 3.1 DEFINITIONS

- 3.1.1 **"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;
- 3.1.2 **"accessory building"** means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same parcel of land;
- 3.1.3 **"accessory use"** means a use customarily incidental and subordinate to the principal use or building and located in the same parcel of land with such principal use or building;
- 3.1.4 **"Act"** means the Municipal Government Act, R.S.A. 2000, as amended, and any Regulations made pursuant thereto;
- 3.1.5 **"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 satisfying Section 3.14 of this Bylaw;
- 3.1.6 **"adult entertainment establishment"** means an establishment which provides live entertainment for its patrons, which includes the display of nudity. An adult entertainment establishment does not include cannabis lounges or cannabis retail sales;
- 3.1.7 **"adult use"** means any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity 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 premise's gross floor area, or 18.6 m<sup>2</sup> (200.0 ft<sup>2</sup>), 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;
- 3.1.8 **"affordable housing"** means housing that does not cost more than 30% of a household's before-tax income, or as otherwise defined by legislation;
- 3.1.9 **"agricultural industry"** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, a cannabis production and distribution facility, an industrial hemp production facility, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
- 3.1.10 **"agri-tourism"** means an agriculturally based operation or activity that brings visitors to a farm or ranch. Agri-tourism includes, but is not limited to, buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals, and may include overnight accommodation as a secondary use with appropriate permits;
- 3.1.11 **"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 the sale of alcohol, as well as related retail sales of products such as soft drinks and snack foods. This use class does not include cannabis retail sales;
- 3.1.12 **"alternate energy system"** means a use producing energy fueled from sources such as sunlight, water, wind, geo-thermal, or organic materials, but not fossil fuels (liquids, gases, or solids), either directly, via conversion, or through biochemical/bio-mechanical/chemical mechanical/bio-chemical mechanical processes. Examples of such uses are, but not limited to, anaerobic digester, biodiesel, bioenergy, composting, gasification, geo-thermal facility, microhydro, solar energy conversion, wind energy conversion, and waste to energy;
- 3.1.13 **"alternate energy system, commercial"** means a use producing energy fueled from sources such as sunlight, water, wind, geo-thermal, or organic materials, but not fossil fuels (liquids, gases, or solids), either directly, via conversion, or through biochemical/bio-mechanical/chemical mechanical/bio-chemical mechanical processes for distribution offsite and/or commercially. Examples of such uses are, but not limited to, anaerobic digester, biodiesel, bioenergy, composting, gasification, geo-thermal facility, microhydro, solar energy conversion, wind energy conversion, and waste to energy;
- 3.1.14 **"alternate energy system, individual"** means a use producing energy fueled from sources such as sunlight, water, wind, geo-thermal, or organic materials, but not fossil fuels (liquids, gases, or solids), either directly, via conversion, or through biochemical/bio-mechanical/chemical mechanical/bio-chemical mechanical processes for distribution on the site the facility is located. Examples of such uses are, but not limited to, bioenergy, composting, gasification, geo-thermal facility, microhydro, solar energy conversion, wind energy conversion, and waste to energy;

- 3.1.15 **"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;
- 3.1.16 **"amusement establishment, indoor"** means a development providing recreational facilities with table games and/or electronic games, played by patrons for entertainment. Major amusement establishments include billiard parlours and electronic games arcades with tables and/or games, and bowling alleys;
- 3.1.17 **"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;
- 3.1.18 **"anerobic digester"** means a facility or system designed to process animal manure, organic matter, or septic waste into a bio-gas fuel;
- 3.1.19 **"animal hospitals"** means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- 3.1.20 **"Area Structure Plan"** means an Area Structure Plan adopted pursuant to the Act;
- 3.1.21 **"auctioneering establishment"** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- 3.1.22 **"automotive and equipment repair shop"** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;
- 3.1.23 **"automotive and minor recreational vehicles sales/rentals establishment"** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and minor recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, but do not include dealerships for the sale of trucks with a gross vehicle weight rating greater than 4000 kg (8818.5 lbs), or the sale of recreational vehicles with either a gross vehicle weight rating greater than 6000 kg (13,227.7 lbs) or a length greater than 6.7 m (22.0 ft);
- 3.1.24 **"bareland condominium"** means a Condominium Development Subdivision 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.
- 3.1.25 **"basement"** means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft) of its clear height which lies below the finished level of the floor directly above;
- 3.1.26 **"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;
- 3.1.27 **"berm"** means a landscaped earthen used 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;
- 3.1.28 **"bioenergy"** means the development of energy stored in biological raw materials (wood, wood chips, bark, agricultural residue, animal manure, paper, cardboard, food and food waste, and organic yard waste, etc.), using mechanical, thermal, aerobic, anaerobic biological or chemical processes into solid, liquid or gas fuels;
- 3.1.29 **"biodiesel"** means a form of diesel fuel produced from animal fat or vegetable oil using chemical processes;
- 3.1.30 **"blade"** means an element of a large Wind Energy Conversion System (WECS) rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind;
- 3.1.31 **"blade clearance"** means, in reference to a Horizontal Axis Rotor, the distance from grade to the bottom of the rotor's arc;
- "boarding and lodging house"** means a building which provides sleeping units for remuneration, for not more than ten residents and, which may include meal service. This includes, but is not limited to, dormitories and hostels;
- 3.1.32 **"buffer"** means a row of trees, shrubs, berm(s), or fencing to provide visual screening and separation between sites and incompatible land uses;
- 3.1.33 **"building"** means anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
- 3.1.34 **"building area"** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;

- 3.1.35 **"building conversion"** means the act of changing an existing structure designed and built for non-residential use to residential use, or changing a non-residential use to another permitted use in the applicable Land Use District but does not entail structural alterations to the existing structure;
- 3.1.36 **"building height"** means the vertical distance measured from the grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device;
- 3.1.37 **"business frontage"** means
- any side of a lot or building which abuts a road, or
  - in the case of individual business or tenants within a building, any business which has separate access to a road.
- 3.1.38 **"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;
- 3.1.39 **"campground"** means a development on a lot which has been planned and improved for overnight or short-term accommodation for tents and/or recreational vehicles. A campground includes related accessory buildings including, but not limited to, administrative offices, security suite, washrooms and shower facilities, playgrounds, laundry facilities, firewood storage, water supply, sewage disposal facilities, waste collection facilities, recycling facilities and may also include day use areas and seasonal cabin rentals. The use of manufactured homes on a year-round basis is not included;
- 3.1.40 **"campsite"** means a specified area or site within a campground or other recreational area intended for occupancy by tents, tent trailers, Recreational Vehicles, campers, motor homes or other similar recreation vehicles on a limited, short-term basis. This does not include sites, lots, or parcels for manufactured homes, cabins, motels, hotels, or boarding houses;
- 3.1.41 **"cannabis"** means cannabis as defined in the Cannabis Act, the Controlled Drugs and Substances Act, or other relevant federal legislation.
- Cannabis includes:
    - 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;
    - Any substance or mixture of substances that contains or has on it any part of such a plant;
    - Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
  - Cannabis does not include;
    - A non-viable seed of a cannabis plant;
    - A mature stalk (without leaves, flowers, seeds or branches) of a cannabis plant;
    - Fiber derived from a stalk; or
    - The root or any part of the root of a cannabis plant.
- 3.1.42 **"cannabis accessory"** means an object that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs, and vaporizers;
- 3.1.43 **"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;
- 3.1.44 **"cannabis, medical"** means cannabis that is obtained for medical purposes in accordance with applicable federal law;
- 3.1.45 **"cannabis production and distribution facility"** means a development used principally for one or more of the following activities relating to cannabis:
- The production, cultivation and growth of cannabis;
  - The processing of raw materials;
  - The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
  - The storage or shipping of materials, goods or products; or
  - The distribution and sales of materials, goods and products to cannabis retail sales stores or to individual customers.



- 3.1.46 **"cannabis accessory sales"** means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs and new age herb, as well as counterculture art, magazines, music, clothing and home decor. This does not include cannabis retail sales or cannabis production and distribution facility;
- 3.1.47 **"cannabis retail sales establishment"** means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the Cannabis Act. This use does not include cannabis production and distribution facilities;
- 3.1.48 **"canopy"** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- 3.1.49 **"carport"** means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than 40% of its total perimeter open and unobstructed;
- "cemetery"** means land that is set apart or land that is used for the burial or interment of human remains. This includes a memorial park, a burial ground, a columbarium, a mausoleum, or a crematorium.
- 3.1.50 **"chattel"** means a movable item of personal property;
- 3.1.51 **"commercial school"** means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- 3.1.52 "commercial use"** means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments. Commercial use shall include bus depots, business services, drive-in businesses, funeral homes, retail stores, greenhouses, medical clinics, hotels, mail and parcel delivery services, office uses, and personal services. This use does not include: the manufacturing of cannabis products, cannabis lounges, cannabis accessory retail sales, or cannabis retail sales establishments;
- 3.1.53 "communication tower"** means radio communication and broadcasting antenna systems as defined by Industry Canada and mandated under the Radiocommunication Act, R.S.C., 1985, c. R-2, as amended. These structures may include an antenna and some type of supporting structure, often called an antenna tower and equipment shelter. The antenna system is used to receive and/or transmit radiofrequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas;
- 3.1.54 **"community recreation service"** means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents' organization;
- 3.1.55 **"convenience retail store"** means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 275.0 m<sup>2</sup> (2,960.0 ft<sup>2</sup>). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and person care items, hardware, and/or printed matter. This does not include cannabis retail establishments;
- 3.1.56 **"cooking facility"** means an area of a common living space of a dwelling or suite that contains counters, cabinets, plumbing, appliances and/or wiring (up to 120V) which taken together, may be intended for the cooking, preparation, and storage of food. Cooking facilities must conform to all applicable building and safety code requirements;
- 3.1.57 **"corner site"** means a site with boundary lines on two separate roads which intersect at an angle of less than 135 degrees, or a single road that curves such that the arc of the inside boundary of the road is less than 45.0 m (147.6 ft) in radius over an angle of more than 135 degrees at the subject site. For the purposes of this definition, a road shall not include a lane;
- 3.1.58 **"Council"** means the Council of the Town of Gibbons;
- 3.1.59 **"curb cut"** means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site;
- 3.1.60 **"data centre"** means an energy intensive industrial development consisting of a building or group of buildings housing powerful, highly specialized computing equipment that are used to verify digital transactions and/or store and process data, and require 24/7 climate control. This use may include an on-site power plant;
- 3.1.61 **"date of issue"** means the date on which the notice of a decision of the Development Authority is published, or seven (7) working days after such a notice is mailed or sent electronically;
- 3.1.62 **"day care facility"** means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage but does not include overnight accommodation. Day care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting 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;

- 3.1.63 **"day home"** means a provincially licensed childcare facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- 3.1.64 **"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 1.2 m (4.1 ft) or a roof;
- 3.1.65 **"density"** means a measure of the average number of persons or dwelling units per unit of area;
- 3.1.66 **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.
- 3.1.67 **"development"** means:
- an excavation or stockpile and the creation of either of them, or
  - 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
  - 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
  - a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; and includes:
  - 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; or
  - the placing of refuse or waste material on any land; or
  - the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
  - 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; or
  - the demolition or removal of a building; or
  - the placement of an already constructed or a partially constructed building on a parcel of land; or
  - 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; or
  - the removal of topsoil.
- 3.1.68 **"Development Authority"** means the Development Authority established pursuant to the Act through the Town's Approving Authorities Bylaw;
- 3.1.69 **"Development Officer"** means the person(s) appointed as the Town's Development Officer;
- 3.1.70 **"development permit"** means a document issued pursuant to this Bylaw authorizing a development;
- 3.1.71 **"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;
- 3.1.72 **"discretionary use"** means the use of land or a building provided for in this Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made, at the discretion of the Development Authority;
- 3.1.73 **"domestic pet"** means an animal which is normally kept inside a dwelling. Domestic pets include, dogs, cats, parrots, and similar-sized animals, but does not include livestock;
- 3.1.74 **"double fronting site"** means a site which abuts two roads and which is not a corner site;
- 3.1.75 **"drainage"** means the process or system by which natural run off water flows away;
- 3.1.76 **"drinking establishment"** means a development possessing a Class A Minors Prohibited alcohol license, where the sale and consumption of alcohol on site occurs and where alcohol is the primary source of business. This use does not include cannabis lounges;
- 3.1.77 **"drive-in business"** means a development which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive through vehicle service establishments such as lubrication shops, recycling depots, and car washes. Banks, eating and drinking establishments, and other service businesses also may have drive through facilities;
- 3.1.78 **"drive-in restaurant"** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;

- 3.1.79 **"dwelling"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. Dwellings include single detached dwellings, semi-detached dwellings, duplexes, ground-oriented multiple unit dwellings (row housing), apartments, and manufactured homes; **"dwelling, apartment"** means a building containing three or more dwelling units that share a common external access and a common corridor system;
- 3.1.80 **"dwelling, condominium"** means a form of legal Ownership, containing Units and Common Property, created specifically through Subdivision, and registered as a Condominium plan in accordance with the Condominium Property Act, RSA 2000, c. 22;
- 3.1.81 **"dwelling, duplex"** means a dwelling containing two (2) dwelling units which are located at least in part one above the other, or which may share a common wall;  
means a transportable single storey prefabricated dwelling unit with a skirted undercarriage that meets Canadian Standards Association (CSA) standards and has a width less than 6.1 m and a roof pitch less than 1:4. A manufactured home uses steel lateral beams as both part of the transportation and floor system. This does not include a single detached dwelling constructed with modular methods, a park model trailer, a recreational vehicle or an industrial camp trailer;
- 3.1.82 **"dwelling, single detached"** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, with the pieces being transported to the site for assembly on-site. A single detached dwelling shall include a dwelling that would be considered to be a manufactured home dwelling if the roof pitch were less than 1:4, if the depth of eaves were less than 61.0 cm (24.0 in.), if the ratio of depth vs. width (or width vs. depth) were more than 2:1, or if it were not supported on a permanent foundation or base extending below the frost line.  
If the roof pitch is equal to or more than 1:4, if the eaves is more than 61.0 cm (24.0 in.), if the ratio noted above is less than 2:1, and if it is supported on a permanent foundation or base extending below the frost line, the dwelling shall be considered to be a single detached dwelling;
- 3.1.83 **"dwelling, stacked row housing"** means development consisting of a building containing three or more principal dwellings arranged vertically so that dwellings are placed over others, and/or horizontally so that dwellings are attached at the rear as well as at the side.
- 3.1.84 **"dwelling unit"** means a complete dwelling, a self-contained portion of a dwelling, a set or suite of rooms which contains sleeping, cooking, living and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;
- 3.1.85 **"easement"** means a right to use land, generally for access to other property or as a right-of-way for a public utility;
- 3.1.86 **"eating and drinking establishment"** means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in restaurant. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit. This use does not include cannabis lounges;
- 3.1.87 **"entertainment establishment"** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. This use does not include cannabis lounges;
- 3.1.88 **"environmentally sensitive area"** means:
- hazardous lands and areas that are unsuitable for development in their natural state (i.e., floodplains, steep and unstable slopes);
  - areas that perform a vital environmental, ecological, or hydrological function (i.e., aquifer or recharge groundwater storage areas);
  - areas that contain unique geological or physiological features;
  - areas, buildings, or features that are important for cultural, historical, prehistoric, or archeological reasons;
  - areas that contain significant rare or endangered animal or plant species;
  - areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared;
  - areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance;
  - areas that provide an important link for the natural migration of wildlife; and/or

- i. riparian areas of water bodies, wetlands, and watercourses;
- 3.1.89 **"environmentally significant area"** means areas that are important to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes, both locally and within a larger spatial context. ESAs are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in Environmentally Significant Areas in Alberta: 2014 Update;
- 3.1.90 **"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;
- 3.1.91 **"erosion and sediment control plan"** means a plan that satisfies the requirements of the Development Authority which is to be provided to the contractor for implementation to address erosion and sedimentation issues both through temporary measures during construction and permanent measures to address post-construction conditions. It provides details about how the site will be managed during construction for the preservation of vegetation, topsoils, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, how the disturbance of vegetation and topography will be minimized;
- 3.1.92 **"event"** means a limited term commercial activity or gathering that may include entertainment, food and beverage services, additional parking, and other additional services. Examples may include weddings, ceremonies, retreats, parties, corporate functions, concerts, tradeshow, markets, and farm-to-table dinners;
- 3.1.93 **"event venue"** means a use primarily intended to hold events and includes the provision of facilities to enable entertainment, public assembly, and/or the preparation of food and beverage services. This use does not include Bed and Breakfast, Recreation Facilities, Visitor Accommodation, or Home Occupations;
- 3.1.94 **"excavation"** means any breaking of ground, except common household gardening and ground care;
- 3.1.95 **"exhibition and convention facility"** means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres;
- 3.1.96 **"existing"** means existing on the date on which this bylaw comes into force, unless otherwise noted;
- 3.1.97 **"extended medical treatment facility"** means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, sanatoriums, medical cannabis clinics, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;
- 3.1.98 **"extensive agriculture"** means the use of land or buildings, related to an agricultural operation, but not including intensive agriculture, or a confined feeding operation or manure storage facility if the confined feeding operation or the manure storage facility is the subject of an approval, registration or authorization under Part 2 of the Agricultural Operations and Practices Act;
- 3.1.99 **"exterior wall"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft);
- 3.1.100 **"family care facility"** means a development which provides resident care service in a dwelling unit to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Family care facilities include foster or boarding homes for children and group homes;
- 3.1.101 **"fence"** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- 3.1.102 **"firewall"** means a type of fire separation of non-combustible construction which subdivides a Building or separates adjoining Buildings to resist the spread of fire, and which has a fire-resistance rating as prescribed in the National Building Code- Alberta Edition and has structural stability to remain intact under fire conditions for the required fire-rated time;
- 3.1.103 **"flanking site"** means a corner site on which a sideline is abutting onto a road;
- 3.1.104 **"fleet services"** means a development which administers a number of vehicles which delivers people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000 kg (6613.9 lbs.);
- 3.1.105 **"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;



- 3.1.106 **"food and beverage production"** means a commercial facility in which food or beverage products or both are manufactured, produced, or otherwise prepared for human consumption but not consumed on the premises. This may include a retail component; however, this retail component shall be accessory to the principal use. Typical uses may include a bakery, pre-packaged foods, water bottling and catering facilities. This does not include food service or mobile catering. The impact of this use shall not extend beyond the boundaries of the building;
- 3.1.107 **"foundation"** means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- 3.1.108 **"fragmented parcel"** means a lot that is separated from the balance of a titled area by a natural barrier such as a water body or a coulee, or by a physical barrier such as a road or highway, either of which may prohibit reasonable or normal access;
- 3.1.109 **"frontage"** means the length of the front line. On double fronting sites, all front lines shall be considered frontage;
- 3.1.110 **"funeral services"** means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral services includes funeral homes and undertaking establishments;
- 3.1.111 **"gambling machine establishment"** means a development where gambling may occur through the use of video lottery terminals or slot machines or other similar machines and devices, but not an establishment where gambling through card games or roulette or games similar to card games or roulette are played (a casino);
- 3.1.112 **"gazebo"** means a freestanding, roofed structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling. A gazebo is not serviced by permanent electrical or heating. A gazebo is not considered a tented structure for the purposes of this bylaw;
- 3.1.113 **"garage"** means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles, but does not include a carport;
- 3.1.114 **"gas bar"** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
- 3.1.115 **"general advertising"** means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the site on which the sign is displayed;
- 3.1.116 **"general contractor service"** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only;
- 3.1.117 **"general retail establishment"** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments includes convenience retail stores but does not include warehouse sales, or developments where gasoline, new or used motor vehicles, alcohol, cannabis retail sales establishments, heavy agricultural and/or industrial equipment are sold or rented;
- 3.1.118 **"geotechnical report"** means a report prepared by a qualified professional that may include the following:
- a. Slope stability, including slope setback distances, cross-sections of the slope area both before and after development and final grading (The height and existing angle of the slope verified by accurate historical survey data or site-specific information completed by a qualified surveyor);
  - b. Seasonally adjusted and recommended water tables;
  - c. Recommended building foundations and basement construction; and
  - d. Soil bearing capabilities;
- 3.1.119 **"government services"** means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;
- 3.1.120 **"grade"** means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- 3.1.121 **"grade, building"** means for the purposes of determining building height, the average level at which the existing undisturbed ground intersects the building foundation;
- 3.1.122 **"grade, finished"** means the local elevation of the ground after landscaping;



- 3.1.123 **"greenhouse and plant nursery"** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products. This does not include cannabis retail sales or cannabis production and distribution facilities;
- 3.1.124 **"gross leasable area"** means the floor area of a building, plus the horizontal area contained within the exterior of the basement walls, excluding the floor areas of mechanical and utility rooms, public washrooms, stairwells, and elevators;
- 3.1.125 **"ground floor area"** means the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but excluding open decks, patios, and steps, cornices, eaves and similar projections. Site coverage shall include air wells, and all other space within a building except inner or outer courts;
- 3.1.126 **"group care facility"** means a development which provides resident care services to seven (7) or more individuals. These individuals may be handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. Group care facilities include supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities, but not major institutional care facilities such as hospitals;
- 3.1.127 **"group home"** means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults;
- 3.1.128 **"habitable room"** means a room or enclosed space within a dwelling used for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, and dens;
- 3.1.129 **"half storey"** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
- 3.1.130 **"health service"** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical, chiropractic and dental offices, health clinics, medical cannabis clinics, and counselling services;
- 3.1.131 **"height"** means, when used in reference to a building, the vertical distance between a horizontal plane through the average elevation at the 4 corners of the subject lot and a horizontal plane through:
- a. the highest point in the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; or
  - b. the average level between the eaves and ridges in the case of a pitched, gambrel, mansard, hipped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.5 m (5.0 ft) above the maximum allowed building height of the applicable Land Use District;
- 3.1.132 **"hedge"** means shrubs or other similar perennial plant materials which are used to visually define, separate or screen;
- 3.1.133 **"highway commercial use"** means a commercial use serving the travelling public which relies on a highly visible location in proximity to a highway or an arterial road. Highway commercial uses may include eating and drinking establishments, service stations, gas bars, convenience stores, hotels, motels, commercial with warehousing, drive-in businesses and personal service shops. This does not include an alcohol retail sales or cannabis retail sales establishment;
- 3.1.134 **"home occupation, major"** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in Section 10.14 of this Bylaw. A major home occupation may have up to one (1) employee, other than those resident in the dwelling unit, and more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, dressmaking, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and tutoring. This use does not include alcohol retail sales, cannabis retail sales establishments or cannabis production and distribution facilities. The distinctions between major home occupations and minor home occupations are more fully described in Section 10.14.
- 3.1.135 **"home occupation, minor"** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in Section 10.14. A minor home occupation will have no employees, other than those resident in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home

occupation. This use does not include cannabis retail sales establishments or cannabis production and distribution facilities. The distinctions between minor home occupations and major home occupations are more fully described in Section 10.14;

- 3.1.136 **"hotel"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include minor and major eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and minor alcohol sales, but shall not include any establishment where there is a dance floor larger than 5.1 m<sup>2</sup> (55.0 ft<sup>2</sup>) unless specifically approved by the Development Authority;
- 3.1.137 **"industrial hemp"** means a cannabis plant – or any part of that 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;
- 3.1.138 **"industrial hemp production 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/98-1056, as amended, or any subsequent legislation that may be enacted in substitution. This does not include cannabis retail sales establishments, a cannabis production and distribution facility, or the cultivation of industrial hemp;
- 3.1.139 **"industrial use, general"** means a development where:
- raw materials are processed, and/or
  - semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
  - materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
  - goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
  - materials, goods and equipment are stored and/or transhipped, and/or
  - 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
  - cannabis is produced and/or distributed (licensed and operating pursuant to applicable provincial and federal legislation); and/or
  - industrial hemp production is produced and/or distributed; and/or
  - personnel are trained in general industrial operations,
- in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. General industrial uses include motor vehicle body and paint shops but does not include the preparation of food and/or beverages for direct sale to the public. Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the general industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;
- 3.1.140 **"industrial use, heavy"** means a development which would be considered to be 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; or
  - the potential for significant toxic or noxious by-products such as air or water-born 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; large scale cannabis production and distribution; large scale industrial hemp production and distribution facilities; and natural resource or agricultural product processing plants or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses;
- 3.1.141 **"industrial use, heavy petrochemical"** means a development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the 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 use does not include industrial hemp production and distribution facilities or cannabis production and distribution;

- 3.1.142 **"industrial use, light"** means manufacturing, fabricating, processing, repairing, storing, wholesaling, and/or distribution of goods and materials in such a manner that all activities take place inside buildings such that, in the sole opinion of the Development Authority, no noise, dust, glare, heat, or any other emission will be evident outside the building;
- 3.1.143 **"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, odour, 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. This use includes cannabis production and distribution facilities or industrial hemp production facilities (licensed and operating pursuant to applicable provincial and federal legislation).
- 3.1.144 **"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;
- 3.1.145 **"institutional use"** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region;
- 3.1.146 **"Intermunicipal Subdivision and Development Appeal Board"** means the Intermunicipal Subdivision and Development Appeal Board established pursuant to the Act through the municipality's Subdivision and Development Appeal Board Bylaw;
- 3.1.147 **"internal site"** means a site which is bordered by only one (1) road;
- 3.1.148 **"kennel"** means a development in which domestic pets are maintained, boarded, trained, cared for, bred, or raised for remuneration or for sale;
- 3.1.149 **"landscaping"** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- 3.1.150 **"landscaping plan"** means a site plan detailing the design of the non-building area of a site;
- 3.1.151 **"lane"** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10.0 m (32.8 ft) or less, and 6.0 m (19.7 ft) or more in width, or an alley as defined in the Highway Traffic Act, R.S.A. 2000, as amended;
- 3.1.152 **"libraries and cultural exhibits"** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- 3.1.153 **"limited agriculture"** means an agricultural operation which involves the raising of crops, including cannabis or industrial hemp, but not livestock;
- 3.1.154 **"limited contractor service"** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- 3.1.155 **"line, front"** means the boundary line of a site lying adjacent to a road. In the case of a corner site, the shorter of the two boundary lines adjacent to the roads shall be considered the front line. In the case of a double fronting site, both boundary lines adjacent to the roads shall be considered front lines;
- 3.1.156 **"line, rear"** means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road;
- 3.1.157 **"line, side"** means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- 3.1.158 **"livestock"** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- 3.1.159 **"loading space"** means an off-street space on the same site as a building or group of buildings for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;
- 3.1.160 **"lot"** means:
- a quarter section, or
  - a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

- 3.1.161 "lot, back" means
- 3.1.162 "**lot, corner**" means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane;
- 3.1.163 "**lot coverage**" means the calculation of the ground floor area divided by the area of the lot;
- 3.1.164 "**lot depth**" means the average distance between front and rear property lines of a lot;
- 3.1.165 "**lot, developed**" means a lot or parcel of real property that has been altered by grading or filling of the ground surface or by development or any improvement or other impervious surface area;
- 3.1.166 "**lot, double fronting**" means a lot which abuts two (2) roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, c. T-06, as amended) which are parallel or nearly parallel abutting the lot but does not include a corner lot;
- 3.1.167 "**lot grade**" means the midpoint on the lot. The midpoint refers to the exact middle point on the lot;
- 3.1.168 "**lot grading**" means the recontouring or sloping of the land in such a way that surface drainage from rainstorms, snowmelt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes the impact on adjacent properties;
- 3.1.169 "**lot grading and drainage plan**" means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading;
- 3.1.170 "**lot, interior**" see "**lot, back**";
- 3.1.171 "**lot, substandard**" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the land use district in which the lot is located;
- 3.1.172 "**lot, undeveloped**" means a lot which does not contain a residence, main building, or facilities to enable the primary use of the lot to take place;
- 3.1.173 "**lot width**" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- 3.1.174 "**main building**" see "principal building";
- 3.1.175 "**maintenance**" means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
- 3.1.176 "**manufactured home park**" means any site on which two (2) or more occupied manufactured homes are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park;
- 3.1.177 "**may**" is an operative word meaning a choice is available, with no particular direction or guidance intended;
- 3.1.178 "**medical clinic**" means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include doctors' offices, diagnostic services, laboratories, chiropractic services, and hospitals;
- 3.1.179 "**microbrewery or distillery**" means the small-scale manufacturing and distribution of beer and/or other alcoholic beverages, where products are sold on and off of the premises. This use may be combined with tasting room or eating and drinking establishment provided it is licensed by the Alberta Gaming, Liquor and Cannabis Commission;
- 3.1.180 "**mixed use development**" means a building including more than one land use, which are uses listed within the same Land Use District, on the same site, such as residential and retail stores, residential and office uses, or restaurant and office developments;
- 3.1.181 "**modular dwelling**" means a dwelling that is constructed in large sections, away from the home site, and under controlled conditions. A modular dwelling may commonly be referred to as a 'Ready to Move' home, or 'RTM.' For the purposes of this bylaw, a modular dwelling is considered a method of construction and not a specific land use;
- 3.1.182 "**motel**" means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include minor or major alcohol sales, or an establishment where there is a dance floor;
- 3.1.183 "**moved in building**" means is a building or structure that is transported from another location. A moved-in building does not include a manufactured home dwelling or a recreational vehicle;
- 3.1.184 "**Municipal Development Plan**" means the Town of Gibbons Municipal Development Plan, adopted pursuant to the Act;
- 3.1.185 "**municipality**" means the Town of Gibbons unless otherwise noted;



- 3.1.186 **"natural state"** means a condition where the natural environment is left undisturbed, and where the only allowed development shall be limited to a walking trail with associated amenities such as benches, trash cans and fences to delineate the natural state area. Clearing of existing tree cover shall be limited to the development of a walking trail and associated amenities;
- 3.1.187 **"non-conforming building"** means a building:
- a. that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
  - b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- 3.1.188 **"non-conforming use"** means a lawful specific use:
- a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - b. that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- 3.1.189 **"non-habitable room"** means a room or enclosed space within a dwelling not used for human occupancy, including but not limited to bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas, and rooms in basements used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;
- 3.1.190 **"nuisance"** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- 3.1.191 **"obnoxious"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, or which may 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 affect the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building. For the purposes of this bylaw obnoxious shall not include activities associated with agricultural operations provided that they do not contravene generally accepted agricultural practices as defined in the Agricultural Operations and Practices Act R.S.A. 2000, c. A-07, as amended;
- 3.1.192 **"occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- 3.1.193 **"occupant"** means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant, or agent of the owner;
- 3.1.194 **"off-street parking lot"** means a parking area which is located on a parcel of land and not accessory to a particular use or development;
- 3.1.195 **"offensive"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
- 3.1.196 **"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;
- 3.1.197 **"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;
- 3.1.198 **"outdoor storage"** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- 3.1.199 **"outline plan"** means a detailed land use plan for an area that provides a framework for subsequent subdivision and development of that land, and which conforms to all approved Statutory Plans. An Outline Plan or (Site Development Plan) is adopted by resolution of Council, Pursuant to Part 17 of the Act, and is otherwise equivalent to a "Conceptual Scheme" as described in the Act;
- 3.1.200 **"over speed control"** means a device which prevents excessive rotor speed of a wind energy conversion facility;
- 3.1.201 **"owner"** means the person shown as the owner of land on the assessment roll prepared under the Act;



- 3.1.202 **"parcel of land"** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- 3.1.203 **"park model trailer"** means a park model trailer that conforms to the appropriate safety standards at the time of manufacture;
- 3.1.204 **"park model recreational unit"** means a park model recreational unit that conforms to the appropriate safety standards at the time of manufacture;
- 3.1.205 **"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 such as a carport, a garage, or a parkade;
- 3.1.206 **"parking space"** means an area set aside for the parking of one (1) vehicle;
- 3.1.207 **"patio"** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft) above ground level;
- 3.1.208 **"permitted use"** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made provided that the proposed development complies in all respects with this Bylaw;
- 3.1.209 **"personal service shop"** means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- 3.1.210 **"place of worship"** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- 3.1.211 **"principal building"** means a building which:
- occupies the major or central portion of a site;
  - is the chief or main building among one or more buildings on the site, or
  - constitutes by reason of its use the primary purpose for which the site is used.
- 3.1.212 **"principal use"** means the primary purpose or purposes for which a building or site is used;
- 3.1.213 **"private camp"** means social or recreational activities of members of a religious, philanthropic, athletic, business, or non-profit organization or their guests, with or without on-site campsites or dwelling units, but generally with an outdoor emphasis. Private camps may include facilities for eating, drinking and assembly purposes associated with the camp;
- 3.1.214 **"private club"** means social or recreational activities of members of a religious, philanthropic, athletic, business, or non-profit organization or their guests, without on-site residences. Private clubs may include rooms for eating, drinking, and assembly. This does not include cannabis lounges;
- 3.1.215 **"project"** when used as a noun means a development comprising one or more multi-family dwellings, a zero lot line development, a manufactured home park, a shopping centre, or any multiple use building;
- 3.1.216 **"property line"** means the legal perimeter demarcation as indicated by an Alberta Land Surveyor or on a real property report prepared by an Alberta Land Surveyor;
- 3.1.217 **"protective and emergency services"** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities;
- 3.1.218 **"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;
- 3.1.219 **"public or quasi-public building or use"** means a building or use which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as a church, library, museum, or senior citizen drop-in centre;
- 3.1.220 **"public park"** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;

- 3.1.221 **"public use"** means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by any public utility. However, public uses shall not include office uses, protective and emergency services, and major and minor utility services;
- 3.1.222 **"public utility"** means a public utility as defined in the Act;
- 3.1.223 **"public utility building"** means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- 3.1.224 **"real property report"** means a drawing prepared by an Alberta Land Surveyor showing the location of improvements on a lot;
- 3.1.225 **"recontouring"** means the addition or removal of soil (or other material) on a lot that alters its natural topography to promote a building site and/or to create an aesthetically appealing area;
- 3.1.226 **"recreational facility"** means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;
- 3.1.227 **"recreational vehicle park"** see "Campground";
- 3.1.228 **"recreational use"** means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto, and includes ski slopes, golf courses, archery, trap and rifle ranges, drive-in theaters, race tracks, boating, riding, swimming, picnicking, and similar uses, and may include a refreshment stand incidental to the primary use;
- 3.1.229 **"recreational vehicle"** means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include vehicles commonly referred to as travel trailers, 5th wheels, tent trailers, camping trailers, truck campers and motor homes;
- 3.1.230 **"recreational vehicle storage facility"** means a development used for the indoor or outdoor commercial storage of tent trailers, travel trailers, motor homes, boats, and other similar recreational vehicles;
- 3.1.231 **"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;
- 3.1.232 **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- 3.1.233 **"rentable unit"** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- 3.1.234 **"resident"** means a person who occupies and utilizes a dwelling in the Town of Gibbons as their primary or secondary residence and are the registered occupants of the dwelling by means of ownership or pursuant to a lease or similar form of agreement;
- 3.1.235 **"reserve"** means a parcel of land owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and playgrounds separating areas used for different purposes and registered at an Alberta Land Titles Office;
- 3.1.236 **"reserve, community services"** means land designated Community Services Reserve (CSR), pursuant to the Act;
- 3.1.237 **"reserve, conservations (CR)"** means land designated Conservation Reserve (CR) pursuant to the Act;
- 3.1.238 **"reserve, environmental (ER)"** means designated as Environmental Reserve (ER) pursuant to the Act;
- 3.1.239 **"reserve- environmental reserve easement (ERE)"** means lands that would normally be taken as Environmental Reserve (ERE) at the time of subdivision may instead be the subject of an Environmental Reserve Easement pursuant to the Act;
- 3.1.240 **"reserve, municipal (MR)"** means lands designated as Municipal Reserve (MR), pursuant to the Act;
- 3.1.241 **"residential use"** means the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis;
- 3.1.242 **"retaining wall"** means a structure designed and constructed to resist the lateral pressure of soil, loose rock, or similar material, which creates a change to site grades;
- 3.1.243 **"road"** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act and includes a highway, but does not include a lane;
- 3.1.244 **"roof"** means the top of any enclosure, above or within the vertical walls of a building;
- 3.1.245 **"rotor's arc"** means the largest circumferential path travelled by a wind energy conversion facility's blade;
- 3.1.246 **"Safety Codes Act"** means the Safety Codes Act, RSA 2000 c. S-1, as amended, and includes the regulations enacted and codes adopted thereunder from time to time;
- 3.1.247 **"sea can"** means a shipping container which is used as a storage vault and includes sea/land/rail shipping containers;

- 3.1.248 **"self-service storage facility"** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer's goods or wares. The maximum height of lockers shall be 3.0 m (10.0 ft). Self-service storage facilities do not include any outdoor storage;
- 3.1.249 **"senior citizen housing"** means accommodation constructed, operated, and/or financed in accordance with the provincial provisions, or otherwise intended for senior citizens;
- 3.1.250 **"separation space"** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. For the purposes of this bylaw, separation space is not considered a yard;
- 3.1.251 **"service station"** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops;
- 3.1.252 **"setback"** means, depending on the context of the term, the minimum horizontal distance between buildings or a parcel boundary and buildings;
- 3.1.253 **"shall"** is an operative word which means the action is obligatory;
- 3.1.254 **"shopping centre"** means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;
- 3.1.255 **"show home"** means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;
- 3.1.256 **"sight distance clearance"** means the minimum safety distance clearance for locating road approaches at intersections;
- 3.1.257 **"sight line triangle"** means the triangular area formed by a line drawn between two (2) points on the curbs of intersecting roads 8.0 m (26.2 ft) from the point where the curbs would meet if extended or 5.0 m (16.4 ft) from that point in the case of an intersecting lane and road or driveway and road;
- 3.1.258 **"sign"** means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any building or portion thereof which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without the generality of the foregoing, a sign includes posters, notices, panels, boardings, and banners;
- 3.1.259 **"sign, area of"** means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign;
- 3.1.260 **"sign, a-frame"** means a sign formed by two boards which are hinged at one end;
- 3.1.261 **"sign, canopy"** means a sign which is part of or attached to a canopy;
- 3.1.262 **"sign, freestanding"** means a sign on a standard or column attached to the ground, and which is not connected in any way to any building;
- 3.1.263 **"sign, portable"** means a sign on a standard or column fixed to its own self contained base and capable of being moved;
- 3.1.264 **"sign, projecting"** means a sign which is attached to a building so that part of the sign projects more than 0.3 m (1.0 ft) from the face of the building;
- 3.1.265 **"sign, offsite"** means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- 3.1.266 **"sign, roof"** means a sign placed on or over a roof or on top of or above the parapet wall of a building;
- 3.1.267 **"sign, under canopy"** means a sign which is attached to the bottom face of a canopy;
- 3.1.268 **"sign, wall"** means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1.0 ft) from the building. Wall signs may include signs painted on buildings;
- 3.1.269 **"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;
- 3.1.270 **"site"** means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single development or a number of developments, which is owned or managed as a single unit;
- 3.1.271 **"site area"** means the total area of a site;
- 3.1.272 **"site boundaries"** means the boundaries of a site which enclose the site at its perimeter;

- 3.1.273 **"site coverage"** means the sum of the ground floor areas of all buildings on a site, often expressed as a percentage of the total site area;
- 3.1.274 **"site depth"** means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- 3.1.275 **"site plan"** means a plan, drawn to scale, showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, and the use or the intended use of the portions of the lot on which no buildings are situated, and showing fencing, screening grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;
- 3.1.276 **"site width"**, unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- 3.1.277 **"small animal breeding and boarding establishment"** means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;
- 3.1.278 **"solar array"** means multiple solar panels use in conjunction to produce electricity. A solar array may include either free standing or roof mounted solar panels.
- 3.1.279 **"solar energy conversion system"** means the complete system required to convert solar rays into usable electricity for private use, including solar panels, mounting equipment, and additional required conversion electronics;
- 3.1.280 **"solar energy conversion system, individual"** means an individual alternate energy system (AES) consisting of a complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment, and additional required conversion electronics for use on the site that the AES is located;
- 3.1.281 **"solar farm"** means a type of commercial alternate energy system which consists of an installation of solar energy conversion system that is designed to provide for the commercial distribution of electricity to a utility or other intermediary through connection to the electrical grid or that occupies greater than 162.5 m<sup>2</sup> (1,750.0 ft<sup>2</sup>) of surface area;
- 3.1.282 **"solar panel, free standing"** means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support.
- 3.1.283 **"solar panels, roof mounted"** means a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure.
- 3.1.284 **"stall"** means an area of land upon which a manufactured home is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular manufactured home;
- 3.1.285 **"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;
- 3.1.286 **"stormwater management plan"** (SWMP) means a plan prepared by a qualified professional that outlines the design and implementation of systems that mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle. Stormwater management plans should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and water courses. SMWPs must include:
- Topography;
  - Proposed plan to control runoff;
  - Proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
  - Proposed major drainage systems (direction of surface drainage/flow rate);
  - Proposed on-site detention/retention facility (location/size/capacity);
  - Location of outflow/outfall structures;
  - Any related modeling and calculation information; and
  - Conform with approved master drainage plans;
- 3.1.287 **"stripping"** means the removal of some or all vegetation and topsoil on lot in preparation for construction activities;
- 3.1.288 **"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;
- 3.1.289 **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- 3.1.290 **"suite, garage"** means development consisting of a self-contained Dwelling located above a rear detached Garage which is Accessory to Single Detached Housing. A Garage Suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal Dwelling located on the lot. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A Garage Suite has an entrance



separate from the entrance to the rear detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Secondary Suites.

- 3.1.291 "suite, garden"** means a subordinate self-contained dwelling which is separate from the principal single detached house. It has cooking, sleeping and bathroom facilities which are separate from those of the principal dwelling located on the lot. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. This Use Class does not include Secondary Suites.
- 3.1.292 "suite, in-law"** means a subordinate, additional dwelling unit located within a single-detached dwelling or semi-detached dwelling intended for the sole occupancy of one (1) or two (2) adult persons, which has unfettered access to the adjoining dwelling unit;
- 3.1.293 "suite, secondary"** means development consisting of a self-contained Dwelling located in a structure in which the principal use is a Single detached Dwelling. A Secondary Suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal Dwelling within the structure. For the purpose of this clause, cooking facilities include any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the exterior of the structure. This use class includes conversion of basement space to a Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This use class does not include Duplex Housing, or Apartment Housing, where the structure was initially designed for two or more Dwellings, or Garage Suites.
- 3.1.294 "suite, surveillance"** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development;
- 3.1.295 "temporary building"** means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development;
- 3.1.296 "temporary development"** Means a development for which a development permit has been issued and which is to exist for a limited time only, as determined by the Development Authority and indicated in the conditions of the development permit;
- 3.1.297 "temporary use"** means a use that has been allowed to be located and/or operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos;
- 3.1.298 "tented structure"** means a building that uses masts or poles and tensile membrane (e.g., fabric or animal skin) to create an enclosure. Portable garages and reception tents are examples of tented structures;
- 3.1.299 "tie down"** means, when used in relation to a manufactured home, a means whereby the manufactured home is fastened to the ground, base, or foundation. A tie down may include a bolt, a heavy-duty wire rope, or some other similar fastening device or combination of devices;
- 3.1.300 "tourist home"** means a dwelling or dwelling unit operated as a temporary place to stay, with compensation, and includes all vacation rentals of a dwelling unit. The characteristics distinguish a tourist home from a dwelling unit used as a residence may include any of the following:
- The intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence;
  - The commercial nature of a tourist home;
  - The management or advertising of the dwelling unit as a tourist home or "vacation rental," on any website such as Airbnb or VRBO; and/or
  - The use of a system of reservations, deposits, confirmations, credit cards, or other forms of electronic payments, etc.
- A recreational vehicle shall not be used as a tourist home;
- 3.1.301 "tower, wind energy conversion facility"** means the structure of a wind energy conversion facility, which supports the rotor above grade;
- 3.1.302 "transfer station"** means a development where solid and/or liquid wastes are gathered, temporarily stored, and redistributed for disposal and or permanent storage off-site;
- 3.1.303 "truck and recreational vehicle sales/rentals establishment"** means a development where new or used trucks with a gross vehicle weight rating of 4000 kg (8818.5 lbs) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000 kg (13,227.7 lbs) or greater or a length greater than 6.7 m (22.0 ft) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refuelling and/or washing facilities as an integral part of the operation;



- 3.1.304 **"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 3000 kg (6613.9 lbs.);
- 3.1.305 **"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;
- 3.1.306 **"utility services"** means a development of a public utility or a public utility building or a government service function. Utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs or storm water management facilities; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;
- 3.1.307 **"vertical access rotor"** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface;
- 3.1.308 **"veterinary clinic"** means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- 3.1.309 **"warehouse sales establishment"** means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores. This use does not include cannabis production and distribution facilities and industrial hemp production facilities;
- 3.1.310 **"waste to energy"** means a use that creates electricity and/or heat from the incineration of waste materials;
- 3.1.311 **"wind energy conversion system, large"** means 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;
- 3.1.312 **"wind energy conversion system, micro"** means a small-scale wind turbine, which is small is height and diameter and can be installed on the roof of a building or structure.
- 3.1.313 **"wind energy conversion system, small"** refers 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.
- 3.1.314 **"wireless communications facility"** means a facility that provides communication service using radio frequency (RF) 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 de-icing equipment, antenna power dividers and matching equipment, combiners, utility power equipment, conditioners, and backup systems;
- 3.1.315 **"work camp"** means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than six (6) months and up to three (3) years. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities.
- 3.1.316 **"workcamp, short term"** means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. For the purposes of this definition, temporary means for a period of up to six (6) months in total duration either consecutively or non-consecutively.
- 3.1.317 **"wrecking and scrap metal yard"** means a land use or development that is for the disassembling, crushing, or storing of used motor vehicles and other metal parts and objects. This may include the sale of parts or scrap metal;
- 3.1.318 **"yard"** means a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw;
- 3.1.319 **"yard, front"** means a yard extending across the full width of a site from the front line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve;

- 3.1.320 **"yard, rear"** means a yard extending across the full width of a site from the rear line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve;
- 3.1.321 **"yard, side"** means a yard extending from the side line to the nearest exterior wall of the principal building situated on the site, and lying between the front and rear yards on the site, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve;

### **3.2 ALL OTHER TERMS**

- 3.2.1 All other words and expressions in this Bylaw have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

### **3.3 METRIC & IMPERIAL MEASUREMENTS**

- 3.3.1 Within this Bylaw, both metric and imperial measures are normally provided. Imperial measurements may be provided within brackets. Imperial measures are approximate, and are provided only for information, in order to provide some comparison for persons who are unfamiliar with metric measures.
- 3.3.2 Metric measurements shall take precedence over imperial measurements for the purposes of interpretation in this Bylaw.

## 4. AMENDMENTS

### 4.1 APPLICATIONS

- 4.1.1 A person may apply to have this Bylaw amended, by applying in writing to the Town noting reasons in support of the application and paying the fee identified in the Town's Fees and Charges Bylaw.
- 4.1.2 Council may at any time initiate an amendment to this Bylaw.
- 4.1.3 All applications for amendment to this Bylaw shall be accompanied by:
- i. A completed application form, as developed by the Development Authority;
  - ii. The application fee, as identified in the Town's Fees and Charges Bylaw;
  - iii. a statement of the specific amendment requested; and
  - iv. a statement identifying the purpose and reasons for the application.
- 4.1.4 If the application is for a mapping amendment (or would apply to specific parcels of land), the following additional information shall also be required:
- a. the legal description of the affected lands;
  - b. a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land; and
  - c. drawings showing the subject site, the proposed Land Use District and the proposed use and development to be proposed on the site, if applicable.
- 4.1.5 If the amendment is for the redistricting of land, Town Administration may require:
- a. a conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by the Development Authority that provides Council with information to determine:
    - i. If the site is suitable for the intended use;
    - ii. If the site can be reasonably and cost effectively serviced; and
    - iii. That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and
  - b. payment of a fee equal to the costs incurred by the Town to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and
  - c. technical studies requested by Administration to assess site suitability and servicing requirements.
- 4.1.6 Upon receipt of an application to amend this Land Use Bylaw, the Development Authority may refer the application to the Town's planning and engineering services providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:
- a. Relationship to and compliance with approved statutory plans and Council policies;
  - b. Relationship to and compliance with approved statutory plans, outline plans, or plans in preparation;
  - c. Compatibility with surrounding development in terms of proposed future land use and scale of development;
  - d. Traffic impacts;
  - e. Relationship to (or impacts on) municipal infrastructure, utilities, services, and facilities;
  - f. Relationship to municipal land, right-of-way, or easement requirements;
  - g. Necessity and appropriateness of the amendment in view of the stated intentions of the applicant; and
  - h. Relationship to the documented concerns and opinions of area residents regarding development implications.
- 4.1.7 Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:
- a. prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
  - b. mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment, or to a larger area as directed by Council;
  - c. provide notice of the Public Hearing to the applicant, the owner of the subject land (if different than the applicant), all adjacent property owners, and any other individuals or organizations identified by Council;
  - d. prepare a recommendations report, prior to a Public Hearing for the proposed amendment; and
  - e. inform the applicant of the recommendations to Council.
- 4.1.8 All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.
- 4.1.9 In considering an application for amendment to this Bylaw, Council may, at its sole discretion:
- a. Refuse the application; or
  - b. Refer the application for further information; or

- c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
  - d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
  - e. Pass first reading of an alternative amendment to this Land Use Bylaw.
- 4.1.10 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- 4.1.11 After the third reading of the Bylaw, the Development Authority shall send a copy of it to:
- a. the applicant;
  - b. the registered owner of the land (if different from the applicant); and
  - c. The Town's subdivision and planning services providers.

## **4.2 PUBLIC HEARING**

- 4.2.1 Following its first consideration, the Council shall establish the date, time, and place for a Public Hearing on the proposed amendment.
- 4.2.2 Following establishment of the date, time and place for a public hearing, Town Administration shall issue a notice of public hearing in accordance with the Act.
- 4.2.3 Notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- 4.2.4 A notice must contain:
- a. A statement of the general purpose of the proposed bylaw and public hearing;
  - b. The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected; and
  - c. The date, place, and time where the public hearing will be held.
- 4.2.5 In the case of an amendment to change the land use district designation of a lot, Town Administration must, in addition to the requirements of Section 4.2.4:
- a. Include in the public hearing notice:
    - i. The municipal address, if any, and the legal address of the lot; and
    - ii. A map showing the location of the lot;
  - b. Give written notice containing the information described in Section 4.2.5.a to the owner of that lot at the name and address shown on the certificate of title (or tax roll); and
  - c. Give written notice containing the information described in Section 4.2.5.a to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
- 4.2.6 If the land referred to in Section 4.2.5.c is in an adjacent municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- 4.2.7 In the public hearing, Council:
- a. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
  - b. May hear any other person who wishes to make representations and whom the Council agrees to hear.
- 4.2.8 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:
- a. Pass the bylaw;
  - b. Defer it for further information or comment;
  - c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
  - d. Defeat the bylaw.



## 5. DEVELOPMENT PERMITS

### 5.1 CONTROL OF DEVELOPMENT

- 5.1.1 Development Permits are required to ensure that all development is achieved in an orderly manner.
- 5.1.2 No development other than that indicated in Section 5.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.
- 5.1.4 Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure that their development is consistent with the conditions of any registered easements or covenants which affect the subject site.
- 5.1.5 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.

### 5.2 DEVELOPMENT NOT REQUIRING A PERMIT

- 5.2.1 The following development shall not require a development permit:
  - a. the carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
  - b. the completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
  - c. the use of any such buildings as referred to in Section 5.2.1.b for the purpose for which construction was commenced;
  - d. the construction, completion, alteration, maintenance, or repair of public works, public services, and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
  - e. the construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
  - f. the erection or placement of temporary signs for a maximum of 30 consecutive days;
  - g. the erection or placement of signs on an active development site that provide information about the development/construction proponents, site safety requirements, site access, and/or site identification;
  - h. 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 one (1) day 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;
  - i. 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, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m<sup>2</sup> (6.5 ft<sup>2</sup>) in area and provided further that such signs are placed or erected no closer than 3.0 m (10.0 ft) to a road right-of-way;
  - j. the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building;
  - k. the erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 9.11;
  - l. hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that such hard-surfacing does not exceed 8.0 m (26 ft) in width;

- m. accessory buildings which are accessory to a dwelling and entirely portable, and which are less than 13.4 m<sup>2</sup> (144.0 ft<sup>2</sup>) in size and 2.3 m (7.5 ft) in height, unless the accessory building does not meet the minimum distance requirements outlined in Section 10.1;
- n. a patio in a Residential District that meets the minimum required yard requirements outlined in Section 9.20;
- o. boarding and foster care within a dwelling unit, provided the use, in the opinion of the Development Authority, is not a boarding and lodging house, a day home, a day care facility, a group home, a family care facility, or a group care facility;
- p. extensive agriculture uses on lots 8.1 ha (20.0 acres) or more in area in an Urban Reserve (UR) District;
- q. landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit; and
- r. minor home occupations;
- s. the placement or use of fire pits, outdoor fireplaces, and propane fire pits/tables which conform to the regulations in the Town's Community Standards Bylaw shall not require a development permit;
- t. the demolition or removal of any building or structure for the erection of which a development permit would not be required pursuant to subsections 5.2.1.d to 5.2.1.u, both inclusive.

### **5.3 NON-CONFORMING BUILDINGS AND USES**

- 5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.
- 5.3.2 If a development permit has been issued on or before the day on which this Land Use bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a nonconforming use or non-conforming building, the development permit continues in effect;
- 5.3.3 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- 5.3.4 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.5 A non-conforming use of part of a lot or site may not be exceeded or transferred in whole or in part to any other part of the lot or site and no additional buildings may be constructed upon the lot or site while the non-conforming use continues.
- 5.3.6 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - a. to make it a conforming building,
  - b. for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - c. in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.5(6) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- 5.3.7 If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 5.3.8 The land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### **5.4 GENERAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

- 5.4.1 An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - a. a scaled site plan showing:
    - i. the boundaries of the site including any lots that may make up the site;
    - ii. the front, rear, and side yards, if any;
    - iii. any provision for off-street loading, vehicle standing, and parking areas;
    - iv. access and egress points to the site;
    - v. proposed site coverage, and as a percentage calculation of the total lot area;
    - vi. measurements of all identified features;
    - vii. north point;
    - viii. legal description of the property;
    - ix. the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences,

- driveways, paved areas, access and egress points to the parcel, and major landscaped areas including buffering and screening areas where provided; and
- b. pre and post-construction site and building elevations;
  - c. floor plans, elevations, and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - d. an indication of the proposed uses; and
  - e. an indication of the ownership of the land and the interest of the applicant therein.
- 5.4.2 Each application for a development permit shall be accompanied by a fee as identified in the Town's Fees and Charges Bylaw.
- 5.4.3 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required if:
- a. the development includes a new building;
  - b. the development includes an addition to an existing building; or
  - c. the Development Authority believes that the existing or proposed development identified on the site plan does not accurately correspond with the legal boundaries of the lot.
- 5.4.4 The Development Authority may also require additional information to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
  - b. the height and horizontal dimensions of all existing and proposed buildings;
  - c. outlines of roof overhangs on all buildings;
  - d. existing and proposed grades on the site and on adjacent sites, roads and lanes;
  - e. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - f. landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
  - g. drainage plans;
  - h. in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - i. future development plans for a site which is to be partially developed through the applicable development permit;
  - j. in the case of a proposed major home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
  - k. in the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home dwelling, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
  - l. lot grading and landscaping plans prepared by a registered Alberta Land Surveyor or engineer;
  - m. any other information or tests required by the Development Authority, at their sole discretion, respecting the site or adjacent lands, including an environmental screening of the site; and
  - n. a statutory declaration indicating that the information supplied is accurate.
- 5.4.5 The Development Authority may also require additional engineering information to assess the stability of the site from the perspective of potential bank erosion or slumping and storm water management, especially in areas close to the valley of the Sturgeon River. That engineering information may include an assessment of the stability of the site, an indication of the means whereby the stability is to be ensured or enhanced in order to make it suitable for any construction proposed, and the means whereby the stability is to be ensured or enhanced through the construction period and subsequent occupancy of the development, including any requirements for the handling of surface or subsurface drainage, and any requirements respecting the location of any facilities containing or dealing with water.
- 5.4.6 Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in their sole opinion, the information supplied by the applicant in accordance with this Section hereof is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application. The period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in their sole opinion, that the development permit application is complete.

- 5.4.7 Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required in this Section hereof or where, in their sole opinion, the information supplied by the applicant is sufficient to properly evaluate the application.
- 5.5 ALCOHOL RETAIL SALES AND CANNABIS RETAIL SALES DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**
- 5.5.1 In addition to the other requirements of this section, the Development Authority may require an applicant for development permit for Alcohol Retail Sales and Distribution or a Cannabis Retail Sales to submit any or all of the following additional information, with the application a map identifying the distance from the proposed development to all property boundaries of:
- Buildings containing another Cannabis Retail Sales or Alcohol Retail Sales;
  - Buildings containing a registered day care;
  - Buildings containing a school or a boundary of a lot on which a school is located;
  - Lots that are designated as School Reserve or Municipal and School Reserve under the Act, as amended;
  - Provincial health care facilities or the boundary of a lot on which the facilities are located; and
  - Any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission.
- 5.6 INDUSTRIAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**
- 5.6.1 In addition to the other requirements of this section, each application for industrial development shall be accompanied by the following information:
- Type of industry;
  - Estimated number of employees;
  - Estimated water demand and anticipated source;
  - Estimated gas demand and anticipated source;
  - Type of effluent and method of treatment;
  - Type of air emissions and method of abatement;
  - Estimated noise generated by the development and method of abatement;
  - Estimated light generated by the development and (if necessary) method of abatement;
  - Transportation routes to be used and estimated traffic impact;
  - Reason for specific location;
  - Means of solid waste disposal;
  - Any accessory works required (pipeline, railway spurs, power lines, etc.);
  - Anticipated residence location of employees;
  - Municipal servicing costs associated with the development;
  - Physical suitability of the site with respect to soils, slopes, and drainage;
  - If a subdivision is involved, the size and number of parcels and proposed phasing (if any);
  - Servicing requirements and provisions for meeting them;
  - Costs associated with providing new or upgraded municipal services associated with the development; and/or
  - Any other information required by the Development Authority.
- 5.7 COMMERCIAL & RECREATION DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**
- 5.7.1 In addition to the other requirements of this section, each application for commercial or recreation developments may be required, at the discretion of the Development Authority, to be accompanied by the following information:
- Physical suitability of the site with respect to soils, slopes, and drainage;
  - The size and number of parcels and proposed phasing (if any);
  - Servicing requirements and provisions for meeting them;
  - Estimated water demand and anticipated source;
  - Estimated gas demand and anticipated source;
  - Type of effluent and method of treatment;
  - Type of air emissions and method of abatement;
  - Estimated noise generated by the development and method of abatement;
  - Estimated light generated by the development and (if necessary) method of abatement;
  - Costs associated with providing new or upgraded municipal services associated with the development;
  - The requirements and provisions for employee and customer parking and for site access;
  - A landscaping plan;
  - Cross-sections and elevations for each building;
  - A list of proposed uses;
  - Transportation routes and estimated traffic impact; and/or



- p. Any other information required by the Development Authority.

## **5.8 EXCAVATION AND STRIPPING OF LAND DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

- 5.8.1 In addition to the other requirements of this section, a development permit application for site stripping, filling, excavation, grading and/or re-contouring (including construction of artificial water bodies and dugouts) shall include the following information:
- a. Location and area of the site on which the development is proposed;
  - b. Existing land use and vegetation;
  - c. Type of excavation, stripping or grading proposed, showing dimensions of the operation or the area of the land and depth to which the topsoil is to be removed, and the effect on existing drainage patterns on and off site;
  - d. Location on the lot where the excavation, stripping or grading is to be made on the lot; and
  - e. Condition in which the excavation, stripping or grading is to be left when the operation is complete (including submission of site grading or re-contouring plans if required by the Development Authority) or the use of the area from which the topsoil is removed, and including the action which is to be taken for preventing, controlling, or lessening erosion or dust from the site;
  - f. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
  - g. identification of potential for outdoor noise and the discharge of substances into the air;
  - h. an indication of all municipal servicing costs associated with the development; and
  - i. the proposed haul route, dust control plan and expected hours of operation.

## **5.9 ALTERNATIVE ENERGY SYSTEM DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

### **Commercial Alternative Energy Systems**

#### Commercial Solar Conversion Energy Systems:

- 5.9.1 Development Permit applications for a solar energy collection system shall be accompanied by the following information:
- a. A plan showing the location of overhead and/or underground utilities on or adjacent to the subject lands.
  - b. A detailed site plan showing:
  - c. the titled lot(s);
  - d. the location of the system on the lot(s);
  - e. the required setbacks;
  - f. existing structures if any;
  - g. the existing or proposed approach(es); and
  - h. the orientation of the solar collectors.
- 5.9.2 The application shall also include details regarding:
- a. the system type;
  - b. number of structures;
  - c. height of structures;
  - d. energy process;
  - e. grid connection;
  - f. rated output in megawatts;
  - g. signage;
  - h. public safety;
  - i. security measures;
  - j. topography;
  - k. stormwater management plan;
  - l. the results of the public consultation process; and
  - m. weed control plan.

#### Commercial Wind Conversion Energy Systems (WECS):

- 5.9.3 An individual development permit application shall be submitted for each titled lot.
- 5.9.4 Development Permit applications for a wind energy conversion system shall be accompanied by the following information:
- a. an accurate site plan showing and labeling the information outlined in this section and the location of overhead and/or underground utilities on or adjacent to the subject lands;
  - b. a digital version of the site plan showing the exact location and base elevation of each WECS;

- c. a visual representation of the WECS project including scale elevations, photographs and/or digital projections of the project showing height, rotor diameter, colour, and landscape;
- d. a digital version of the site plan showing the exact location and base elevation of each WECS;
- e. reclamation plan;
- f. the manufacturer's specifications indicating:
- g. the proposed systems rated output in megawatts;
- h. the safety features;
- i. the type of material used in the tower, blade, and rotor construction;
- j. foundation design and/or anchor design, including the location and anchoring of any guy wires;
- k. an analysis of the potential for noise and shadow/flicker effect, both at the site of the installation, at the boundary of the property containing the development, and at any habitable residence within 2.0 km (1.2 miles) of any WECS in accordance with Alberta Utilities Commission Rule 12;
- l. the results of the public consultation process;
- m. the potential for electromagnetic interference;
- n. the nature and function of over speed controls which are provided;
- o. the status of the Applicant's circulation to NavCanada, Transport Canada, Alberta Utilities Commission, and any other government department or agency required for provincial approval;
- p. information on public safety;
- q. identification of any roads to be used or constructed for use during construction of the project and any impacts to the existing road system including required approaches from public roads; and
- r. a copy of the Wire Service Provider (WSP) approval if the WECS is proposed to be connected to the provincial power grid.

#### Other Commercial Energy Systems:

- 5.9.5 Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
- a. An accurate site plan showing and labelling;
  - b. Any information regarding public safety;
  - c. Information or verification of:
    - i. the volume of water, if required;
    - ii. the source of the water, if required;
    - iii. the reclamation process of any water utilized by the system;
    - iv. the stormwater management system, if required;
    - v. the method of disposal of any waste material generated by the system; and
    - vi. the generation and mitigation of any noise, vibration, odor, light, particulate that results from the production process;
  - d. An analysis of the potential fire, explosive, or other hazards of the proposed system; and
  - e. A Traffic Impact Assessment or other information/analysis of traffic volumes and any impacts to the local road system.

#### **Individual Alternative Energy Systems**

##### Individual Solar Conversion Energy Systems:

- 5.9.6 In addition to the requirements of Section 5.4 of this Bylaw, the application may be required to include:
- a. Information about any impacts to the Town road system such as, but not limited to:
    - i. Identification of the roads to be used to construct and operate the development,
    - ii. Number and type of vehicle movements, and load weights,
    - iii. Expected time-period of movements: short-term, periodic, or on-going;
  - b. For systems that are to be tied into the grid, evidence that the Utility Operator has been informed of the applicant's intent to install an interconnected customer-owner generator;
  - c. Documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
  - d. The manufacturer's specifications for the proposed system and rated output in kilowatts;
  - e. A site plan showing the location, setbacks, and orientation of the solar collectors;
  - f. For panels to be affixed to the wall of a building or accessory structure:
    - i. A description of how the panels are to be mounted or affixed,
    - ii. The maximum projection from the wall, and,
    - iii. The structural capacity of the building and/or wall to support the proposed development;

- g. For free-standing solar panels:
  - i. A description of the proposed ground mount design;
  - ii. The clearance to the bottom of the collectors;
  - iii. The maximum height from existing grade; and,
  - iv. The method of vegetation/weed control.

Individual Wind Conversion Energy Systems (WECS):

- 5.9.7 Development Permit applications for a wind energy conversion system shall be accompanied by the following information:
- a. Documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
  - b. The manufacturer's specifications indicating:
    - i. The proposed systems rated output in kilowatts,
    - ii. The safety features,
    - iii. The sound characteristics;
    - iv. A site plan showing the location and setbacks of the WECS on the property;
  - c. Drawings, drawn to scale, of the wind turbine structure, including the tower, base, footings, and anchoring method. 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;
  - d. The specifications on the foundations and/or anchor design, including the location and anchoring of any guy wires;
  - e. The location of any existing buildings or improvements on the property in relation to the WECS;
  - f. Evidence of compliance 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).

Other Individual Energy Systems:

- 5.9.8 Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
- a. Documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
  - b. An accurate site plan showing and labelling:
    - i. The location of the proposed system on the property,
    - ii. The location of the proposed system in relation to any other buildings or structures on the property,
    - iii. The location of the existing or proposed access,
    - iv. Detailed information on the type of facility, structure, or system,
    - v. The energy process involved,
    - vi. The manufacturer's specifications, indicating (if applicable):
    - vii. The rated output in megawatts or gigajoules,
    - viii. The safety features, and
    - ix. The sound characteristics;
  - c. Information on public safety regarding such aspects as fire hazards, chemicals used, storage of hazardous materials, exposure to corrosive and/or hazardous fumes;
  - d. Information or verification of:
    - i. The volume of water, if required,
    - ii. The source of the water, if required,
    - iii. The reclamation process of any water utilized by the system,
    - iv. The stormwater management system, if required, and
    - v. The method of disposal of any waste material generated by the system.

## **5.10 PERMISSION FOR DEMOLITION**

- 5.10.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.
- 5.10.2 The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.
- 5.10.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:
- a. the value of the development;
  - b. the alternatives to demolition if the building is of historic or architectural value;
  - c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
  - d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
  - e. the destination of debris materials;
  - f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on-site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
  - g. a copy of the original development approval including building permits where applicable;
  - h. the form of demolition to be used (heavy equipment or by hand);
  - i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (6.0 ft) in height is required around the excavation or structure to be demolished);
  - j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;
  - k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
  - l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
  - m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.
- 5.10.4 Before consideration of a development permit application for demolition, where a proposed development may involve the removal of hazardous materials, the Development Authority may also require the applicant to complete:
- a. a Hazardous Materials Assessment Report; and/or
  - b. any phase of an environmental site assessment in order to determine whether the site is contaminated, and the mitigation measures necessary to eliminate such contamination.

## **5.11 NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS**

- 5.11.1 The Development Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 5.11.2 The time period referred to in Section 5.11.1 may be extended by an agreement in writing between the applicant and the Development Officer.
- 5.11.3 An application is complete if:
- a. in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application; or
  - b. the Development Officer does not decide within 20 days of receipt of an application for a development permit.
- 5.11.4 If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
- 5.11.5 If the Development Officer determines that the application is incomplete, the Development Officer shall issue the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
- 5.11.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 5.11.5, the Development Officer must deem the application to be refused.



- 5.11.7 Despite that the Development Officer has issued an acknowledgment under 5.12.5 or 5.12.6, while reviewing the application, the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.
- 5.12 DEVELOPMENT PERMIT NOTIFICATION**
- 5.12.1 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall within five (5) working days after a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Town's website. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 5.12.2 In addition to the above, 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 Officer shall:
- 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 the Town Assessment Roll, to provide notice of the decision and right of appeal; and
  - post notice of the decision on the Town's website; and
  - 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.
- 5.12.3 The notice indicated in Sections 5.12.1 and 5.12.2 shall state:
- the legal description and the street address of the site of the proposed development;
  - the uses proposed for the subject development,
  - any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
  - the date the development permit was issued;
  - if the appeal is to the subdivision and development appeal board or the Land and Property Rights Tribunal; and
  - how an appeal might be made and the deadline for such appeal.
- 5.12.4 Pursuant to this Section, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of the decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the fifth (5<sup>th</sup>) day after the date of the issuance of the decision or permit. Any development proceeded by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5.12.5 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified thereby.
- 5.12.6 If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void.
- 5.12.7 A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 5.12.8 The applicant may be responsible for any damage to public or private property occurring as a result of development.
- 5.12.9 A decision of the Development Authority on an application for a development permit shall be made in writing.
- 5.13 CONDITIONS AND DEVELOPMENT AGREEMENTS**
- 5.13.1 The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality:
- to construct or pay for the construction of a road required to give access to the development;
  - to construct or pay for the construction of:
    - a pedestrian walkway system to serve the development; and/or
    - pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;
  - to install or pay for the installation of public utilities or works, that are necessary to serve the development;
  - to construct or pay for the construction of:
    - off-street or other parking facilities, and
    - loading and unloading facilities;
  - to pay an off-site levy; and/or
  - to give security to ensure that the terms of the agreement are carried out.
- 5.13.2 The Development Authority may require that as a condition of issuing a development permit, the applicant undertake construction in accordance with and complete the site plans, landscaping plans, drainage plans, and grading plans

submitted; undertake any remedial measures recommended or required by any engineering or environmental screening reports provided to the Development Authority during the development permit application process; and that the agreement in Section 5.13.1 be registered by way of caveat against the title of the subject site.

- 5.13.3 The Development Authority may require that as a condition of issuing a development permit, the applicant undertake landscaping, drainage, grading, or remedial measures.
- 5.13.4 A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority, permits relating to building, grades, sewers, water mains, electricity and roads, and all other permits required in connection with the proposed development in accordance with any other Town, Provincial or Federal legislation, bylaws, regulation, or standards.
- 5.13.5 The person to whom a development permit has been issued shall notify the Development Authority:
- following the preliminary layout of the site, but prior to the commencement of actual construction thereon; and
  - upon completion of any construction for which approval has been given and which has been authorized by the issuance of a development permit.
- 5.13.6 The Development Authority may require that the applicant arrange with the Development Authority for on-site inspection before commencing construction.
- 5.13.7 The applicant shall be financially responsible during construction for any damage by the applicant, their servants, their suppliers, agents or contractors to any public or private property.
- 5.13.8 The applicant shall prevent excess soil or debris from being spilled on roads, lanes and sidewalks, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- 5.13.9 5.13.7 and 5.13.8 above may be enforced pursuant to this Bylaw, and any costs incurred because of neglect to public property may be collected by whatever means are available to the Town.
- 5.13.10 The Development Authority may require certification from an Alberta Land Surveyor that any required grades have been established.
- 5.13.11 The Development Authority may require that the person to whom a development permit is issued keep:
- a copy of the development permit or a placard indicating that posted in a conspicuous place on the site for which the permit was issued, and/or
  - a copy of the approved drawings and specifications on the subject site at all times during construction.

#### **5.14 VALIDITY OF PERMITS**

- 5.14.1 A permit granted pursuant to this Part does not come into effect until 22 days after the date notification is given of a decision on a development permit as described in Section 5.12. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5.14.2 Where an appeal is made pursuant to Section 7 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified.

#### **5.15 VARIANCES**

- 5.15.1 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 the proposed development would not:
- unduly interfere with the amenities of the neighbourhood; or
  - materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 5.15.2 In approving an application for development pursuant to Section 5.16.1, the Development Authority shall adhere to the following:
- A variance shall be considered when warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.
  - Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.

#### **5.16 COMPLIANCE WITH LEGISLATION AND AGREEMENTS**

- 5.16.1 Compliance with the requirements of this Land Use Bylaw does not exempt any person from complying with:
- the requirements of any federal or provincial legislation;
  - the requirements of other municipal plans and bylaws; and
  - any easement, covenant, agreement, or contract affecting the proposed site or development.

## 6. SUBDIVISION

### 6.1 SUBDIVISION OF LAND

- 6.1.1 Where the development of land involves a proposed subdivision, no development permit shall be issued until the subdivision has been registered at the Alberta Land Titles Office and the subject lot has been fully serviced with municipal piped water supply and sewage disposal facilities and a road built to standards acceptable to the Development Authority.
- 6.1.2 Subject to 6.1.3 below, any application to subdivide land in the Town shall conform with the Act, regulations made pursuant to the Act, and this Bylaw.
- 6.1.3 The Subdivision Authority may approve an application for subdivision or a bareland condominium plan even though the proposed subdivision or bareland condominium plan does not comply with the regulations of this Bylaw if, in the opinion of the Subdivision Authority the proposed subdivision or bareland condominium plan:
- would not unduly interfere with the amenities of the neighbourhood;
  - would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - conforms with the use prescribed for that land or building in this Bylaw.

### 6.2 APPLICATION REQUIREMENTS

- 6.2.1 All subdivision applications for lands within the municipality shall comply with the provisions of this Section.
- 6.2.2 A subdivision application may be submitted by:
- The registered owner of the land to be subdivided; or
  - A person with written authorization to act on behalf of the registered owner.
- 6.2.3 Subdivisions shall be developed in accordance with the provisions of the Land Use District affecting the subject site at time of application.
- 6.2.4 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
- 6.2.5 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 6.2.6 Information on abandoned oil and gas wells as required by the Matters Related to Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6.2.7 The tentative plan of subdivision shall:
- Clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
  - Show the location, dimensions, and boundaries of:
    - Each new parcel to be created;
    - Reserve land(s), if required;
    - The rights-of-way of each public utility, if required; and
    - Other rights-of-way, if required;
  - Indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
  - Show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
  - For developed parcels, identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
  - Include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
  - Identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6.2.8 The Subdivision Authority may also require an applicant to submit any or all the following where the site has been identified as including hazard features that may impact the suitability of the site for development:
- A figure showing topographic contours at no greater than 1.5 m (4.9 ft) intervals;

- b. If the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
- c. An assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
- d. Reports, plans, and studies prepared by qualified professionals, including:
  - i. Ground Water Report;
  - ii. Geotechnical Report;
  - iii. Lot Grading and Drainage Plan or Stormwater Management Plan;
  - iv. Slope Stability Analysis;
  - v. Water Report;
  - vi. Wetland Assessment;
  - vii. Any other reports, plans, and studies that provide information requested by the Subdivision Authority;
- e. If the land that is the subject of an application is within a potential flood plain, a figure showing the 1:100-year flood plain or highest and most frequent rain event series relevant to flooding of the land;
- f. Information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;
- g. Where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Conceptual Scheme that relates the application to future subdivision and development of adjacent lands.

### **6.3 PROCESS**

- 6.3.1 The Subdivision Authority shall:
- a. Receive all applications for subdivision;
  - b. Assess and provide notice of a complete or incomplete application; and
  - c. Issue notices in writing as required in the Act.

### **6.4 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION**

- 6.4.1 The Subdivision Authority shall, within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.
- 6.4.2 The period referred to in Section 6.4.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.
- 6.4.3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- 6.4.4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 6.4.5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to 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 Subdivision Authority in order for the application to be considered complete.
- 6.4.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.4.5, the Subdivision Authority must deem the application to be refused.
- 6.4.7 Despite that the Subdivision Authority has issued an acknowledgment under Section 6.4.5 or 6.4.6, while reviewing the application the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

### **6.5 DUTIES OF THE SUBDIVISION AUTHORITY**

- 6.5.1 Upon receipt of a completed subdivision application, the Subdivision Authority:
- a. shall refer the subdivision application to any external agencies and adjacent landowners for comment prior to making a decision and may refer the subdivision application to any internal municipal department(s) as required;
  - b. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
    - i. this Bylaw;
    - ii. applicable statutory plans; and



- iii. the Act and the Regulations thereunder; or
  - c. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
    - i. applicable statutory plans; and/or
    - ii. the Act and the Regulations thereunder; and/or
    - iii. the uses prescribed in the applicable land use district identified in this Land Use Bylaw; or
  - d. may refuse an application for a subdivision if the proposed subdivision does not conform with other regulations in this Bylaw.

- 6.5.2 The subdivision authority may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
- a. would not unduly interfere with the amenities of the neighbourhood;
  - b. would not materially interfere with or affect the use, enjoyment, or value of neighbouring lots; and
  - c. conforms to the use prescribed for that land in this Bylaw.

## **6.6 REQUIREMENTS AND CONDITIONS**

- 6.6.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 and 670 of the Act.
- 6.6.2 Subdivision approvals must comply with Part 17 and 17.1 of the Act the Regulations therein.
- 6.6.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 6.6.4 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.
- 6.6.5 Only the owner of a parcel or their agent may make an application for a subdivision.
- 6.6.6 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.
- 6.6.7 The proponent of a subdivision application may be required to enter into a development agreement with the Town of Gibbons. The development agreement shall identify that all costs associated with servicing the proposed subdivision will be the responsibility of the proponent.
- 6.6.8 As a condition of subdivision approval, Environmental Reserves or an Environmental Reserve Easement may be required as a condition of Subdivision Authority approval as provided for in Section 664 of the Act.
- 6.6.9 As a condition of subdivision approval, the Subdivision Authority may require that the proponent provide hazard lands as Environmental Reserve.
- 6.6.10 As a condition of subdivision approval, the Subdivision Authority may require the proponent enter into a land acquisition agreement for the purpose of a road widening to service the proposed development.
- 6.6.11 Where a subdivision is proposed on lands adjacent to a waterbody, a watercourse, or wetland, reserves shall be required as a condition of Subdivision Authority approval as provided for in the Act. When determining the width and size of the Environmental Reserve, the following shall be taken into consideration:
- a. Recommendations by qualified professionals; and/or
  - b. Riparian Setback Matrix Model (RSMM); and/or
  - c. Alberta Environment and Protected Areas' Recommended Guidelines for Minimum Environmental Reserve/Easement Widths.

## 7. APPEALS

### 7.1 DEVELOPMENT APPEALS

- 7.1.1 An appeal may be made to the Subdivision and Development Appeal Board (Board) where a Development Authority:
- refuses or fails to issue a development permit to a person; or
  - issues a development permit subject to conditions; or
  - issues an order under Section 645 of the Act;
- by the person applying for the permit or affected by the order, under s. 645.
- 7.1.2 In addition to the applicant, any person affected by an order, decision or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2.1) of the Act.
- 7.1.3 Notwithstanding Section 7.1.2 above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied, or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.
- 7.1.4 Despite Sections 7.1.1, 7.1.2 and 7.1.3, where the decision issued for a development permit application within a direct control district is made by:
- Council there is no appeal to the Subdivision and Development Appeal Board; or
  - the Development Authority, the appeal is limited to whether the Development Authority followed the directions of Council, and if the board hearing the appeal finds that the Development Authority did not follow the directions of Council it may, in accordance with the directions, substitute its decision for the Development Authority's decision.
- 7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Subdivision and Development Appeal Board of the Town.
- 7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.1 by serving a written notice of appeal to the board hearing the appeal:
- within 21 days after the date on which the written decision is given; or
  - if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or
  - With respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
- 7.1.8 An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.2) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.
- 7.1.9 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.1.10 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- the appeal application fee as identified in the Town's Fees and Charges Bylaw;
  - the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
  - the name, contact information and address of the appellant; and
  - the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.1.11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:
- in the case of a person referred to in Section 7.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
  - in the case of a person referred to in Section 7.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

## **7.2 SUBDIVISION APPEALS**

- 7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
- by the applicant for the approval;
  - by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
  - by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
  - by a school board with respect to:
    - the allocation of municipal reserve and school reserve or money in place of the reserve;
    - the location of school reserve allocated to it; or
    - the amount of school reserve or money in place of the reserve.
- 7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Subdivision and Development Appeal Board of the Town.
- 7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.2.5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- the appeal application fee as identified in the Town's Municipal Master Rates Bylaw;
  - the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
  - the name, contact information, and address of the appellant; and
  - the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.2.6 If the applicant files a notice of appeal within twenty-one (21) days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

## **7.3 HEARING AND DECISION**

- 7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.
- 7.3.2 Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680, and 681 of the Act.

## 8. ENFORCEMENT

### 8.1 SCOPE OF ENFORCEMENT

- 8.1.1 Regulations in this section are related to the enforcement of Land Use Bylaw regulations exclusively.
- 8.1.2 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action under the Act to ensure compliance with the regulations of this Land Use Bylaw.

### 8.2 PROHIBITION

- 8.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or action that is not permitted by this Bylaw.
- 8.2.2 No person shall contravene the conditions of a development permit or subdivision approval issued under this Bylaw.
- 8.2.3 No person shall authorize or undertake any development that is not compliant with the description, specifications, or plans that were the basis for the issuance of a development permit.
- 8.2.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of a permit by the Development Authority.

### 8.3 RIGHT OF ENTRY

- 8.3.1 After reasonable notice (generally to mean 48 hours) has been provided to the owner or occupant of a parcel or building that is subject to an order, a Designated Officer may enter a property at reasonable times (generally meaning between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Land Use Bylaw and development permit conditions/requirements are being met.
- 8.3.2 A Designated Officer may enter the property outside of the identified period if, in their opinion, a possible violation of the Land Use Bylaw or conditions of a development permit constitutes an immediate health, safety, or environmental concern.
- 8.3.3 A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the Town may apply to the Court of King's Bench for an authorizing order.

### 8.4 VIOLATION WARNINGS

- 8.4.1 A Designated Officer may issue a violation warning or a final warning in writing by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

### 8.5 OFFENSES AND FINES

- 8.5.1 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offence as specified in the Town's Fees and Charges Bylaw.
- 8.5.2 If the penalty is not paid, the person may be liable for penalties as identified in Section 7 of the Act, as amended.

### 8.6 STOP ORDERS

- 8.6.1 On finding that a development, land use, or use of a building does not conform to the Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:
  - a. stop the development or use of the land or building in whole or part as directed by the notice;
  - b. demolish, remove, or replace the development or landscaping; or
  - c. carry out any other actions required by the notice for compliance.
- 8.6.2 The notice shall specify a deadline for compliance.
- 8.6.3 A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

### 8.7 VIOLATION TAGS AND TICKERS

- 8.7.1 In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or a stop order where there are reasonable and probable grounds to believe there is a contravention of this Bylaw.
- 8.7.2 The Development Authority is hereby authorized and empowered to issue a violation tag to any person whom the Development Authority has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 8.7.3 A violation tag may be issued to a person either personally or by registered mail.
- 8.7.4 The violation tag shall be in a form approved by the Town and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Town.
- 8.7.5 Offences and related fines are as specified in the Town's Fees and Charges Bylaw.
- 8.7.6 Where a contravention is of a continuing nature, further violation tags may be issued.
- 8.7.7 The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 8.7.8 If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 8.7.9 Nothing in this Bylaw shall prevent a Designated Officer of the Town from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.



## 9. GENERAL LAND USE REGULATIONS

### 9.1 ACCESS FROM ROADS AND LANES

- 9.1.1 No direct access shall be allowed from a lane to a parking space unless:
- the front of the parking space is located no less than 7.0 m (23.0 ft) from the closest boundary of the lane, and, further; and
  - in the opinion of the Development Authority, there is sufficient room for a vehicle with a length of 6.1 m (20.0 ft) to be located to still provide a minimum of 1.0 m (3.3 ft) from the vehicle to the property boundary.
- 9.1.2 All off-street parking areas shall be designed to provide adequate access to and always exit from each parking space by means of clearly defined manoeuvring aisles designed to the satisfaction of the Development Authority.

### 9.2 AMENITY AREAS

Where required in any District, private and/or communal amenity areas shall be provided in accordance with the following:

- 9.2.1 Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
- be located immediately adjacent to, and with direct access from, the dwelling it is intended to serve;
  - be in a yard other than a front yard;
  - be landscaped and surfaced for convenient use for outdoor activities;
  - be of a width and length of at least 4.0 m (13.0 ft); and
  - be developed as open space unencumbered by any accessory buildings or future additions.
- 9.2.2 Notwithstanding Subsection 9.2.1.d above, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft).
- 9.2.3 Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area shall be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms, and children's play areas complete with equipment.
- 9.2.4 In multi-family dwelling developments of 15 dwelling units or more, a minimum communal amenity area of 2.5 m<sup>2</sup> (26.9 ft<sup>2</sup>) per dwelling unit shall be provided and be developed as children's play space or other communal recreation space and be aggregated into areas of not less than 50.0 m<sup>2</sup> (528.2 ft<sup>2</sup>).
- 9.2.5 In apartment dwelling developments, at least 10% of the open space area required on the site shall be provided for recreational purposes; and in apartment dwelling developments of 15 units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

### 9.3 APPEARANCE AND DESIGN OF BUILDINGS

- 9.3.1 The exterior finish on all buildings shall be of a permanent material and be of a character and quality satisfactory to the Development Authority.
- 9.3.2 Pursuant to subsection 9.3.1, 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.
- 9.3.3 The Development Authority may prescribe setback and/or buffering requirements for uses which may be incompatible with adjacent land uses.

### 9.4 CORNER AND DOUBLE FRONTING SITES

- 9.4.1 In Residential Districts, where a site abuts two or more roads, the Development Authority may determine that one yard is the front yard, in which case the front yard setback of the District shall apply to that yard determined to be the front yard and the exterior side yard shall apply to the other. An exterior side yard adjacent to a road shall be a minimum of 4.0 m (13.0 ft) and an exterior side yard adjacent to a lane shall be a minimum of 2.1 m (7.0 ft).
- 9.4.2 Notwithstanding any other provision of this Bylaw, no person shall place or maintain any object, building, fence, hedge, shrub, or tree more than 0.9 m (3.0 ft) in height in or on that part of a corner site located within any District

other than a Commercial District which lies within a triangle formed by a straight line drawn between two points on the boundary lines of the site adjacent to the roads located 8.0 m (26.2 ft) from the point of intersection of the two boundary lines.

- 9.4.3 In all cases, the location of buildings on corner sites shall be subject to approval by the Development Authority, who shall consider the location of existing adjacent buildings or the required setback on adjacent sites where a building does not exist.

- 9.4.4 Fences shall be located as specified in Section 9.12 – Fences and Walls.

## **9.5 CORNER SITES AND SIGHT LINE PROTECTION**

- 9.5.1 At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft) in height shall be erected, placed or maintained within the triangular area formed by intersecting driveways, roads, lanes, and right-of-way lines, extending 3.0 m (10.0 ft) from each direction of the intersection.

## **9.6 DEVELOPMENT OF A PROJECT**

- 9.6.1 Prior to the granting of approval of a subdivision application or a development permit for a project, as the case may be, the developer shall provide the municipality with a proposed site development and landscaping plan and enter into an agreement with the municipality specifying the respecting obligations of the developer and the municipality regarding all of the following as are applicable:

- a. the establishment, operation, and maintenance of facilities for:
  - i. storm water management;
  - ii. sanitary sewage collection and disposal;
  - iii. water, power and gas supply;
  - iv. access via roads, sidewalks, walkways and curbs;
  - v. snow removal;
  - vi. garbage collection, including garbage collection areas and buffering of same;
  - vii. fire protection;
  - viii. parks, playgrounds, buffers and other amenity areas;
  - ix. landscaping and fencing; and
  - x. any other facility deemed necessary by the Development Authority;
- b. the standards of construction for same and the provision of security to ensure completion of any or all of them;
- c. the manner in which costs of same are to be met or recovered;
- d. the period of time agreed upon for completion of construction or installation of the facilities;
- e. the provision to the municipality of as-built site and utility plans showing the boundaries of all lots and the location of all buildings and services; and
- f. such other matters as may be deemed necessary by the Development Authority.

- 9.6.2 In considering a condominium plan or a bareland condominium plan, the following shall apply:

- a. except as provided for in Section 9.6.4, the development regulations of the District in which the condominium plan or bareland condominium plan is located shall apply;
- b. roadway and municipal engineering standards may, at the discretion of the Development Authority, be relaxed within the condominium plan or the bareland condominium plan provided that:
  - i. adequate emergency vehicle access, legal road access, and municipal servicing is provided and maintained to the satisfaction of the Development Authority, and
  - ii. the developer or the condominium corporation assumes all responsibility for the construction, maintenance, repair and replacement of all such roads and services within the condominium plan or bareland condominium plan.

- 9.6.3 All uses in a project containing multiple use buildings shall be either permitted or discretionary uses in the District in which the building is located.

- 9.6.4 The site area, lot sizes, lot coverage and density within a project shall adhere to the regulations of the District in which the project is located, except that the site size, site coverage, and density may be relaxed in part of the development where the minimum site area is achieved and the maximum density on the site is not exceeded.

- 9.6.5 No building within a project shall be located closer to a front, side, or rear line than specified within the District in which the project is located.

- 9.6.6 Internal separation space between buildings within a project shall be to the satisfaction of the Development Authority, based on site design considerations and the need for access between buildings. In no case shall such separation space be less than 2.5 m (8.2 ft) where building height is 2 storeys or less and 4.2 m (13.9 ft) where building height exceeds 2 storeys.

## **9.7 DWELLING UNITS ON A LOT**

- 9.7.1 Notwithstanding Sections 9.8.2 and 9.8.4, no persons shall construct or locate or cause to be constructed or located more than one (1) dwelling unit on a parcel of land.
- 9.7.2 The Development Authority may issue a development permit to allow the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling units:
- is contained in a building that, or in buildings each of which, is designed for or divided into two (2) or more dwelling units;
  - is a manufactured home dwelling located within a manufactured home park; or
  - is a secondary suite or garden suite for which a development permit has been issued;
  - is a building or a development, as defined in the Condominium Property Act, that is the subject of a condominium plan or a bareland condominium plan to be registered or already registered in a Land Titles Office.
- 9.7.3 Nothing in this Section authorizes a development that is not allowed under the Land Use Bylaw.
- 9.7.4 A Development Authority may, in a development permit decision, exempt any person or land from the operation of Section 9.8.1.

## **9.8 DEVELOPMENT ADJACENT TO ARTERIAL ROADWAYS AND HIGHWAYS**

- 9.8.1 No development permit shall be issued for development within 0.8 km (0.5 miles) of the boundary of the right-of-way of a highway until any necessary permits for the development have been issued by Alberta Transportation and Economic Corridors, where such a permit is required.
- 9.8.2 All new approaches must be constructed to current Town standards and/or Alberta Transportation and Economic Corridors.
- 9.8.3 No access for vehicles will be allowed from a road designated as an Arterial Road in the Municipal Development Plan to:
- any residential site, unless the access serves three (3) or more dwelling units;
  - any site, unless the turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the road; or
  - any site where there would be an excessive number of access points onto the road, in the opinion of the Development Authority.

## **9.9 EMERGENCY ACCESS TO BUILDINGS**

- 9.9.1 Developments shall be so designed that, in the opinion of the Development Authority, appropriate access for fire fighting equipment is afforded to all buildings.
- 9.9.2 On at least two (2) sides of any apartment dwelling which exceeds two (2) storeys in height, one of which shall be the longest side, there shall be firm, level areas accessible from the road for fire fighting equipment for at least 75% of the length of each of the two sides of the building. Such areas shall not be less than 4.2 m (13.9 ft) in width and not more than 3.0 m (10.0 ft) from the building, and no permanent building or vehicular parking shall be allowed thereon.
- 9.9.3 A lane or lanes for the purpose of allowing the access of fire fighting equipment to all major access points of shopping centre buildings and to all fire risk utilities on a shopping centre site shall be provided, and no permanent building or vehicular parking may be provided thereon.

## **9.10 ENVIRONMENTAL CONSIDERATIONS/SCREENING**

- 9.10.1 Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a development permit being issued. Should the Phase 1 Assessment indicate that a Phase 2 Assessment should be undertaken, the Development Authority may require that a Phase 2 Assessment be conducted and submitted prior to consideration of the development permit application.
- 9.10.2 Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.
- 9.10.3 Development shall be discouraged from locating on sites that exhibit the following features:
- Steep slopes;
  - Slope instability;
  - High ground water table; or
  - Flood plain or flood fringe areas.
- 9.10.4 The Subdivision or Development Authority may require that the features identified in Section 9.10.3 be delineated on the site plan when evaluating the suitability of parcels subject to a subdivision or development permit application.

## **9.11 FENCES AND WALLS**

- 9.11.1 Notwithstanding any regulation respecting required minimum yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
- 9.11.2 No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.
- 9.11.3 Notwithstanding any other provision of this Bylaw to the contrary, if a proposed fence or wall does not conform with the regulations of Section 5.2 – Development Not Requiring a Permit, a development permit is required prior to the erection or construction of a fence or wall.
- 9.11.4 Unless otherwise provided in this Bylaw, in any Residential District, no fence, wall shall be:
- a. higher than 1.8 m (6.0 ft) above grade within side yards and rear yards; or
  - b. higher than 1.0 m (3.3 ft) above grade within front yards; or
  - c. higher than 1.0 m (3.3 ft) above grade within side yards or rear yards which are located within 3.0 m (10.0 ft) of the front line.
- 9.11.5 The maximum height of a fence in any District other than a Residential District shall be as determined by the Development Authority.
- 9.11.6 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 lots which are adjacent to any residential property line or are adjacent to lanes or roads which abut a neighbouring residential lot. Such screening shall be at least 2.0 m (6.5 ft) in height and developed in a manner which adequately blocks the view of the industrial lot to the satisfaction of the Development Authority.
- 9.11.7 The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft) surrounding the following where they would be visible from a road or from an adjacent dwelling:
- a. outdoor storage areas;
  - b. garbage collection areas; and
  - c. loading or vehicle service areas.
- 9.11.8 The use of barbed or electrified wiring on a fence shall only be allowed within an Industrial District and in the Urban Reserve District, at the discretion of the Development Authority.
- 9.11.9 Development on commercial or industrial lots adjacent to residential areas shall provide fencing along the common boundaries to the satisfaction of the Development Authority. Fencing adjacent to residential areas shall be:
- a. constructed entirely within the boundaries of the commercial or industrial lot;
  - b. a minimum height of 1.8 m (6.0 ft.) above grade; and
  - c. constructed with permanent and opaque materials.
- 9.11.10 Materials and exterior finishing of all fencing shall be to the satisfaction of the Development Authority, who shall have regard to the appearance of the fence and the general amenity of the Land Use District in which the fence is located or to which the fence is adjacent.

## **9.12 FIRE SEPARATION AND EMERGENCY PREPAREDNESS**

- 9.12.1 Every building served by electricity, or a heating system shall be located at least 3.0 m (10.0 ft) from every other building unless a variance has been obtained under the National Building Code (Alberta Edition).
- 9.12.2 New developments shall be designed and constructed to allow access to the development site for emergency vehicles.
- 9.12.3 New development shall be encouraged to incorporate FireSmart Design Guidelines including:
- a. reducing surface fuels; and
  - b. incorporating recommended building materials into site and building design to reduce wildfire risk.

## **9.13 HAZARDOUS MATERIALS**

- 9.13.1 No anhydrous ammonia (AA) or liquefied petroleum gas tank or (LPG) storage tank with a water capacity exceeding 7,570 L (2,000.0 gal.) shall be allowed within the municipality.
- 9.13.2 All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- 9.13.3 No development in any District shall emit air or water contaminants more than the standards prescribed Provincial and Federal legislation and regulations.
- 9.13.4 All commercial or industrial developments involving the following hazardous materials shall submit a written description of the materials and operations being undertaken on the site at the time of development permit application or at the time the operation begins using the materials:
- a. poisonous and infectious agents;

- b. pesticides;
- c. corrosives and explosives;
- d. flammable and combustible liquids;
- e. manures; and
- f. radiation.

9.13.5 No development shall create or discharge toxic materials in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.

9.13.6 No development shall discharge toxic or noxious materials:

- a. across the boundaries of a site;
- b. through infiltration into the soil;
- c. into the municipal sewage disposal system, except as otherwise directed by the municipality; or
- d. into a water body, any surface water channel, or any below surface water course.

#### **9.14 LANDSCAPING**

9.14.1 Landscaping in all developments shall be to the satisfaction of the Development Authority.

9.14.2 Landscaping plans shall include the following information which adheres to the following standards:

- a. the final grading of the area and the placing and spreading of topsoil;
- b. all physical features, both existing and proposed, including:
  - i. shrubs and trees and their size;
  - ii. grassed areas;
  - iii. flower beds;
  - iv. berms showing contours;
  - v. walls;
  - vi. fences;
  - vii. outdoor furniture;
  - viii. surface utilities;
  - ix. water features; and
  - x. decorative paving; and
- c. playground equipment and public seating areas if the area forms part of a communal amenity area.

9.14.3 When the implementation of landscaping plans is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within six (6) months (weather permitting) of the occupancy or the commencement of operation of the proposed development.

9.14.4 The owner of the site or their successors or assignees shall be responsible for proper maintenance of the landscaping. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size.

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

9.15.1 No person shall keep or permit in any part of any yard in any Residential District:

- a. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located;
- b. any excavation, storage, or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
- c. more than one (1) wrecked or inoperable vehicle for more than fourteen (14) consecutive days.

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

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

9.16.2 No development permit shall be issued for a development to be served by private sewage disposal or water supply systems until the systems have been approved by the appropriate authorities.

#### **9.17 PARKING AND LOADING**



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

9.17.1 Off-Street Parking Areas

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

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
<b>RESIDENTIAL USES</b>	
Dwellings, apartment (dwelling units with 1 or fewer bedrooms)	1.5 per dwelling unit
Dwellings, apartment (dwelling units with 2 or more bedrooms)	2 per dwelling unit
Seniors' apartments	2 for each 3 dwelling units
Boarding and lodging houses	1 per sleeping unit
Senior citizen housing	2 for each 3 dwelling units
Suites (garage, garden, and in-law)	1 per dwelling unit
Dwellings, manufactured home	2 per manufactured home plus 1 visitor parking space per 3 manufactured homes
All other dwellings	2 per dwelling unit
<b>COMMERCIAL USES</b>	
Office uses	1 per 39.9 m <sup>2</sup> (430.0 ft <sup>2</sup> ) of gross leasable area
Health services	1 per 30.2 m <sup>2</sup> (325.0 ft <sup>2</sup> ) of gross leasable area or 3 spaces for each full time or part-time professional, whichever is greater
Eating and drinking establishments (except as noted below)	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Eating and drinking establishments (all food taken off-site to be consumed off-site)	1 per 13.0 m <sup>2</sup> (140.0 ft <sup>2</sup> ) of gross leasable area plus 1 per 3 employees on maximum shift
Drive-in restaurants	1 per 3.0 m <sup>2</sup> (32.3 ft <sup>2</sup> ) of gross leasable area or 1 per 5 seating spaces, whichever is greater
Other drive-in businesses	8
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfast establishments	1 per sleeping unit
Major home occupations	1 in addition to the requirements for the residential use
All other commercial uses For the first 1000 m <sup>2</sup> (10,763.9 ft <sup>2</sup> ) of gross leasable area	1 per 30.2 m <sup>2</sup> (325.0 ft <sup>2</sup> ) of gross leasable area
All other commercial uses For the next 3,000 m <sup>2</sup> (32,291 ft <sup>2</sup> ) of gross leasable area	1 per each 19.97 m <sup>2</sup> (215.0 ft <sup>2</sup> ) of gross leasable area
All other commercial uses For any additional gross leasable area beyond 4000 m <sup>2</sup> (43,055.6 ft <sup>2</sup> )	1 per each 17.0 m <sup>2</sup> (183.0 ft <sup>2</sup> ) of gross leasable area
<b>PLACES OF PUBLIC ASSEMBLY</b>	
Places of worship, recreational facilities, community recreation services, and similar uses	1 per 7.5 seating spaces or 1 per 7.0 m <sup>2</sup> (75.3 ft <sup>2</sup> ) used by patrons, whichever is greater
<b>SCHOOLS</b>	
Elementary and junior high schools	1 per school employee during regular school hours, plus 5
High schools	4 per 10 students
Commercial schools	1 per student
<b>INDUSTRIAL USES</b>	
Industrial uses	1 per employee on maximum shift
<b>HOSPITALS &amp; SIMILAR USES</b>	
Extended medical treatment facilities and similar uses	1 per 100.0 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of gross area or 1 per 4 beds, whichever is greater, plus 1 for every 2 employees on maximum shift

- b. In the case of a use not specifically mentioned, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
- c. Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.

- d. Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
- e. If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfil the requirements of this Bylaw.

9.17.2 The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the project due to

- a. the relationship of the development to other parking areas;
- b. differing hours of demand for parking; or
- c. the scale and character of the development.

9.17.3 Notwithstanding Section 9.18, in the Primary Commercial (C-1) District, the following provisions shall apply:

- a. in the case of major renovations and architectural modifications to an existing building, no parking spaces in addition to those existing prior to undertaking the renovations or modifications shall be required;
- b. in the case of expansion to the floor area of an existing building, additional parking spaces shall be required based on the size and use of the expansion only; and
- c. in the case of a change in the use of an existing building, no parking spaces in addition to those existing prior to the change in use shall be required provided that no alteration to the floor area of the building occurs.

9.17.4 Surfacing and Drainage

- a. All parking areas shall be clearly marked, hard surfaced, landscaped, adequately lit with lighting directed away from adjacent sites, adequately graded and drained to dispose of all storm water run-off, and contain the necessary curb cuts.
- b. Notwithstanding 9.18.4.a, where the access to or egress from a parking area is from a gravelled road, or where the development involves the expansion of an existing building on a site where the existing parking area is not hard surfaced, the parking area may, at the option of the developer, be gravelled to the satisfaction of the Development Authority.
- c. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- d. All parking spaces shall conform to the requirements shown in the table below:

<b>MINIMUM PARKING SPACE DIMENSIONS</b> <b>WIDTH OF PARKING SPACE (E) = 2.75M (9.0 FT)</b>				
A	B	C	D	
Parking Angle in Degrees	Perpendicular Depth of Space (curb <0.2 m) in m (ft)	Perpendicular Depth of Space (curb >0.2 m) in m (ft)	Aisle Width in m (ft)	
			One Way	Two Ways
0	2.8 (9.2)	2.8 (9.2)	3.4 (11.2)	6.7 (22.0)
30	3.9 (12.8)	4.9 (16.1)	3.6 (11.8)	-
45	4.9 (16.1)	5.8 (19.0)	3.6 (11.8)	-
60	5.5 (18.0)	6.2 (20.3)	5.5 (18.0)	-
90	5.5 (18.0)	5.5 (18.0)	7.0 (23.0)	7.0 (23.0)

9.17.5 Off-Street Loading Areas

- a. Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- b. When required by the Development Authority, loading spaces shall:
  - i. have dimensions of not less than 4.0 m (13.1 ft) in width, 8.0 m (26.2 ft) in length, and 4.3 m (14.1 ft) in height above grade;
  - ii. have vehicular ingress to, and egress from, a road or lane either directly or by a clearly defined traffic aisle;
  - iii. be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
  - iv. be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority;
  - v. be paved or hard surfaced where a parking area is required to be paved or hard surfaced;
  - vi. have adequate lighting to the satisfaction of the Development Authority; and

- vii. be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft) and not more than 2.0 m (6.6 ft) in height.
- c. The number of loading spaces required to be provided in a development shall be as follows:
  - i. For a retail, industrial, warehouse, or similar development:
    - (i) one (1) space for a development of less than 1000 m<sup>2</sup> (10,764 ft<sup>2</sup>) of gross leasable area, plus
    - (ii) one (1) space for the next 1000 m<sup>2</sup> (10,764 ft<sup>2</sup>) of gross leasable area or fraction thereof in a development, plus one (1) additional space for each additional 2000 m<sup>2</sup> (21,528 ft<sup>2</sup>) of gross leasable area or fraction thereof in a development.
  - ii. For an office use, place of public assembly, convalescent home, institution, club or lodge, school or any similar use, one (1) space for a development of less than 3000 m<sup>2</sup> (32,292 ft<sup>2</sup>) of gross floor area, and one (1) additional space for each additional 3000 m<sup>2</sup> (32,292 ft<sup>2</sup>) of gross floor area or fraction thereof.
  - iii. For multi-family dwellings, one (1) space for each ten (10) dwelling units or fraction thereof.
  - iv. Any other building or use shall provide loading spaces as required by the Development Authority.
  - v. Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

## **9.18 PIPELINE SETBACKS**

- 9.18.1 Any lot proposed to be subdivided for the purposes of accommodating a dwelling, a commercial development, or an industrial development shall be of suitable dimension to accommodate the size and type of the dwelling, commercial development, or industrial development proposed in such a manner as to have a 15.0 m (49.2 ft) setback from the nearest part of said dwelling or development and the boundary of the railway right-of-way.
- 9.18.2 All dwellings, commercial developments, and industrial developments shall be located a minimum 15.0 m (49.2 ft) from the boundary of any railway right-of-way, as determined by the Development Authority.

## **9.19 POLLUTION CONTROL, NUISANCE, AND MAINTENANCE**

- 9.19.1 No storage or activity may be undertaken within the Town which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of:
  - a. Noise;
  - b. Vibration;
  - c. Dust and other particulate matter;
  - d. Smoke;
  - e. Odour;
  - f. Toxic and noxious matter;
  - g. Radiation hazards;
  - h. Fire and explosive hazards;
  - i. Heat, humidity and glare;
  - j. Refuse matter;
  - k. Waste and waterborne waste; or
  - l. Water or steam.
- 9.19.2 All garbage shall be stored in weather-proof and animal-proof containers and shall be in a location easily accessible for pick up.
- 9.19.3 Sites and buildings in the Town shall be maintained in a clean and tidy condition, free from all rubbish and debris.

## **9.20 PROJECTIONS INTO YARDS**

- 9.20.1 Except for fences and walls as noted in Section 9.11 – Fences and Walls and for the features of buildings as described in Section 9.20.3 below, no building or structure shall be located or projected into a required front yard in any Residential District.
- 9.20.2 If fireplaces or balconies are developed as part of a dwelling, yard requirements shall be measured from the outside brick face or edge of the fireplace or balcony.
- 9.20.3 The following features may project into a required yard:
  - a. steps, eaves, gutters, sills, and patios, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - b. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft); and
  - c. any other features which, in the opinion of the Development Authority, are similar to the foregoing.

## **9.21 PROTECTION FROM EXPOSURE HAZARDS**

- 9.21.1 LPG containers with a water capacity of less than 9,082 L (2,000 gal.) shall be stored in accordance with regulations under the Safety Codes Act.
- 9.21.2 Flammable liquids tanks at bulk plants or service stations shall be in accordance with regulations under the Safety Codes Act.
- 9.21.3 Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with the appropriate Provincial legislation or regulations.

## **9.22 PUBLIC UTILITY BUILDINGS**

- 9.22.1 A person erecting a public utility building or placing public utility equipment on a site shall cause it to be placed in a location and with setbacks satisfactory to the Development Authority.

## **9.23 RAILWAY SETBACK**

- 9.23.1 Any lot proposed to be subdivided for the purposes of accommodating a dwelling shall be of suitable dimension to accommodate the size and type of the dwelling proposed in such a manner as to have a 30.0 m (98.4 ft) setback from the nearest part of said dwelling and the boundary of the railway right-of-way.
- 9.23.2 All dwellings shall be located a minimum 30.0 m (98.4 ft) from the boundary of any railway right-of-way, as determined by the Development Authority. The setback may be relaxed if an agreement is made with the Town and CN Rail.
- 9.23.3 Any lot proposed to be subdivided for the purposes of accommodating a commercial or industrial development shall be of suitable dimension to accommodate the size and type of the development proposed in such a manner as to have a 15.0 m (49.2 ft) setback from the nearest part of said development and the boundary of the railway right-of-way.
- 9.23.4 All commercial and industrial development shall be located a minimum 15.0 m (49.2 ft) from the boundary of any railway right-of-way, as determined by the Development Authority.

## **9.24 SIGNAGE**

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

### **9.24.1 General Regulations**

- a. Signs will only be allowed within Land Use Districts as indicated in this Bylaw.
- b. The Development Authority may refer to Council for its consideration of a resolution on the removal, repair or renovation of any sign which in their opinion is, or has become unsightly, or is in such a state of disrepair as to constitute a hazard. The Development Authority shall issue an order pursuant to the Act where Council has made a resolution.
- c. Minimum yard requirements shall be observed for any sign located on a parcel and, at the discretion of the Development Authority, the sign shall not be further than 30.0 m (98.4 ft) from the principal building. No sign shall be of such size or design as to, in the opinion of the Development Authority, obstruct the vision of persons using roads abutting the parcel.
- d. In any District where a place of worship or school or other public institution is allowed, one sign of not more than 2.0 m<sup>2</sup> (21.5 ft<sup>2</sup>) in area shall be allowed to be erected on the parcel occupied by the place of worship, school or public institution. Notwithstanding 9.24.1.c above, such a sign shall be located no closer than 1.5 m (4.9 ft) from any property boundary. At the discretion of the Development Authority, a second or third sign may be allowed, provided that all signs are on different roads.
- e. No sign shall be erected which would be in view of the public from public or private property except where a permit specifying allowed locations has been granted, or where a permit for such a sign is not required pursuant to this Bylaw.
- f. Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Development Authority.
- g. Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 35.0 m<sup>2</sup> (376.7 ft<sup>2</sup>).
- h. Notwithstanding any other regulations of this Bylaw, where, in the opinion of the Development Authority, a proposed sign in a Commercial or an Industrial District might be objectionable to a resident in an adjacent Residential District, the Development Authority may impose such other regulations as they feels would protect the interests of residents.
- i. Flashing, animated or interiorly illuminated signs shall not be allowed in developments where, in the opinion of the Development Authority, they might:
  - i. affect residents in adjacent housing or Residential Districts, or
  - ii. interfere with the interpretation of traffic signs or controls.

- j. Public information signs may be allowed at the discretion of the Development Authority in Commercial or Industrial Districts only, provided that the other regulations of this Bylaw apply.
- k. Buildings fronting on more than one road may not combine allowable signs for one frontage with another frontage for the purposes of placing the combined area or types of signs on one frontage.
- l. Notwithstanding any other provision in this Bylaw to the contrary, any identification wall signs with non-illuminated letters up to but not exceeding 7.4 cm (2.9 in.) in height or 0.4 m<sup>2</sup> (4.3 ft<sup>2</sup>) in area are allowed in addition to regulated signs, but only in the Districts where signs are allowed.

#### 9.24.2 Freestanding Signs

- a. Freestanding signs may be allowed, at the discretion of the Development Authority, in Commercial and Industrial Districts and in the Semi-Public (SP) District, but only as accessory uses to approved developments.
- b. Freestanding signs may be allowed in the Urban Reserve (UR) District at the discretion of the Development Authority.
- c. Freestanding signs may be allowed in the R2, R3, RMH Districts at the discretion of the Development Authority.
- d. All freestanding signs shall be anchored or otherwise attached into the ground.
- e. A maximum of one (1) freestanding sign may be allowed per site except:
  - i. where a site has in excess of a 90.0 m (295.3 ft) frontage, one (1) additional freestanding sign may be erected for each additional 90.0 m (295.3 ft) or portion thereof of frontage abutting the developed portion of the said site, or
  - 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.
- f. The total sign area of all freestanding signs on a site shall not exceed 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) in area for each lineal metre of frontage, to a maximum of 19.0 m<sup>2</sup> (204.5 ft<sup>2</sup>).

#### 9.24.3 Projecting Signs

- a. Projecting signs may be allowed, at the discretion of the Development Authority, only in Commercial and Industrial Districts and in the Semi-Public (SP) District, but only as accessory uses to approved developments.
- b. No projecting sign shall project over another site, a road, or a lane or across the boundaries of a lot unless permission in writing has been granted by the owner of the adjacent lot.
- c. Projecting signs on the same development shall be located at least 90.0 m (295.3 ft) apart, except on corner lots where the signs are located around the corner from each other.
- d. No projecting sign shall extend more than 3.0 m (10.0 ft) beyond a property line or within 0.6 m (2.0 ft) of an existing or proposed curb.
- e. A projecting sign shall have a vertical clearance of a minimum of 3.0 m (10.0 ft) from grade.

#### 9.24.4 Off-Site Signs

- a. Off-site signs may be allowed, at the discretion of the Development Authority, only in all Commercial and Industrial Districts and in the Semi-Public (SP) District, but only as accessory uses to approved developments.
- b. Freestanding signs may be allowed in the Urban Reserve (UR) District, at the discretion of the Development Authority.
- c. At the discretion of the Development Authority, off-site signs may be erected on ground, roof, or wall locations subject to the following conditions:
  - i. On the same road and facing the same traffic flow, signs shall not be placed closer together than 90.0 m (295.3 ft). Double face signs shall be considered to face both directions of flow.
  - ii. The maximum size of the sign shall be at the discretion of the Development Authority but shall not exceed 28.0 m<sup>2</sup> (301.4 ft<sup>2</sup>).
  - iii. Where the back of the 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.
  - iv. The area around signs shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft) to the rear and sides of the signs and the front property line, and, if on a corner site, to both property lines.
  - v. No part of a sign shall be closer to any property line adjacent to a road than the front of the nearest building within 30.0 m (98.4 ft) of it, except where a sign is located between two buildings that are within 30.0 m (98.4 ft) of the said sign in which case no part shall be closer to any property line adjacent to a road than a line drawn from the nearest front corner of the two buildings.
  - vi. No part of any sign that is located in such a manner as to face or be visible from a highway and which is located within 200.0 m (656.2 ft) of the edge of the highway's pavement shall be more than 7.5 m (24.6 ft) above the grade of the highway or 15.0 m (49.2 ft) above the grade of the site of the sign, whichever is the higher.



#### 9.24.5 Portable Signs

- a. Portable signs may be allowed, at the discretion of the Development Authority, in all Districts except Residential Districts.
- b. No portable sign shall be located on any lane or road right-of-way.
- c. No more than one (1) portable sign shall be located on a site except that the Development Authority may, at their sole discretion, allow a second portable sign on a site on a temporary basis to announce a special event, sale, or time limited function.
- d. Notwithstanding Subsection (3) above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer to another than 15.0 m (49.2 ft).
- e. The Development Authority may specify the length of time that a permit for a portable sign remains in effect; however, the maximum length of time shall be three (3) months. At the end of the approval period, an application for an extension may be made, but it shall be considered a new development permit application for a new development permit.
- f. Portable signs shall not be placed on a site so as to cause a traffic hazards, or to conflict with or take up space for parking, loading, or walkways.
- g. No person shall locate a temporary sign within 6.0 m (19.6 ft) of the curb of a double fronting or corner lot unless otherwise allowed by the Development Authority.
- h. Inflatable portable signs shall be securely grounded and located a minimum of 10.0 m (32.8 ft) from utilities, lanes, and road rights-of-way.

#### 9.24.6 Roof Signs

- a. Roof signs may be allowed, at the discretion of the Development Authority, only in all Commercial and Industrial Districts and in the Semi-Public (SP) District, but only as accessory uses to approved developments.
- b. 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.
- c. 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.
- d. 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.

#### 9.24.7 Wall Signs

- a. Wall signs may be allowed, at the discretion of the Development Authority, only in all Commercial and Industrial Districts and in the Semi-Public (SP) District, but only as accessory uses to approved developments.
- b. Notwithstanding any other regulation in this Bylaw:
  - i. where an advertiser has no freestanding, roof, or projecting sign on the same site, 45% of the wall sign or permitted background area may be used for the area of copy,
  - ii. where an advertiser has a freestanding sign, but no roof or projecting sign on the same site, 30% of the wall sign or permitted background area may be used for the area of copy, and
  - iii. where an advertiser has a projecting or roof sign, but no freestanding sign on the same site, 15% of the wall sign or permitted background area may be used for the area of copy

#### 9.24.8 Signs in Residential Districts

- a. Except as provided in 9.25.8.b and 9.25.8.c below, no sign shall be allowed in Residential Districts except for places of worship, schools or other public institutions and except for signs advertising residential property for sale, either specifically, or in relation to a neighbourhood or community.
- b. An approved major home occupation may display a sign, not larger than 0.2 m<sup>2</sup> (2.2 ft<sup>2</sup>) on or near the dwelling.
- c. Name or number signs shall have a surface area of no more than 0.3 m<sup>2</sup> (3.0 ft<sup>2</sup>).
- d. 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, or a boarding or lodging house, provided the sign area does not exceed 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>).

#### 9.24.9 Signs in Commercial and Industrial Districts

- a. For each office building, one identification sign only shall be allowed, which sign shall not exceed 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>) in area.
- b. One wall sign only shall be allowed to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a total area of 0.9 m<sup>2</sup> (9.7 ft<sup>2</sup>) of copy for each lineal metre of building occupancy.
- c. If the occupancy is on a corner, one (1) wall sign shall be allowed for each face.
- d. If the building includes a canopy, each occupancy shall be allowed one (1) sign under canopy sign of no more than 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>).

9.24.10 Signs Adjacent to Highway Rights-of-Way

- a. In addition to any other regulations of this District applicable to a particular sign, any sign located on a lot which is adjacent to a highway right-of-way and any other sign which is directed towards highway traffic, together with any sign which is designed, located and/or oriented so as to be visible from a highway shall be subject to any jurisdiction of Alberta Transportation that Alberta Transportation cares to effect.

**9.25 SITE GRADING, STRIPPING, AND DRAINAGE**

- 9.25.1 No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of a development a minimum topsoil coverage of 15.2 cm (6.0 in) and the subject lot shall be landscaped to the satisfaction of the Development Authority.
- 9.25.2 An applicant for a development permit for the excavation, stripping, or grading of land, which is proposed without any other development on the same land, shall send with this application the requirements as per Section 5.4 of this Bylaw.
- 9.25.3 In all cases, site grades shall be established to prevent drainage from one site to another except where the grades conform to a local or subdivision drainage plan approved by the Town.
- 9.25.4 Site grading plans shall provide an indication of sump pump drainage location.
- 9.25.5 Every building in the municipality containing a basement shall employ a drainage system to the satisfaction of the Development Officer for the purpose of transferring storm water run-off to the Town Stormwater Management System.
- 9.25.6 Weeping tiles, and similar appurtenances shall not discharge into sanitary sewers. Weeping tiles may be connected to sumps with pumped discharge directly to ground surface (splash pads will be required). Other alternatives may be submitted to the Development Officer for approval.
- 9.25.7 Culverts are to be galvanized steel with a diameter of 45.7 cm (18.0 in), unless specified otherwise by the Development Officer and approved by the Development Officer. Culverts design and installation shall conform to Town standards and be approved by the Development Officer.
- 9.25.8 Culvert invert elevations are to match the bottom of the existing ditch unless otherwise directed by the Development Officer.
- 9.25.9 Culvert invert elevations shall be approved by the Town and must conform to Town design standards.
- 9.25.10 Where the final lot grades have been established through a Development Agreement, on engineering drawings or by a surveyor's plan, the Development Officer may require the development permit applicant to provide the Development Officer with a grading and location certificate indicating the final elevations of the corners of the property, and the front and rear elevations and locations for all the buildings as a condition of development permit approval.

**9.26 SITE CONDITIONS AND BUFFERING REQUIREMENTS**

- 9.26.1 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.
- 9.26.2 The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- 9.26.3 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.
- 9.26.4 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.
- 9.26.5 The location of any shelter belts shall be determined by the Development Authority.

## **9.27 SUBSTANDARD LOTS**

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

## **9.28 SUMP PUMPS**

- 9.28.1 No person shall discharge storm water, surface water, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial water to a sanitary sewer.
- 9.28.2 Every building in the Town containing a basement shall employ a sump pump system, to the satisfaction of the Town, for the purpose of transferring sub-surface drainage to the on-street drainage system.
- 9.28.3 Weeping tiles and similar appurtenances will not be allowed to discharge into sanitary sewers. Weeping tiles may be connected to sumps with pumped discharging directly to the ground surface.
- 9.28.4 Splash pads are required where water is discharged onto the ground.
- 9.28.5 The sump pump discharge shall drain away from the building foundation and be in such a manner as to not drain onto adjacent property or over future sidewalks and driveways.

## **9.29 UTILITY EASEMENTS**

- 9.29.1 Subject also to any conditions of the utility easement, no permanent building other than a fence shall be constructed or placed on a utility easement unless:
- i. in the opinion of the Development Authority, the said building does not restrict access to the utility easement or the utility for the purpose of installation and maintenance of the utility, and
  - ii. written consent has been obtained from the person or utility or both for whose use the easement has been granted.

## **9.30 WATER SUPPLY, SANITARY FACILITIES AND NATURAL GAS**

- 9.30.1 All development within the Town shall be serviced, at no cost to the Town, by sanitary facilities that comply with municipal and provincial design standards and any other Provincial legislation or regulations.
- 9.30.2 A development permit shall not be issued for residential, commercial, industrial, or recreational uses unless the Development Authority is satisfied that potable water supplies of sufficient quality and quantity are or will be made available to support the proposed development.
- 9.30.3 Where municipal water and sanitary services are available, new developments shall be required to connect to municipal services as a condition of subdivision or development approval.

## 10. SPECIAL LAND USE REGULATIONS

### 10.1 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS, INCLUDING GARAGES, SHEDS, DECKS, ETC.

- 10.1.1 Where a building is attached to the principal building by an open or enclosed roofed structure, the building is to be considered a part of the principal building and not an accessory building.
- 10.1.2 Notwithstanding the provisions of the District in which it is located, the total combined floor area of accessory buildings shall not exceed twelve percent (12%) of the site area.
- a. For the purposes of this Subsection, no building under 10.2 m<sup>2</sup> (110.0 ft<sup>2</sup>) in size and 2.3 m (7.5 ft) in height shall be considered an accessory building.
- 10.1.3 No development permit for an accessory building, including a garage, will be approved unless there is a principal building on the same site as the proposed accessory building.
- 10.1.4 In Residential Districts, unless otherwise provided:
- a. an accessory building shall not exceed one storey nor 4.5 m (15.0 ft) in height;
- b. accessory buildings shall be located:
- i. a minimum of 1.2 m (3.9 ft) from a dwelling,
- ii. no closer to the road than the front of a principal building, except that in the case of a double fronting or corner site, an accessory building may be located as close as 4.5 m (15.0 ft) from the front line or exterior side line provided that, in the opinion of the Development Authority, adjacent developments would not be adversely affected,
- iii. no closer than 1.0 m (3.3 ft) to a side line, provided, however, that where an agreement exists between the owners of adjoining properties to build garages centred on the property boundary,
- iv. no closer than 1.0 m (3.3 ft) to a rear line where there is no lane, and
- v. at any distance from a rear line where there is a lane, provided that there shall be no encroachment into the lane (such as by a roof or eaves overhanging the lane, by a door opening into the lane, or by a concrete pad or any appurtenance or grading encroaching into the lane), and provided further that where the vehicle doors of a garage face the lane, the garage shall be no closer than 5.0 m (16.4 ft) to the lane.
- c. Notwithstanding Subsection 10.1.4.v above, if, in the opinion of the Development Authority, the rear yard cannot accommodate a garage with a separation of 5.0 m (16.4 ft) between the garage doors and the lane, then a garage may be placed adjacent to the lane provided that there is no encroachment into the lane such as by a roof or eaves, a door opening into the lane, or by a concrete pad or any appurtenance or grading, and provided further that there is no parking of any vehicles in the lane adjacent to the garage.
- d. No accessory building shall be developed above a gas line, any other utility line, or any easement, unless the owner accepts responsibility, in writing, for any costs associated with development over the gas line, other utility, or other easement.
- 10.1.5 All decks and verandas in Residential Districts shall be located such that they do not project into minimum required yards.
- 10.1.6 Notwithstanding Subsection (5) above, any deck or veranda which the Development Authority allows, at their sole discretion, to project into a minimum required front yard in a Residential District, may be roofed but shall not be enclosed.
- 10.1.7 In those Districts where secondary suites are allowed, they shall abide by all the regulations in this Section for accessory buildings, except that if the secondary suite is above an accessory building which has a garage in its first storey, the maximum height of that specific accessory building may be 2 storeys or 6.7 m (22.0 ft), whichever is the lower.
- 10.1.8 The exterior finish on all accessory buildings shall be of permanent material and shall either be the same as the exterior finish on the principal building on the site in terms of material, texture, and colours, or otherwise be to the satisfaction of the Development Authority.
- 10.1.9 There shall be no connection to the sanitary sewer system from a garage or other accessory building other than a secondary suite unless a sump pump is installed to prevent oil and dirt from entering the sanitary sewer system.

### 10.2 ACCESSORY BUILDINGS IN DISTRICTS OTHER THAN RESIDENTIAL DISTRICTS

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

- 10.2.2 At the discretion of the Development Authority, a development permit may be issued for the temporary erection of a factory-manufactured building for use as an accessory building provided that the following additional conditions are met:
- a. the development permit approval shall not be for a period of more than six (6) months,
  - b. if an extension to the six (6) month period is desired by the applicant, the applicant must submit a new development permit application to locate the building for a further six (6) months.

### **10.3 ALCOHOL RETAIL SALES**

- 10.3.1 Where provisions in this section are in conflict with the regulations of any District or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the applicable Land Use District and other applicable sections of this Bylaw.
- 10.3.2 An application for a Alcohol Retail Sales Establishment shall include:
- a. a copy of the applicant's current application for a license from the Alberta Gaming, Liquor and Cannabis Commission;
  - b. a landowner consent letter if the applicant is leasing the building/site;
  - c. an interior floor plan identifying access/egress and loading areas;
  - d. a site plan that includes a land use map identifying adjacent industrial, commercial, and residential uses to demonstrate minimum separation distances have been met; and an engagement report.
- 10.3.3 The applicant shall contact landowners and schools adjacent to the site, outline the details of the application and solicit their comments on the application, document any opinions or concerns and what modifications were made to address their concerns. The applicant shall then submit the documentation.
- 10.3.4 In addition to any other regulations of this Bylaw, Alcohol Retail Sales must meet the following requirements:
- a. an Alcohol Retail Sales Establishment shall only be located within a Land Use District where its use is listed as a permitted or discretionary use;
  - b. sale of alcoholic beverages is for consumption off the premises. Products to be sold only at retail sales establishments;
  - c. an Alcohol Retail Sales Establishment shall not be located within 100.0 m (328.1 ft) of any other Alcohol Retail Sales Establishment, private or public school, provincial health care facility, a registered day care, public park or lot that is designated as school reserve or municipal and school reserve under the Act. The term public or private schools is limited to elementary through to high school and does not include commercial schools;
  - d. the separation distance between an Alcohol Retail Sales Establishment and other uses shall be measured from the exterior wall of the Alcohol Retail Sales Establishment to the lot line of the lot;
  - e. an Alcohol Retail Sales Establishment use shall not operate in conjunction with or accessory to any other use;
  - f. customer access to an Alcohol Retail Sales Establishment shall be visible from the street other than a lane, or a shopping centre parking lot, or a shopping mall access that allows visibility from the interior of the mall into the store;
  - g. all parking areas and shipping/receiving areas located on-site shall be well lit for pedestrians and vehicles during operating hours;
  - h. alcohol retail facilities and premises must meet the conditions set out in Schedule 2 of the Gaming and Liquor Regulation;
  - i. parking and loading requirements for an Alcohol Retail Sales Establishment shall be provided based on Sections 9.17 and 9.18, the Municipal Servicing Standards, and any applicable requirements to the satisfaction of the Development Authority;
  - j. the owner shall obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation; and
  - k. the Development Authority shall impose a condition on any Development Permit issued for Alcohol Retail Sales Establishment requiring that the development shall not commence selling alcoholic products until authorized by and compliant with superior legislation.
- 10.3.5 Notwithstanding 10.3.4.c, above, Alcohol Retail Sales Establishments approved prior to the commencement of this bylaw may be located closer than 100.0 m (328.1 ft) to any use listed in 10.4.1.c until such time as the Alcohol Retail Sales Establishment use ceases for six months or longer.

### **10.4 ALTERNATE ENERGY SYSTEMS, COMMERCIAL**

- 10.4.1 Where Provincial or Federal Government or other Agency approval has been received for a CAE, a copy of the said approval and supporting documents shall be submitted to the Town. The supporting information provided to the Province, Federal Government or other Agency may be used to satisfy some or all the requirements of the Town.



- 10.4.2 The siting of an CAE should take place on lands considered to be low production, or on poor agricultural land to minimize the conversion of high-capability agricultural soils to other uses.

## **GENERAL REQUIREMENTS FOR ALL COMMERCIAL ALTERNATE ENERGY SYSTEMS (CAE)**

- 10.4.3 A development permit application shall be made for every title upon which the CAE is proposed.
- 10.4.4 A site plan(s) shall be required for each title. A single, master set of supporting documents may be submitted for the overall project.
- 10.4.5 No signage for the purpose of advertising, other than the name of the system provider, shall be allowed on a CAE.

## **PUBLIC CONSULTATION**

- 10.4.6 Prior to the submission of a development permit application the Applicant shall:
- Arrange and host at least one (1) open house or public meeting, in the general area of the site proposed for the development;
  - Advertise the time, date, and place of the open house or public meeting:
  - in a newspaper circulating within the area of the proposed development, with the advertisement appearing a minimum of two (2) weeks in advance of the public meeting;
  - mail a written notice of the time, date, and place of the open house to all landowners within the area proposed for the development, and all landowners within 2.0 km (1.2 miles) of the boundary of the area proposed for the development;
  - The information provided at the public meeting shall be all the information that would be required as part of a Development Permit application for the proposal;
  - Opportunities for questions and input from the public shall be allowed; and
  - A summary of the presentation and the public input shall be recorded.
- 10.4.7 If public consultation was held as part of the Provincial approval process, the Applicant may submit the details of that consultation to the Town to satisfy the requirements of Section 10.4.6.

## **SAFETY**

- 10.4.8 All applications shall include:
- An emergency response plan; and
  - A detailed safety plan identifying any special rescue needs for workers that is beyond the local emergency responders' equipment and training capability.
- 10.4.9 All applicable Safety Codes permits are required to be obtained.

## **TRANSMISSION LINES**

- 10.4.10 All collector lines, (less than 69kV) on the site of a CAE generating electrical power, shall be underground, except where the Development Authority approves otherwise.

## **COLOUR AND FINISHES**

- 10.4.11 The buildings, blades, supporting structures, and accessory buildings shall be painted or coated in non-reflective and non-glossy tones and/or colours which minimize the obtrusive impact of a CAE.
- 10.4.12 No brand names, lettering or advertising shall appear on buildings, towers, blades, support structures or accessory buildings and structures.
- 10.4.13 The lettering or imagery that may appear on the lowest 3.0 m (10.0 ft) of a tower or building of a CAE are the manufacturer's identification and contact information, the operator's identification and contact information, emergency contact information, and municipal symbol.

## **TOWN STANDARDS**

- 10.4.14 All roads, approaches, culverts, fences, or other Town infrastructure to be replaced, constructed, upgraded, or reconstructed, shall be built to the Town's standards current at the time of construction.

## **REFERRAL**

- 10.4.15 Prior to deciding upon an application for a CAE, the Development Authority may refer for the review, comment, and any input provided from any of the following entities:
- Alberta Utilities Commission;
  - Alberta Transportation and Economic Corridors;
  - Transport Canada;
  - NavCanada;

- e. Alberta Electrical Systems Operator;
- f. Adjoining municipal boundary if the application area is within 2.0 km (1.2 miles) of the municipal boundary; and
- g. any other person, departments, agency, commission, or government the Development Authority deems necessary.

## DECOMMISSIONING

- 10.4.16 Decommissioning and reclamation shall take place in compliance with the applicable provincial standards of the day the site is decommissioned. If no standards are in place at the time of a development permit application, the Applicant shall provide a plan outlining how the site will be decommissioned and reclaimed to the site's predevelopment state as part of the Development Permit application. The decommissioning plan shall include information on the following:
- a. Treatment of buildings, footings, foundations, structures, and wires;
  - b. Reclamation of access roads, driveways, pathways, storm ponds, drainage systems, and other similar disturbances;
  - c. The type and suitability vegetation and/or ground cover to be planted and/or seeded;
  - d. Notice to be given to landowners and the Town;
  - e. Containment of hazardous materials;
  - f. Site security;
  - g. Haul routes for disposal materials;
  - h. Control of noise, dust, particulates, and weeds;
  - i. Discussion of the timetable for decommissioning plan.

## FINANCIAL SECURITY

- 10.4.17 As a condition of development approval, the Town may require financial security, in the form satisfactory to the Development Authority, to ensure the Reclamation/Decommissioning Plan is implemented and to cover assignment and bankruptcy. The condition may include a periodic review of the security to ensure the amount is sufficient to implement the Reclamation/Decommissioning Plan.

## DISCONTINUANCE

- 10.4.18 Should an Alternate Energy Development discontinue producing power for a minimum of two consecutive years, or two cumulative years over a five-year period, the operator shall provide a report on the status of the System to the Town. A review of the status report by the Town may result in the request for the System to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the Town in accordance with the provision of the Municipal Government Act.

## SOLAR ENERGY CONVERSION SYSTEMS

### GLARE

- 10.4.19 Solar panels must be located such that they do not create glare on neighboring properties or public roadways.

### HEIGHT AND SETBACKS

- 10.4.20 The maximum heights and setbacks of building mounted or ground mounted solar collection system shall be subject to the height and setback requirements of the applicable Land Use District.

### FIRE PROTECTION

- 10.4.21 The spacing and height of solar collectors shall be designed to provide access for firefighting.

### DENSITY

- 10.4.22 The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

## WIND ENERGY CONVERSION SYSTEMS (WECS)

### SETBACKS

- 10.4.23 The setback distance between a WECS and a dwelling, within and without the project boundary, shall be as established by the Alberta Utilities Commission through the calculations of AUC Rule 12.
- 10.4.24 The WECS's tower shall be setback from the boundary of all road rights-of-way (developed or undeveloped), a minimum distance equal to the total height of the tower plus 10 percent.

- 10.4.25 A WECS shall be setback not less than 7.5 m (24.6 ft) from all other property lines, as measured from the rotor's arc (rotor diameter).
- 10.4.26 If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10.0 ft) to the property lines.

#### MINIMUM BLADE CLEARANCE

- 10.4.27 The minimum vertical blade clearance from grade shall be 7.6 m (25.0 ft) for a WECS employing a horizontal rotor.

#### TOWER ACCESS AND SAFETY

- 10.4.28 To ensure public safety, the Development Authority may require that:
- If the tower is climbable, a security fence with a lockable gate, not less than 1.8 m (6.0 ft) in height, shall be installed around a WECS tower;
  - No ladder or permanent tower access device shall be located less than 3.7 m (12.0 ft) from grade;
  - A locked device shall be installed on the tower to preclude access to the top of the tower;
  - Additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority; and
  - The use of tubular towers, with locked door access, will preclude the above requirements.

#### OTHER ENERGY SYSTEMS

- 10.4.29 The buildings and structures of non-solar and non-wind based Alternate Energy Development(s) shall comply with all the setbacks established in the district in which it is located with the following modifications:
- A minimum of 250.0 m (820.0 ft) from any residential dwelling, food establishment, institutional use, or public use, facility, or building; and
  - A minimum of 100.0 m (328.0 ft) from the boundary of any creek, stream, river, lake shore or water body.

#### GEOTHERMAL SYSTEMS

- 10.4.30 All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
- 10.4.31 All geothermal systems shall comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
- 10.4.32 Installations must be stamped by a qualified Professional Engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- 10.4.33 In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used as a heat transfer fluid.

#### CONDITIONS OF APPROVAL FOR ANY CAE

- 10.4.34 Depending on the type of CAE proposed, the Development Authority shall consider, as identified in Sections 619 and 620 of the Act, in addition to any other conditions authorized under other sections of this Bylaw or a statutory plan, attaching conditions related to any of the following:
- Entering into a development agreement with the Town in accordance with the Municipal Government Act;
  - Preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and/or digital, required in support to their application;
  - Confining all surface drainage on site and protecting any adjacent water bodies from runoff;
  - Treating any wastewater on site and/or disposing of any wastewater as required by the Town;
  - Disposing of any non-wastewater liquids in accordance with the requirements of the Town;
  - Storing/containing all feedstock and materials within buildings or containment facilities;
  - Disposing of any other waste materials;
  - Restricting vehicle/truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished/processed goods associated with the development to designated haul routes and times through an agreement and the provision of securities;
  - Dust control measures;
  - Sound control measures;
  - Installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
  - Securing all necessary approvals from any other agency with jurisdiction on the type of CAE proposed and providing the Town with a copy of the approval required;

- m. Identifying and providing for a staged or phased development;
- n. Constructing or paying for the construction of any new or the upgrading of any existing municipal infrastructure related to the project, such as but not limited to roads, approaches, signage, water lines, and sewage lines;
- o. Requiring ground cover, weed control, grading, soil erosion control emergency/fire suppression, and drainage measures;
- p. Specifying time periods to:
  - i. start, suspend, and complete construction activities; and
  - ii. trigger decommissioning activities;
- q. Providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and
- r. Any other condition or conditions necessary to give form and effect to the project.

## **10.5 ALTERNATE ENERGY SYSTEMS, INDIVIDUAL**

- 10.5.1 The purpose of this section is to establish standards for Individual Alternate Energy (IAE) developments, including but not limited to solar, wind, biofuel, geo-thermal, fuel cell, micro-hydro, for use by households, agricultural operators, or individual business to meet some or all of their energy needs on the subject site, or a site immediately adjacent to the subject site.

### **GENERAL REQUIREMENTS FOR ALL INDIVIDUAL SYSTEMS**

- 10.5.2 No re-districting is required for a parcel or site for an Individual Alternate Energy System (IAE).
- 10.5.3 A development permit is required for any IAE.
- 10.5.4 All applicable Safety Codes permits are required.
- 10.5.5 If the subject site is located within lands subject to Alberta Transportation's jurisdiction, an approved Roadside Development Permit from Alberta Transportation shall be required and included with the Development Permit application. (For the purposes of Section 683.1(1) of the Municipal Government Act, an application shall not be considered as received unless the Roadside Development Permit is included with the application).

### **SOLAR ENERGY CONVERSION SYSTEMS**

#### **GLARE**

- 10.5.6 Solar panels must be located such that they do not create glare onto neighboring properties or public roadways.

#### **MOUNTING AND PROJECTION**

- 10.5.7 Solar collectors mounted to the roof of a building or structure shall not extend beyond the outermost edge of the roof.
- 10.5.8 The maximum projection of any solar collectors affixed to a wall of a building or structure in a residential District shall be:
- a. 1.5 m (5.0 ft) from the surface of a wall that faces a rear parcel line; and
  - b. In all other cases 0.6 m (2.0 ft) from the surface of any other wall.

#### **SETBACKS**

- 10.5.9 Freestanding solar collectors shall be subject to the setback requirements of the applicable Land Use District or as required by Alberta Transportation, whichever is greater.

#### **DENSITY**

- 10.5.10 The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

### **WIND ENERGY CONVERSION SYSTEMS (WECS)**

#### **REFERRAL**

- 10.5.11 Prior to deciding upon an application for a WECS, the Development Authority may refer for the review and comment, and consider any input received from the following entities:
- a. Alberta Utilities Commission;
  - b. Alberta Transportation and Economic Corridors;
  - c. Alberta Utilities Commission and the Alberta Energy Systems Operator for applications proposing to connect to the grid;
  - d. Transport Canada;
  - e. NavCanada; and
  - f. Any other person, department, agency, or commission the Development Authority deems necessary.

## DENSITY

10.5.12 There shall be a limit of one (1) WECS per titled area.

## SETBACKS

- 10.5.13 The WECS' tower shall be setback from all property lines a minimum distance equal to the height of the tower, or the minimum setbacks set out in the applicable Land Use District, or as required by Alberta Transportation, whichever is greater.
- 10.5.14 If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10.0 ft) to the property lines.

## HEIGHT

- 10.5.15 A WECS tower shall not exceed a maximum height of:
- 12.1 m (40.0 ft) on a parcel of less than 0.4 ha (less than 1.0 acre);
  - 19.8 m (65.0 ft) on a parcel 0.4 – 2.0 ha (1.0 – 5.0 acres); and
  - 24.4 m (80.0 ft) on a parcel greater than 2.0 ha (5.0 acres).

## FINISH AND MARKINGS

- 10.5.16 The tower and supporting structures shall be painted or coated in tones and/or colours matching the existing tones and/or colours of the principal building that are non-reflective and non-glossy.
- 10.5.17 Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

## ILLUMINATION

- 10.5.18 Small Wind Turbine Towers shall not be artificially lit except as required by NavCanada.

## TOWER ACCESS AND PUBLIC SAFETY

- 10.5.19 If the tower is climbable, a security fence with a lockable gate, not less than 1.8 m (6.0 ft) in height, shall be installed around a WECS tower;
- 10.5.20 No ladder or permanent tower access device shall be located less than 3.7 m (12.0 ft) from grade;
- 10.5.21 A locked device shall be installed on the tower to preclude access to the top of the tower;
- 10.5.22 Additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority;
- 10.5.23 The use of tubular towers, with locked door access, will preclude the above requirements.

## ELECTRO-MAGNETISM

- 10.5.24 The system shall be operated such that any electro-magnetic interference is dealt with as per the permit issued by the AUC. If electromagnetic interference is determined during operation, the developer will work with the affected stakeholder(s) to mitigate any issues.

## OUTPUT

- 10.5.25 The system's maximum power output shall not exceed five (5) kilowatts.

## NOISE LEVEL

- 10.5.26 The noise generated by the system shall not exceed 60dB(A) or exceed more than 5dB(A) above background sound, as measured at the exterior of the closest inhabited Dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except short-term event such as utility outages and/or severe windstorms.

## DISCONTINUANCE

- 10.5.27 Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-WECS condition.

## GEOTHERMAL SYSTEMS

- 10.5.28 All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are prohibited.



- 10.5.29 Must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
- 10.5.30 Installations must be stamped by a qualified Professional Engineer registered under the “Engineering, Geological, or Geophysical Professions Act” of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- 10.5.31 In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used as a heat transfer fluid.

## CONDITIONS OF APPROVAL

- 10.5.32 Depending on the type of IAE proposed, the Development Authority may consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other sections of this Bylaw or Statutory Plan attaching conditions related to the following:
- Entering into a development agreement with the Town in accordance with the Municipal Government Act;
  - Preparing by qualified professionals and at the applicant’s expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and/or digital, required in support to their application;
  - Confining all surface drainage on site and protecting any adjacent water bodies from run-off;
  - Treating any wastewater on site and/or disposing of any wastewater as required by the Town;
  - Disposing of any non-wastewater liquids in accordance with the requirements of the Town,
  - The methods of disposing of any other waste material;
  - Storing/containing all feedstock and materials within buildings or containment facilities;
  - Restricting vehicle/truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished/processed goods associated with the development to designated haul routes and times;
  - Require the entering of a road use agreement and the provision of security;
  - Constructing or paying for the construction on any new road or approach required for the development and/or upgrading or paying for the upgrading of an existing road or existing approach required for the development;
  - Dust control;
  - Sound control;
  - Installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
  - Compliance with necessary approvals from any other agencies with jurisdiction on the type IAE proposed and providing the Town with a copy of the approval required;
  - Identifying and providing for a staged or phased development;
  - Placing restrictions on parts or elements of the proposed development, such as but not limited to locations, heights, colours, densities, setbacks, etc.;
  - Constructing or paying for the construction of non-municipal infrastructure related to the project;
  - Requiring ground cover, weed control, grading, soil erosion control emergency/fire suppression, and drainage measures;
  - Specifying time periods to:
    - Start, suspend, and complete construction activities; and
    - Trigger decommissioning activities.
  - Providing for the amenity of the site or development through improvement such as landscaping, berms, and buffering; and
  - Any other condition or conditions necessary to give form and effect to the project.

## 10.6 ANIMAL CARE AND RELATED USES

- 10.6.1 These regulations shall apply to all animal care and related uses, including animal hospitals, small animal breeding and boarding establishments, and veterinary clinics.
- 10.6.2 Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- 10.6.3 A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

## 10.7 BED AND BREAKFAST ESTABLISHMENTS

- 10.7.1 A bed and breakfast establishment shall only be developed as an accessory use to a dwelling unit.

- 10.7.2 A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved and shall have a maximum of four (4) sleeping bedrooms.
- 10.7.3 Cooking facilities shall not be located within the sleeping units.
- 10.7.4 In addition to the above, a bed and breakfast establishment shall comply with all requirements for a major home occupation described in this Bylaw.

## **10.8 CANNABIS PRODUCTION AND DISTRIBUTION**

- 10.8.1 Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.
- 10.8.2 No cannabis production and distribution facility shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 10.8.3 A cannabis production and distribution facility shall comply with all applicable federal and provincial regulations.
- 10.8.4 A cannabis production and distribution facility must comply with the following requirements, in addition to any other municipal, provincial, or federal regulations and requirements:
- i. must meet all applicable requirements of the identified district, which allows for the use; and
  - ii. a copy of the current license(s) for the cannabis production and distribution development as issued by the provincial and/or federal government shall be provided to the Development Authority with the application or as a condition of development permit approval.
- 10.8.5 A cannabis production and distribution facility shall meet security and premises requirements as required under provincial and federal legislation and any additional security requirements imposed as a condition of the development permit issued by the Development Authority.
- 10.8.6 The design of the building(s) and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 10.8.7 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.
- 10.8.8 No outdoor storage of goods, material, or supplies shall be permitted.
- 10.8.9 Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 10.8.10 All activities related to the cannabis production and distribution facility shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- 10.8.11 Hours of operation shall be restricted as a condition of the development permit issued by the Development Authority.
- 10.8.12 Exterior lighting and noise levels shall satisfy the following requirements:
- a. 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 provincial and federal regulations; and
  - b. noise from facilities shall not exceed the levels allowed under the Land Use Bylaw or any other bylaw and/or policy of the municipality and the requirements under provincial and federal regulations.
- 10.8.13 The minimum lot size shall be at the discretion of the Development Authority.
- 10.8.14 The minimum setback from any watercourse or waterbody shall be 30.0 m (98.4 ft).
- 10.8.15 Maximum lot coverage shall be at the discretion of the Development Authority.
- 10.8.16 The maximum height of the principal building shall be 10.0 m (32.8 ft).
- 10.8.17 A building or structure used for security purposes for a cannabis production and distribution facility may be located within the front yard and must comply with the required minimum setbacks.
- 10.8.18 On site buffering measures shall be required for all cannabis production and distribution facilities. Buffers may include a combination of setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- 10.8.19 Parking and loading requirements for a cannabis production and distribution facility shall be provided at the discretion of the Development Authority and any applicable requirements in provincial and federal regulations, as amended or replaced.

## **10.9 CANNABIS RETAIL SALES**

- 10.9.1 Where provisions in this section are in conflict with the regulations of any District or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the applicable Land Use District and other applicable sections of this Bylaw.
- 10.9.2 An application for a Cannabis Retail Sales Establishment shall include:
- a. a copy of the applicant's current application for a license from the Alberta Gaming, Liquor and Cannabis Commission;
  - b. a landowner consent letter if the applicant is leasing the building/site;

- c. an interior floor plan identifying access/egress and loading areas;
  - d. a site plan that includes a land use map identifying adjacent industrial, commercial, and residential uses to demonstrate minimum separation distances have been met; and an engagement report.
- 10.9.3 The applicant shall contact landowners and schools adjacent to the site, outline the details of the application and solicit their comments on the application, document any opinions or concerns and what modifications were made to address their concerns. The applicant shall then submit the documentation.
- 10.9.4 A Cannabis Retail Sales Establishment use shall meet the following requirements:
- a. a Cannabis Retail Sales Establishment shall not be located within 100.0 m (328.1 ft) of any other Cannabis Retail Sales Establishment, Alcohol Retail Sales Establishment, private or public school, provincial health care facility, a registered day care, or lot that is designated as school reserve or municipal and school reserve under the Municipal Government Act;
  - b. the term public or private schools is limited to elementary through to high school and does not include commercial schools.
  - c. the separation distance between a Cannabis Retail Sales Establishment and other uses shall be measured from the exterior wall of the Cannabis Retail Sales Establishment to the lot line of the lot;
  - d. a Cannabis Retail Sales Establishment shall only operate between the hours of 10:00 a.m. and 10:00 p.m.;
  - e. a Cannabis Retail Sales Establishment use shall not operate in conjunction with or accessory to any other use;
  - f. customer access to a Cannabis Retail Sales Establishment shall be visible from the street other than a lane, or a shopping centre parking lot, or a shopping mall access that allows visibility from the interior of the mall into the store;
  - g. all parking areas and shipping/receiving areas located on-site shall be well lit for pedestrians and vehicles during operating hours;
  - h. parking and loading requirements for a Cannabis Retail Sales Establishment shall be provided based on Sections 9.17 and 9.18, the General Municipal Servicing Standards, and any applicable requirements to the satisfaction of the Development Authority;
  - i. the owner shall obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation; and
  - j. the Development Authority shall impose a condition on any Development Permit issued for Cannabis Retail Sales Establishment requiring that the development shall not commence selling Cannabis until authorized by and compliant with superior legislation.
- 10.9.5 Notwithstanding 10.9.4.a Cannabis Retail Sales Establishments approved prior to the commencement of this bylaw may be located closer than 100.0 m (328.1 ft) from the sites and uses listed in 10.9.4.a until such time as the Cannabis Retail Sales Establishment use ceases for six months or longer.

## **10.10 CONVERSION OF SINGLE DETACHED DWELLINGS TO OTHER USES**

- 10.10.1 In considering any application for the conversion of a single detached dwelling into another use, the Development Authority shall ensure that the Development complies with the following requirements:
- a. The use shall be listed as a permitted or a discretionary use in the District in which the single detached dwelling is located.
  - b. Parking shall be provided in accordance with this Bylaw, except that on-street parking may be considered and a number of on-street parking stalls subtracted from the number of off-street parking stalls required at the discretion of the Development Authority.
  - c. Off-street parking shall be located at the rear of the principal building and accessible from the lane only, except in the case of a corner site where parking may be allowed between the side of the principal building and the road, if the parking is screened from adjacent roads to the satisfaction of the Development Authority.
  - d. Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains a height, exterior finish, design and coverage to the satisfaction of the Development Authority.
  - e. Existing healthy vegetation should be retained whenever possible and to the satisfaction of the Development Authority.
  - f. All signs shall be in keeping with Section 9.24 – Signage.

## **10.11 DAY CARE FACILITIES**

- 10.11.1 In considering a development permit application, the Development Authority shall consider, among other matters, if the development would be suitable for the proposed location, taking into account, among other matters, potential traffic, proximity to park and recreation areas, isolation of the site from dwellings, buffering or other techniques limiting interference with other uses and the peaceful enjoyment of nearby dwellings, and consistency in terms of intensity of use with other development in the area.

- 10.11.2 The Development Authority shall establish the maximum number of children for which care may be provided, having regard for the nature of the facility, the density of the District in which the day care is located, and potential impacts, including traffic, on the other uses in the vicinity of the development.

## 10.12 DRIVE-IN BUSINESSES

- 10.12.1 A drive-in business may be located only where it can be shown, to the satisfaction of the Development Authority, that the development would not inhibit safe traffic movement or where it is provided within a shopping centre site.

10.12.2 Site Area and Coverage:

- a. Except as provided in 10.12.2.b or the table below, the minimum site area shall be 600.0 m<sup>2</sup> (6458.4 ft<sup>2</sup>), the minimum frontage shall be 30.0 m (98.4 ft), and the maximum floor area of buildings shall be 90.0 m<sup>2</sup> (968.8 ft<sup>2</sup>).

SITE AREA AND SITE COVERAGE DRIVE-IN BUSINESSES		
TYPE OF BUSINESS	SITE AREA (MINIMUM)	SITE COVERAGE (MAXIMUM)
Drive-in Restaurant	600.0 m <sup>2</sup> (6458.4 ft <sup>2</sup> )	20%
Gas Bars (not associated with other developments)	60.0 m <sup>2</sup> (645.8 ft <sup>2</sup> ) for each fuel pump not including the area covered by buildings	15%
Service Stations	1200.0 m <sup>2</sup> (12,916.7 ft <sup>2</sup> )	20% including pump islands
Car Washes	600.0 m <sup>2</sup> (6458.4 ft <sup>2</sup> )	20%
Service Station & Car Wash together	1200.0 m <sup>2</sup> (12,916.7 ft <sup>2</sup> )	20%

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

10.12.3 Curb Cuts

- a. The nearest edge of a curb cut to the property line on the adjacent road shall be not less than 6.0 m (19.7 ft).  
b. The maximum width of the curb cut shall be 10.0 m (32.8 ft).  
c. The minimum distance between curb cuts on the same site line shall be 6.0 m (19.7 ft). The Development Authority may increase this minimum distance for situations where, in their sole opinion, public safety or convenience would be improved.

10.12.4 Queuing Space

- a. Queuing space and traffic circulation shall be provided in accordance with the following:  
i. a drive-through development with a drive-up service window shall provide a minimum of 3 in-bound and 1 outbound queuing spaces per service window,  
ii. a drive-through vehicle service establishment shall provide a minimum of 4 in-bound and 1 out-bound queuing spaces per service bay,  
iii. a full service car wash shall provide 4 in-bound and 2 out-bound queuing spaces, or such other number as required by the Development Authority taking into consideration the number of wash bays,  
iv. queuing spaces must be a minimum of 6.0 m (19.7 ft) long and 3.0 m (10.0 ft) wide,  
v. queuing spaces must allow for vehicle turning and maneuvering, and  
vi. pump islands must be located to allow a through traffic lane with a minimum width of 6.0 m (19.7 ft).  
b. With the exception of a drive-through restaurant, a queuing space does not include any space occupied by a motor vehicle during the provision of service.

10.12.5 Site and Building Requirements

- 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.  
b. The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.  
c. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.  
d. A minimum of ten percent (10%) of the site area of a drive-in business shall be landscaped to the satisfaction of the Development Authority.  
e. In addition to the fencing, landscaping, and environmental protection requirements indicated in Sections 9.11 and 9.12, a berm and/or fence shall be erected and maintained by the developer of a drive-in business along any site lines abutting or across a lane or walkway from a Residential District.  
f. If a car wash is located on a site which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.

## **10.13 EVENTS VENUES**

- 10.13.1 An Event Venue development shall not generate noise, smoke, steam, dust, odour, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
- 10.13.2 The Development Authority may require any or all of the following with a development permit application or as a condition for an event venue:
- Operations outline or plan, including number of attendees, peak site visits, hours and season of operation, signage, and servicing;
  - Traffic impact assessment;
  - Emergency response plan;
  - Surveyed site plan;
  - Noise impact assessment and, if deemed necessary by the Development Authority, a noise mitigation plan that may include a noise monitoring system;
  - Community and neighbourhood consultation plan; and/or
  - Any other information that the Development Authority considers necessary.
- 10.13.3 Waste disposal systems shall be provided in accordance with appropriate regulatory authority standards to the satisfaction of the Development Authority.

## **10.14 HOME OCCUPATIONS**

- 10.14.1 Home occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the home occupation is to be located.
- 10.14.2 All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in their opinion, the home occupation is or has become detrimental to the amenities of the neighbourhood in which it is located or if there is any change or intensification of the home occupation as originally approved.
- 10.14.3 The Development Authority may, in their sole discretion, place time limits on the period for which a development permit for a home occupation is valid.
- 10.14.4 All home occupations shall comply with the following requirements:
- No home occupation shall change the principal character or external appearance of the dwelling involved or of any accessory buildings.
  - Home occupations shall be incidental and subordinate to the principal use of the dwelling.
  - No more than 20% or 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>), whichever is less, of the dwelling unit shall be occupied by the home occupation.
  - There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
  - The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
  - 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.
  - Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the home occupation is located.
  - Only one (1) commercial vehicle of a capacity not exceeding 1.0 tonne (2204.6 lbs), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be allowed.
  - Home occupations shall not involve:
    - activities that use or store hazardous material in quantities exceeding those found in a normal household; or
    - any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- 10.14.5 A major home occupation shall also comply with the following regulations:
- There may be a limited volume of on-premises sales; however, no commodity other than the product of the business shall be sold on the premises.
  - Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the major home occupation is located.



- c. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - d. The number of clients or customers on-site shall not exceed two (2) at any time.
  - e. Storage related to the business activity and the business activity itself may be allowed in either the dwelling or accessory buildings.
  - f. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
  - g. The dwelling in which a major home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.4 m<sup>2</sup> (4.0 ft<sup>2</sup>) in area.
- 10.14.6 A minor home occupation shall also comply with the following regulations. If it does not, it shall be considered to be a major home occupation and an approved development permit will be necessary to operate:
- i. All sales relating to the minor home occupation shall occur off the premises.
  - ii. No person shall be employed on-site other than a resident of the dwelling unit.
  - iii. There shall be no more than five (5) client or customer visits to the minor home occupation per week.
  - iv. Storage related to the business activity and the business activity itself shall only be allowed inside the dwelling and not in an accessory building or outside on the site. A minor home occupation does not involve the display of goods in the interior of the residence.
  - v. There may not be a sign relating to a minor home occupation.

## **10.15 INDUSTRIAL DEVELOPMENT**

- 10.15.1 An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
- 10.15.2 Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 5.4 of this Bylaw:
- a. Type of industry;
  - b. Size of buildings;
  - c. Number of employees;
  - d. Estimated water demand and anticipated source;
  - e. Type of effluent and method of treatment;
  - f. Transportation routes to be used (rail and road);
  - g. Reason for specific location;
  - h. Any accessory works required (pipeline, railway spurs, etc.); and/or
  - i. Any such other information as required by the Development Authority.
- 10.15.3 All lot regulations and requirements shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

## **10.16 INDUSTRIAL HEMP PRODUCTION, PROCESSING, STORAGE, AND DISTRIBUTION**

- 10.16.1 The desirable compatibility between licensed industrial hemp production, processing, storage and distribution facilities, and mitigation of possible adverse land use impacts, within surrounding land uses shall be recognized using this section. However, facilities shall comply with all Town Land Use Bylaw requirements and any applicable federal and provincial regulations.
- a. All applications shall comply with Town development policies for the identified Land Use District in addition to the provisions established in Section 5.4 of this Bylaw.
  - b. The production of industrial hemp as defined in the Industrial Hemp Regulations (IHR), SOR/98-156, as amended, or any subsequent legislation that may be enacted in substitution.
- 10.16.2 Any licensed industrial hemp production, processing, storage, and distribution facility must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
- a. In addition to the requirements of this Section, a licensed industrial hemp production facility must meet all applicable requirements of the identified District, which allows for the use.
  - b. Only facilities licensed by Health Canada under the IHR (SOR/98-1056) or as amended, will be permitted.
  - c. A copy of the current license for the licensed industrial hemp production facility as issued by Health Canada shall be provided to the Development Authority before a permit can be issued.
  - d. A licensed industrial hemp production facility shall be the primary use of the lot(s) or parcel(s).
  - e. The licensed industrial hemp production facility must not operate in conjunction with another use on the lot(s) or parcel(s).

- f. Marijuana products must not be smoked, ingested, or otherwise consumed on the premises of a licensed industrial hemp production facility.
- 10.16.3 The Development Authority may require an applicant for a development permit for a licensed industrial hemp production facility to have any or all of the following information be prepared by a qualified professional and have it included with the application:
- a. Waste management plan;
  - b. Environmental Assessment;
  - c. Traffic Impact Assessment;
  - d. Water/Wastewater Report;
  - e. Storm Water Management Plan; and
  - f. Any additional study or assessment necessary to address specific concerns is at the discretion of the Development Authority.
- 10.16.4 The development permit for a licensed industrial hemp production facility shall be limited as follows:
- a. The first development permit shall not exceed a 3-year term.
  - b. Any subsequent development permit shall not exceed a 5-year term.
- 10.16.5 The licensed industrial hemp production facility must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations in Section 9.15 of this Bylaw and meet the Town of Gibbons's General Municipal Servicing Standards.
- 10.16.6 Development shall meet all requirements for said facilities (such as, but not limited to security and premises) as listed under Industrial Hemp Regulations (SOR/98-1056).
- 10.16.7 Development shall maintain the neighbourhood characteristics and appearance.
- 10.16.8 Development shall be designed and located to minimize any impacts on the natural environment.
- 10.16.9 Development shall 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.
- 10.16.10 There shall be no outdoor storage of goods, material, or supplies.
- 10.16.11 Solid waste materials must be disposed of in accordance with the Controlled Drugs and Substances Act (S.C 1996, c. 19) and Industrial Hemp Regulations (SOR/98-1056), as amended or any subsequent legislation that may be enacted in substitution.
- 10.16.12 All activities related to the licensed industrial hemp production facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of industrial hemp and any other goods, materials, and supplies.
- 10.16.13 A licensed industrial hemp production facility's exterior lighting and noise levels should meet the following:
- a. The illumination of parking areas, walkways, signs, and other structures associated with licensed industrial hemp production facilities shall be arranged to meet any requirements the Land Use Bylaw or any other bylaw and/or policy approved by the Town and any requirements under the IHR (SOR/98-1056).
  - b. Noise from facilities shall not exceed that allowed under the Land Use Bylaw or any other bylaw and/or policy approved by the Town and any requirements under the IHR (SOR/98-1056).
- 10.16.14 When making an application for a development permit for a licensed industrial hemp production facility, the developer shall, in addition to the above sections, those applicable to the identified District, and Section 5.4 of this Bylaw, provide in the application and site drawings the following:
- 10.16.15 A site, building or structure established, operated, or maintained as a licensed industrial hemp production facility shall comply with the provisions made for it in this section in addition to any other applicable federal, provincial, and municipal regulation as per Section 1.8 of this Bylaw. Non-compliance with the previous may be abated as provided for in Part 8 of this Bylaw. This is 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 law or Town policy from being enacted.

## **10.17 MANUFACTURED HOMES**

- 10.17.1 Manufactured homes shall have Canadian Standards Association Z-240 Certification.
- 10.17.2 All manufactured homes must be of new construction or not more than five (5) years of age from the date of the development application. Manufactured homes shall be in good condition to the satisfaction of the Development Authority.
- 10.17.3 Notwithstanding 10.17.2, a manufactured home that is more than ten (10) years of age from the date of the development application may be considered by the Development Authority. In addition to the application requirements, the proponent shall provide current photographs of the proposed manufactured home to the satisfaction of the Development Authority. The Development Authority may allow for the development of the

manufactured home on the lot if, in their sole discretion, the manufactured home is of sound construction and compliance with the Appearance and Design of Buildings provisions in Section 9.3 of this Land Use Bylaw.

- 10.17.4 All accessory structures, such as patios, porches, additions and skirtings, shall be:
- designed and erected as to harmonize with the manufactured homes;
  - considered as part of the main building; and
  - erected only after obtaining a Development Permit.
- 10.17.5 A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- 10.17.6 The maximum allowed floor area of porches and additions shall not exceed the floor area of the manufactured home.
- 10.17.7 No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall or a lot on which a manufactured home is located.
- 10.17.8 The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Safety Codes Act.
- 10.17.9 The following regulations apply to manufactured homes located in all subdivisions:
- the hitch and wheels are to be removed from the manufactured home;
  - all manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base pursuant to the National Building Code - Alberta Edition; and
  - the lot is to be fully landscaped within one (1) year from the date the development is available for occupancy or use.
- 10.17.10 Manufactured homes shall only be located within Manufactured Home Parks within the Town of Gibbons.

## **10.18 MANUFACTURED HOME PARKS**

- 10.18.1 The following regulations also apply to manufactured home parks:
- the minimum area for a manufactured home stall shall be 408.8 m<sup>2</sup> (4,400.0 ft<sup>2</sup>);
  - all manufactured home stalls shall be of a size to adequately accommodate "double-wide" manufactured homes so that all regulated setback distances are met;
  - all manufactured home stalls shall be of a size to adequately accommodate minimum yard and parking requirements;
  - manufactured home parks shall not be located in environmentally sensitive or protected areas as defined by the Town of Gibbons and/or Alberta Environment;
  - each manufactured home stall shall contain concrete columns and/or slabs to provide an adequate foundation for the placement of a manufactured home, securing the structure against uplift, sliding or rotation, to the satisfaction of the development authority;
  - each manufactured home shall be provided with skirting of durable material entirely enclosing the area beneath the structure, to the satisfaction of the development authority;
  - all internal roadways shall be constructed and maintained to the satisfaction of the Development Authority. All internal roadways within a manufactured home park shall be designed and constructed in accordance with of the Town of Gibbons' Municipal Servicing Standards and any other requirements that may exist within the Town of Gibbons;
  - each manufactured home stall shall be accessible from the internal road system within the park. Access shall be designed to minimize congestion and hazards at the entrance or exit, and allow free movement of traffic on streets within the park;
  - all internal roads shall be paved and shall meet minimum paving thickness and other requirements as established in the Town of Gibbons Municipal Servicing Standards;
  - all internal roads shall be kept free of snow, ice, and other debris or obstructions, including vehicles, to provide clear access for fire, police, or other emergency vehicle access;
  - manufactured homes shall be sited off-centre on the stall so as to provide a larger useable yard space and outdoor living area on one side of the unit. All accessory buildings and/or structures shall be located in accordance with the requirements of this bylaw, as well as the National Building Code- Alberta Edition and the National Fire Code- Alberta Edition;
  - those portions of the manufactured home park not developed as manufactured home stalls, internal roads, or service buildings, shall be designated as common open space;
  - garbage and recycling disposal and collection facilities shall be provided, to the satisfaction of the Development Authority;

- n. storm water drainage from roofs and paved areas shall be directed to natural drainage courses and away from adjoining properties and public roads, and landscaping shall be maintained within the manufactured home park to improve runoff absorption, A storm water drainage plan may be required prior to approval of development to ensure storm water drainage is suitably addressed to the satisfaction of the Development Authority;
- o. street identification signs and traffic control signage shall be provided for internal roads, to the satisfaction of the Development Authority;
- p. street repairs and maintenance, including the clearing of snow and other debris, within the manufactured home park is the sole responsibility of the developer/property owner(s);
- q. the developer/owner of the manufactured home park shall install a solid six (6) foot fence around the complete perimeter of a of the park, except where internal roads cross the property boundaries, to the satisfaction of the Development Authority;
- r. the design of manufactured home parks shall be to the satisfaction of the Development Authority; and
- s. in order to ensure a diverse range of housing styles and options within the Town, only one (1) manufactured home park shall be allowed per quarter section within the Town of Gibbons.

## **10.19 MICROBREWERY OR DISTILLERY**

- 10.19.1 Each application for a microbrewery or distillery use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 5.4 of this Bylaw:
  - a. operations outline or plan, including number of attendees, peak site visits, hours and season of operation, signage, and servicing;
  - b. traffic impact assessment;
  - c. emergency response plan;
  - d. surveyed site plan;
  - e. noise impact assessment. If deemed necessary, a noise mitigation plan that may include a noise monitoring system may also be required; and/or
  - f. any other information required by the Development Authority.
- 10.19.2 Waste disposal systems shall be provided in accordance with appropriate regulatory authority standards to the satisfaction of the Development Authority.
- 10.19.3 In evaluating the appropriateness of a Development Permit application for a microbrewery or distillery, the Development Authority shall consider such factors as:
  - a. compatibility of proposed use with adjacent and neighbouring land uses;
  - b. impact of proposed use on existing traffic volumes and patterns of flow;
  - c. appropriate vehicle parking and site access/egress requirements; and
  - d. appropriate site security requirements including, but not limited to, fencing and lighting.

## **10.20 MOTELS**

- 10.20.1 Notwithstanding the provisions of the District in which it is located, a motel shall have a minimum required front yard of 6.0 m (19.7 ft).
- 10.20.2 Notwithstanding any other provisions of this Bylaw to the contrary, a minimum of 10% of the site area of a motel development shall be landscaped to the satisfaction of the Development Authority.

## **10.21 MULTI-DWELLING DEVELOPMENTS**

- 10.21.1 Before any development permit application for an apartment, duplex, triplex, fourplex, or row housing development can be considered by the Development Authority, the applicant must provide:
  - a. design plans and working drawings including elevations which have been prepared 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.

## **10.22 MOVED-IN BUILDINGS**

- 10.22.1 No person shall alter the location of a building on a lot already constructed on that lot unless a development permit has been issued.
- 10.22.2 No person shall place on a lot a moved-in building without an approved development permit.
- 10.22.3 In addition to the requirements of Section 5.4, the Development Authority may require an application for a development permit for a moved-in building to be accompanied by:
- Recent colour photographs showing all sides of the building;
  - A statement on the age and general condition of the building;
  - A statement prepared and signed by a qualified person on the structural condition of the building;
  - A statement of proposed improvements to the building;
  - A certificate confirming compliance with the National Building Code- Alberta Edition; and
  - Any other requirements or conditions as required by the Development Authority.
- 10.22.4 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.
- 10.22.5 Where a development permit has been granted for modular housing or the relocation of a building either on the same lot or from another lot, 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.
- 10.22.6 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 complement the appearance and character of the modular housing/structure, site, and surrounding structures in the neighbourhood to the satisfaction of the Development Authority.
- 10.22.7 All structural and exterior renovations shall be completed within one year of the issuance of a development permit.
- 10.22.8 For the purposes of this section, a modularly constructed dwelling is not considered a relocated building.

## **10.23 PLACES OF WORSHIP**

- 10.23.1 The site on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft) and an area of not less than 900.0 m<sup>2</sup> (9687.5 ft<sup>2</sup>) except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1440.0 m<sup>2</sup> (15,500.0 ft<sup>2</sup>).
- 10.23.2 Minimum front, side and rear yards shall be those required within the District in which the place of worship is located except where the maximum height regulation is exceeded, in which case the minimum yards shall be at the discretion of the Development Authority.
- 10.23.3 Notwithstanding any other provision of this Bylaw to the contrary, a portion of the required minimum number of parking spaces may be located on a site other than that of the subject place of worship if it is demonstrated to the satisfaction of the Development Authority that such off-site parking spaces are available for the use of the patrons of the place of worship.

## **10.24 PRIVATE SWIMMING POOLS AND HOT TUBS**

- 10.24.1 The development of private swimming pools and hot tubs shall be in compliance with all applicable National Building Code (Alberta Edition) requirements, including fencing.
- 10.24.2 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 swimming pool or hot tub.
- 10.24.3 Private swimming pools and hot tubs shall not be located within any required minimum front yard.

## **10.25 RECREATIONAL USES**

- 10.25.1 Recreational development shall be required to:
- 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
  - Install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.



## **10.26 RECREATIONAL VEHICLES**

- 10.26.1 No person shall use any vehicle for occupancy within the Town, other than within an approved campground.
- 10.26.2 No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply or sanitary sewage disposal facilities unless the recreational vehicle is in an approved recreational vehicle park.

## **10.27 RECREATIONAL VEHICLE CAMPGROUNDS**

- 10.27.1 In addition to the requirements of Section 10.27, Recreational Vehicle Campgrounds, both seasonal and year-round, shall comply with the regulations of this section.
- 10.27.2 Each recreational vehicle parking space shall have a minimum width of 10.0 m (32.8 ft) and a minimum area of 250.0 m<sup>2</sup> (2,691.0 ft<sup>2</sup>).
- 10.27.3 As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.
- 10.27.4 As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service the development.
- 10.27.5 All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.1 m (20.0 ft) usable top, except for one-way roads, which shall have a minimum of a 3.7 m (12.0 ft) usable top.
- 10.27.6 The developer shall provide on-site potable water supply that meets all applicable Provincial water requirements.
- 10.27.7 The developer shall provide sewage disposal facilities that meet all applicable Provincial regulations.
- 10.27.8 All spaces for recreational vehicles designated for year-round use must have on-site connections to municipal sewer and water systems.
- 10.27.9 As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
- 10.27.10 The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 10.27.11 The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle campground area as a playground or recreational area. This area is to be clearly marked and free from all traffic hazards.
- 10.27.12 All spaces for recreational vehicles or tents shall maintain a minimum setback of 30.0 m (98.4 ft) from the shoreline of any body of water.
- 10.27.13 The maximum number of recreational vehicles allowed per space shall be one (1).
- 10.27.14 A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 10.27.15 Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked, and constructed to the satisfaction of the Development Authority.
- 10.27.16 All other site requirements shall be as required by the Development Authority.
- 10.27.17 Front, side, corner, and rear yard setbacks on the site shall be 7.6 m (25.0 ft) or 10% of the lot width, whichever is lesser.
- 10.27.18 Developers will be encouraged to include on their site plan an overflow area, which may be used temporarily, on an overflow basis, for a maximum of four (4) consecutive nights to accommodate recreational events which may result in a need for temporary additional tenting or recreational vehicle spaces.

## **10.28 SEA CANS AND SHIPPING CONTAINERS**

- 10.28.1 The permanent placement of a maximum of one (1) sea can or shipping container may be allowed in the rear yard of a lot within a Residential Land Use District with an approved development permit.
- 10.28.2 The placement of a sea can or shipping container on a lot must conform to the setback requirements for accessory buildings.
- 10.28.3 Notwithstanding 10.28.1 and 10.28.2, a development permit may be issued for the temporary placement of one (1) sea can or shipping container in the front yard on a lot within a Residential District on a temporary basis during the construction of the principal dwelling.
- 10.28.4 If a temporary development permit for a sea can or shipping container has been approved by the Development Authority, the sea can or shipping container may be placed on-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 of the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.

- 10.28.5 The maximum number of sea cans or shipping containers that may be placed on a lot in an urban reserve, commercial, or industrial land use district shall be at the discretion of the Development Authority.
- 10.28.6 The placement of a sea can or shipping container on any urban reserve, commercial or industrial lot requires a development permit.
- 10.28.7 Sea cans or shipping containers may not be stacked. The maximum height for a sea can or shipping container allowed on a lot is 3.0 m (10.0 ft).
- 10.28.8 Sea cans or shipping containers located in a residential district may be a maximum of 6.1 m (20.0 ft) in length.
- 10.28.9 The appearance of a sea can or shipping container located in a rear yard of a residential lot shall be acceptable to the Development Authority and shall be in good repair and clad to conform to the character of existing developments in the district.
- 10.28.10 Sea cans or shipping containers cannot be used as a dwelling, bunk house or garden suite.
- 10.28.11 No human or animal habitation will be permitted within a sea can or shipping container.

#### **10.29 SERVICE STATIONS (INCLUDING GAS BARS)**

- 10.29.1 No part of any building or accessory building, structure, or use shall be located within 6.1 m (20.0 ft) of a side or rear line and 12.2 m (40.0 ft) of a front line; however, gasoline pumps may be located as little as 6.1 m (20.0 ft) from the front line.
- 10.29.2 The minimum lot area shall be 743.2 m<sup>2</sup> (8000.0 ft<sup>2</sup>). When a car wash is included, the minimum lot area shall be 1114.0 m<sup>2</sup> (11,991.0 ft<sup>2</sup>).
- 10.29.3 If a service station or gas bar is part of a shopping centre, the number of parking spaces shall be as determined by the Development Authority.
- 10.29.4 Any lighting shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.
- 10.29.5 The owner, tenant, operator, or person in charge of a service station or gas bar shall:
  - a. not carry on any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to dwellings or businesses near the service station or gas bar by reason of dust, noise, gases, odour, smoke, or vibration; and
  - b. be responsible for ensuring that:
    - i. no motor vehicles obstruct the sidewalks or boulevards abutting or adjacent to the service station or gas bar; and
    - ii. motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided.

#### **10.30 SHOPPING CENTRES**

- 10.30.1 The maximum building height shall be 10.7 m (35.1 ft).
- 10.30.2 Notwithstanding Section 9.24 – Signage, one (1) pole sign or one (1) ground identification sign, but not a lighted sign of the flashing or animated type, not exceeding 10.7 m (35.1 ft) in height shall be allowed on a site, provided no portion of the sign shall project over a road or lane.
- 10.30.3 All shopping centres shall satisfy the Development Authority as to:
  - a. the orientation, exterior design, and architectural appearance of buildings,
  - b. the location of development in relation to adjacent land uses,
  - c. vehicular traffic flow patterns within and access to and from the site,
  - d. safe pedestrian access and egress within the site and from any pedestrian way; and
  - e. the location of exterior signs.
- 10.30.4 A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located.
- 10.30.5 The Development Authority may require any other matters, regulations, or conditions relating to the development as, in their opinion, are necessary, having regard to the nature of the proposed shopping centre development and adjacent land uses.

#### **10.31 SHOW HOMES**

- 10.31.1 In addition to the application requirements of Section 5.4 of this Bylaw, a development permit application for a show home shall be accompanied by information indicating:
  - a. the location and area intended as the site for the show home; and
  - b. proposed parking, exterior lighting and signs.

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

## **10.32 SOLAR ENERGY COLLECTION SYSTEMS**

### **Residential Solar Energy Collection Systems**

- 10.32.1 Solar Energy Collection Systems must be located such that they do not create undue glare on neighbouring parcels or public roadways.
- 10.32.2 Roof mounted Solar Energy Collection Systems on residential lots must meet the following requirements:
- a. may project a maximum of 1.2 m (4.0 ft) from the surface of the roof;
  - b. must not extend beyond the outermost edge of the roof; and
  - c. shall be located as to not impede access to the roof structure for emergency purposes.
- 10.32.3 Ground mounted Solar Energy Collection Systems and associated equipment which covers a total area equal to or less than 10.0 m<sup>2</sup> (107.0 ft<sup>2</sup>) and/or must not exceed 2.4 m (8.0 ft) in height above existing grade.
- 10.32.4 In addition to 10.3.2 above, the solar collector is utilized (primarily) for private or on-site use, although contribution to the grid may be possible

### **Commercial Solar Energy Collection Systems**

- 10.32.5 Approval from the Alberta Utilities Commission (AUC) and any other provincial or federal agency or utility company may be required prior to the operation of any grid-connected solar energy system.
- 10.32.6 Solar Collectors must be located such that they do not create undue glare on neighbouring parcels or public roadways.
- 10.32.7 The following regulations apply to Solar Collectors, Commercial:
- a. Setback requirements of the district must be met or setback requirements shall be as required by the Development Authority.
  - b. A landscaping plan may be required for commercial solar collectors indicating efforts made by the owner/operator to mitigate the potential impacts.
  - c. If the commercial solar collectors have been decommissioned, the owner/operator shall return the project location to the same or better land capability it had before the project started. A decommissioning and or mitigation plan may be required.

## **10.33 SUITES, GARAGE**

- 10.33.1 A garage suite shall be restricted to a lot occupied by a single-detached dwelling.
- 10.33.2 A garage suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing, or apartment developments.
- 10.33.3 A maximum of one (1) garage suite, garden suite, or secondary suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 10.33.4 A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m<sup>2</sup> (860.0 ft<sup>2</sup>).
- 10.33.5 A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage.
- 10.33.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 10.33.7 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.
- 10.33.8 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.
- 10.33.9 Garage suites shall comply with the maximum height requirements for accessory buildings.
- 10.33.10 A minimum of one (1) parking stall shall be provided for the suite, in addition to the parking stalls required for the principal dwelling on the lot. Tandem parking may be permitted at the discretion of the Development Authority.
- 10.33.11 No additional approach will be permitted to provide access or egress to the suite.

## **10.34 SUITES, GARDEN**

- 10.34.1 A maximum of one (1) garage suite, garden suite, or secondary suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 10.34.2 A garden suite shall only be allowed on a lot occupied by a single-detached dwelling.
- 10.34.3 A garden suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing or apartment developments.

- 10.34.4 If a permit for a garden suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.
- 10.34.5 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.
- 10.34.6 The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.
- 10.34.7 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.
- 10.34.8 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.
- 10.34.9 The minimum floor area for a garden suite shall be 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 10.34.10 A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m<sup>2</sup> (860.0 ft<sup>2</sup>) in floor area.
- 10.34.11 Garden suites shall have a maximum height of 4.3 m (14.1 ft).
- 10.34.12 Prior to development permit approval, the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the on-site parking spaces.
- 10.34.13 A minimum of one (1) parking stall shall be provided for the suite, in addition to the parking stalls required for the principal dwelling on the lot. Tandem parking may be permitted at the discretion of the Development Authority.
- 10.34.14 No additional approach will be permitted to provide access or egress to the suite.
- 10.34.15 Windows contained within a garden suite shall be placed and sized such that they minimize overlooking 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.
- 10.34.16 A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

#### **10.35 SUITES, SECONDARY**

- 10.35.1 A secondary suite shall be restricted to a site occupied by a single-detached dwelling or a duplex.
- 10.35.2 A secondary suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing, or apartment developments.
- 10.35.3 A maximum of one (1) garage suite, garden suite, or secondary suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 10.35.4 A secondary suite shall remain accessory to and subordinate to the main dwelling in size and use.
- 10.35.5 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 10.35.6 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.
- 10.35.7 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.
- 10.35.8 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.
- 10.35.9 Prior to development permit approval, the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the on-site parking spaces.
- 10.35.10 A minimum of one (1) parking stall shall be provided for the suite, in addition to the parking stalls required for the principal dwelling on the lot. Tandem parking may be permitted at the discretion of the Development Authority.
- 10.35.11 No additional approach will be permitted to provide access or egress to the suite.

#### **10.36 SUITES, SURVEILLANCE**

- 10.36.1 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:
- 10.36.2 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 lot. 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.

- 10.36.3 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 lot.
- 10.36.4 Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject lot is located or in accordance with the following requirements, whichever are greater:
- a. a minimum of 1.8 m (6.0 ft) from any buildings; and
  - b. a minimum of 1.8 m (6.0 ft) from the rear and side property lines; and
  - c. no closer than the front line of the main building to the front property line.
- 10.36.5 The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.6 m<sup>2</sup> (500.0 ft<sup>2</sup>).
- 10.36.6 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 are compatible with the development(s)/use(s) with which the suite is associated, as well as all development(s) and use(s) on adjacent properties.

## **10.37 TOURIST HOMES**

- 10.37.1 The development of a tourist home in the Town shall require a Development Permit.
- 10.37.2 No development permit for a tourist home may be issued for a lot that does not conform to all other provisions of this Bylaw.
- 10.37.3 The development of a tourist home in the Town shall require a Development Permit annually. A development permit for a Tourist home shall only be issued for a temporary period up to, but not exceeding twelve (12) months.
- 10.37.4 An application for a development permit for a tourist home shall include (in addition to the requirements of Section 5.4):
- a. the applicable fee as established in the Town's Municipal Master Rates Bylaw;
  - b. signatures of all property owners listed on the title;
  - c. identification of what portion of the dwelling or suites are to be utilized as a tourist home, and the total number of bedrooms;
  - d. a home safety and evacuation floor plan of the premises;
  - e. a parking plan that identifies the total area of the lot to be used for parking;
  - f. information on where (or on what website) the tourist home will be listed for rental.
- 10.37.5 A maximum of one tourist home may be developed on a lot. A tourist home may be developed within:
- a. an entire principal dwelling for which a development permit has previously been issued;
  - b. a portion of a principal dwelling for which a development permit has previously been issued;
  - c. a garden suite for which a development permit has been previously issued.
- 10.37.6 A maximum of one rental booking may be scheduled at a time within an approved tourist home.
- 10.37.7 A tourist home with an approved development permit shall visibly display in the main entrance of the tourist home:
- a. a copy of the development permit outlining the maximum occupancy of the tourist home and the primary contact telephone number and email of the owners; and
  - b. a home safety and evacuation floor plan of the premises.
- 10.37.8 A tourist home shall not be developed within:
- a. a recreational vehicle;
  - b. a tent or tented structure; or
  - c. an accessory building without cooking or bathroom facilities.
- 10.37.9 The maximum occupancy of a tourist home shall be the total number of bedrooms times two (2), to a maximum of eight (8).
- 10.37.10 Children under the age of twelve (12) do not count towards the maximum occupancy of a tourist home.
- 10.37.11 A minimum of one (1) parking space per bedroom in the tourist home, plus one (1) extra, shall be provided for on a lot. The parking space shall be included in the calculation of lot coverage. No offsite parking (i.e., parking within the adjacent road right-of-way, on municipal land, or on adjacent private land) shall be allowed.
- 10.37.12 The owner(s) shall be required to cooperate with the Development Authority, emergency services providers, and Alberta Health Services during an investigation of any complaint associated with the tourist home.
- 10.37.13 No signs advertising the rental of the tourist home shall be permitted on-site.

## **10.38 VETERINARY CLINICS AND KENNELS**

- 10.38.1 Pens, rooms, exercise runs, and holding stalls may be required to be soundproofed to the satisfaction of the Development Authority.
- 10.38.2 All development permit applications may be referred to the local Health Authority or animal control agency for comment.



- 10.38.3 No facility or exterior exercise runs used to accommodate the animals may be located within 6.1 m (20.0 ft) of any property line adjacent to a dwelling or residential property.
- 10.38.4 All exterior exercise areas (runs) may be required to be enclosed with a fence acceptable to the Development Authority.
- 10.38.5 All dog facilities, including buildings and exterior exercise areas, may be required to be sited to the satisfaction of the Development Authority.
- 10.38.6 The Development Authority may regulate the hours that dogs are allowed outdoors.
- 10.38.7 Facilities that provide overnight housing for animals shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- 10.38.8 A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments.

#### **10.39 WIRELESS COMMUNICATION FACILITIES**

- 10.39.1 Wireless communication facilities are encouraged to be located in specific areas of the Town, such as:
- a. Within the M1 – Industrial District;
  - b. In the R3 – Higher Density Residential District and the CXR – Mixed Use District, provided they are located as rooftop or side-mounted antenna on buildings which are greater than 12.0 m in height; or
  - c. Other non-residential areas where tower height is unlikely to be an issue.
- 10.39.2 Where possible, visually unobtrusive antennas are encouraged to be located on existing infrastructure such as signs located on private property, light standards, water towers or other utility infrastructure.
- 10.39.3 Wireless communication facilities shall avoid locating in or near the following areas:
- a. up to 50.0 m from the top of bank of the Sturgeon River;
  - b. up to 30.0 m outside of a high priority environmentally significant areas and associated buffers;
  - c. lands containing (or that may contain) provincially recognized Historic Resources; and
  - d. gateway or town centre areas unless visually unobtrusive.
- 10.39.4 The co-location of multiple devices on wireless communication facilities is preferred.
- 10.39.5 Where appropriate, new facilities should be built to a standard to accommodate multiple devices. Any exclusivity agreement which limits access to other applications is strongly discouraged.
- 10.39.6 If co-location is determined to be unfeasible, the clustering of wireless communication facilities is preferred.
- 10.39.7 The design or appearance of all wireless communications facilities including antennas, antenna mounts, equipment shelters and cable runs, should minimize the visibility of facilities through the use of colour, consistent architectural styles and aesthetic design.
- 10.39.8 Roof and side-mounted wireless communication facilities are encouraged to minimize the potential impact on a building's façade or silhouette, and every effort should be made to conceal the facility to limit its visibility with consistent design features, colour and materials of the structure or building.
- 10.39.9 Proponents for the development of wireless communication facilities shall be required to enter into a road use agreement with the Town of Gibbons.

#### **10.40 WORK CAMPS**

- 10.40.1 All work camps shall be considered temporary developments.
- 10.40.2 At no time shall the total number of all work camps within the municipality accommodate more than 500 persons.
- 10.40.3 All work camps require a development permit, and the Development Authority shall give due regard to the need, location, and type of camp, prior to rendering its decision.
- 10.40.5 A development permit for a workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority, then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year after the three (3) year period, after which a new development permit approval is required.
- 10.40.6 The Development Authority may establish whatever conditions for the approval of a work camp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- 10.40.7 If all of the conditions of the development permit have not been fulfilled to the satisfaction of the Development Authority, then the permit will not be considered valid.
- 10.40.8 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for workcamp must provide the following information:
- a. the location, type, and purpose of the camp;
  - b. adjacent land uses;
  - c. the method for connecting the proposed development to municipal water;
  - d. sewage, waste disposal and storm water systems;

- e. the number of persons proposed to live in the camp;
  - f. the start date for the development, date of occupancy by residents, and removal date for the camp; and
  - g. reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.
- 10.40.9 As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act, as amended that may be applicable.
- 10.40.10 As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service the development.
- 10.40.11 All internal roads shall be the responsibility of the Developer for both construction and future maintenance.
- 10.40.12 The developer shall provide on-site potable water supply in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 10.40.13 The developer shall provide sewage disposal facilities in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 10.40.14 The developer shall provide natural gas facilities in accordance with the municipality's requirements as well as all applicable Provincial regulations.
- 10.40.15 The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 10.40.16 All work camps must:
- a. ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
  - b. be designed so that all points of access and egress are located to the satisfaction of the Development Authority and, when required, Alberta Transportation, and/or adjacent municipality;
  - c. be able to accommodate a minimum of fifty (50) persons;
  - d. be secured by the installation of appropriate security and buffering measures such as berms, fences, and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
  - e. provide on-site security staff to the satisfaction of the Development Authority;
  - f. all parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority. Normally, on-site parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
  - g. post security with the municipality sufficient to remove and/or reclaim the site if the workcamp remains on site after the project is either completed or if the work has stopped to the extent that the municipality no longer feels that the workcamp is necessary to the project, or to reclaim the site if needed after the workcamp has been removed from the site; and
  - h. be buffered from adjacent land uses.
- 10.40.17 The maximum site coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- 10.40.18 Adjacent buildings in work camps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Safety Codes Act, as amended and by the Development Authority.
- 10.40.19 Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- 10.40.20 The development must comply with current Building and Fire Code requirements, as amended from time to time.
- 10.40.21 The applicant shall also provide a report which details the following:
- a. discussions with and impact on the local RCMP;
  - b. discussions with and impact on the local Emergency Medical Services;
  - c. discussions with and impact on the local Fire Department; and
  - d. a Traffic Impact Assessment to identify impacts and improvements which may be required to the transportation network.
- 10.40.22 The development must comply with any other conditions required to the satisfaction of the Development Authority.

## 11. LAND USE DISTRICTS

### 11.1 ESTABLISHMENT OF DISTRICTS

11.1.1 For the purpose of this Bylaw, the Town of Gibbons is divided into the following Districts:

Land Use District	Symbol
R1 – Low Density Residential District	R1
R2 – Medium Density Residential District	R2
R3 – High Density Residential District	R3
R4 – Mixed Use Residential District	R4
RID – Innovative Design Residential District	RID
RS – Single Dwelling Large Lot Residential District	RS
RM – Manufactured Home Park Residential District	RM
C1 – Downtown Commercial District	C1
C2 – General Commercial District	C2
C3 – Highway Commercial District	C3
M – Industrial District	M
PI – Public and Institutional Use District	PI
UR – Urban Reserve District	UR
DCC – Cottage Direct Control District	DCC

### 11.2 INTERPRETATION OF LAND USE DISTRICT BOUNDARIES

11.2.1 The boundaries of the Land Use District Map shall be interpreted as follows:

- a. Where a boundary is shown as following a street or road, it shall be deemed to follow the centre line thereof;
- b. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;

11.2.2 In circumstances not covered by 11.2.1.a and 11.2.1.b, the location of the district boundary shall be determined by the Development Authority by measurement of, and use of the scale shown on the Land Use District Map.

11.2.3 Where the application of the rules outlined in Section 11.2.2 does not determine the exact location of the boundary of a land use district, Council either:

- a. on its motion; or
- b. upon written application being made to it by any person;

may determine the exact location of the district boundaries.

11.2.4 After Council has fixed a land use district boundary pursuant to the provisions of Section 11.2.3, the boundary shall not be altered, except by an application to amend this Bylaw.

## 12. R1 – LOW DENSITY RESIDENTIAL DISTRICT

### 12.1 PURPOSE

- 12.1.1 To enable the development of a wide variety of low density residential developments and compatible uses in appropriate neighbourhoods in the Town of Gibbons.

### 12.2 PERMITTED USES

- |                                   |   |
|-----------------------------------|---|
| 12.2.1 Day homes                  | 12.2.4 Public and quasi-public buildings and uses     |
| 12.2.2 Dwellings, single detached | 12.2.5 Public parks                                   |
| 12.2.3 Home occupations, minor    | 12.2.6 Buildings and uses accessory to permitted uses |

### 12.3 DISCRETIONARY USES

- |   |  |
|---|--|
| 12.3.1 Bed and breakfast establishments | 12.3.9 Suites, garden  |
| 12.3.2 Care facilities                  | 12.3.10 Suites, secondary  |
| 12.3.3 Dwellings, duplex                | 12.3.11 Tourist homes  |
| 12.3.4 Home occupations, major          | 12.3.12 Buildings and uses accessory to discretionary uses   |
| 12.3.5 Places of worship                | 12.3.13 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 12.3.6 Show homes                       |  |
| 12.3.7 Solar energy collection systems  |  |
| 12.3.8 Suites, garage                   |  |

### 12.4 SUBDIVISION REGULATIONS

12.4.1	Minimum Site Depth	33.5 m (110.0 ft)
12.4.2	Minimum Site Width (Lots with a Lane)	Internal Sites: 15.0 m (49.2 ft) Corner Sites: 16.5 m (54.1 ft)
12.4.3	Minimum Site Width (Lots without a Lane)	Internal Sites: 17.5 m (57.4 ft) Corner Sites: 19.0 m (62.3 ft)
12.4.4	Minimum Site Area (Lots with a Lane)	511.0 m <sup>2</sup> (5500.0 ft <sup>2</sup> )
12.4.5	Minimum Site Area (Lots with a Lane)	592.7 m <sup>2</sup> (6380.0 ft <sup>2</sup> )

### 12.5 DEVELOPMENT REGULATIONS

12.5.1	Maximum Site Coverage	35%
12.5.2	Maximum Building Height	10.0 m (32.8 ft)
12.5.3	Minimum Floor Area (1 Storey Dwellings)	92.9 m <sup>2</sup> (1,000 ft <sup>2</sup> )
12.5.4	Minimum Floor Area (1 ½ and Split Level Dwellings)	Upper floor: 37.2 m <sup>2</sup> (400.0 ft <sup>2</sup> ) Lower floor: 69.0 m <sup>2</sup> (743.0 ft <sup>2</sup> )
12.5.5	Minimum Floor Area (2 Storey Dwellings)	Each floor: 60.0 m <sup>2</sup> (645.8 ft <sup>2</sup> )
12.5.6	Minimum Floor Area (Other Uses)	At the discretion of the Development Authority
12.5.7	Minimum Front Yard	6.0 m (19.7 ft)
12.5.8	Maximum Front Yard	13.5 m (44.3 ft)
12.5.9	Minimum Rear Yard (Corner Lots)	4.5 m (14.8 ft)
12.5.10	Minimum Rear Yard (All Other Lots)	7.5 m (24.6 ft)

12.5.11	Minimum Side Yard	<p>1.5 m (4.9 ft) on each side, except that this may be reduced to 1.2 m (4.0 ft) for a carport which is attached to the principal building, however, the principal building must maintain a side yard of a minimum of 1.5 m (4.9 ft).</p> <p>Notwithstanding the above, where a site has vehicular access from the front only and no attached garage or carport is provided at the front or side of the dwelling, one side yard of at least 3.0 m (10.0 ft) shall be provided.</p>
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## **12.6 PARKING AND VEHICLE STORAGE**

- 12.6.1 In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
- 12.6.2 In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
- 12.6.3 Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.



## 13. R2 – MEDIMUM DENSITY RESIDENTIAL DISTRICT

### 13.1 PURPOSE

- 13.1.1 To enable the development of a wide range of medium and low density residential development and compatible uses in appropriate neighbourhoods in the Town of Gibbons.

### 13.2 PERMITTED USES

- |        |                                |        |  |
|--------|--------------------------------|--------|--|
| 13.2.1 | Daycares                       | 13.2.5 | Public and quasi-public buildings and uses     |
| 13.2.2 | Dwellings, stacked row housing | 13.2.6 | Public parks                                   |
| 13.2.3 | Dwellings, duplex              | 13.2.7 | Buildings and uses accessory to permitted uses |
| 13.2.4 | Home occupations, minor        |        |  |

### 13.3 DISCRETIONARY USES

- |        |                                  |         |  |
|--------|----------------------------------|---------|--|
| 13.3.1 | Bed and breakfast establishments | 13.3.10 | Suites, garden   |
| 13.3.2 | Boarding and lodging houses      | 13.3.11 | Suites, secondary  |
| 13.3.3 | Care facilities                  | 13.3.12 | Tourist homes  |
| 13.3.4 | Dwellings, single detached       | 13.3.13 | Buildings and uses accessory to discretionary uses   |
| 13.3.5 | Home occupations, major          | 13.3.14 | Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 13.3.6 | Places of worship                |         |  |
| 13.3.7 | Senior citizens' homes           |         |  |
| 13.3.8 | Show homes                       |         |  |
| 13.3.9 | Suites, garage                   |         |  |

### 13.4 SUBDIVISION REGULATIONS, ROW HOUSING

13.4.1	Minimum Site Depth	33.5 m (110.0 ft)
13.4.2	Minimum Site Width	24.3 m (80.0 ft)
13.4.3	Minimum Site Area	818.4 m <sup>2</sup> (8,800 ft <sup>2</sup> )

### 13.5 SUBDIVISION REGULATIONS, ALL OTHER USES

13.5.1	Minimum Site Depth	33.5 m (110.0 ft)
13.5.2	Minimum Site Width (Lots with a Lane)	Internal Sites: 9.8 m (32.0 ft) for each dwelling unit Corner Sites: 11.2 m (37.0 ft) for each dwelling unit
13.5.3	Minimum Site Width (Lots without a Lane)	Internal Sites: 10.6 m (35.0 ft) for each dwelling unit Corner Sites: 12.2 m (40.0 ft) for each dwelling unit
13.5.4	Minimum Site Area (Lots with a Lane)	327.0 m <sup>2</sup> (3,520.0 ft <sup>2</sup> ) for each dwelling unit
13.5.5	Minimum Site Area (Lots with a Lane)	357.6 m <sup>2</sup> (3,850.0 ft <sup>2</sup> ) for each dwelling unit

### 13.6 DEVELOPMENT REGULATIONS, STACKED ROW HOUSING

13.6.1	Maximum Site Coverage	50%
13.6.2	Maximum Building Height	10.6 m (35.0 ft)
13.6.3	Minimum Floor Area	74 m <sup>2</sup> (797 ft <sup>2</sup> )
13.6.4	Maximum Density	30 dwelling units per ha (12 per ac.) except, at their sole discretion the Development Authority may increase this density to a maximum of 34.6 per ha (14 per ac.) where special circumstances warrant the increase
13.6.5	Minimum Front Yard	At the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located. In no case shall the Development Authority allow a front yard of less than 7.5 m (24.6 ft) for a one (1)

		or two (2) storey building, 9.1 m (30.0 ft) for a three (3) storey building, and 10.6 m (35.0 ft) for a four (4) storey building.
13.6.6	Minimum Rear Yard (Corner Lots)	7.5 m (24.6 ft) or one half the height of the building, whichever is the greater.
13.6.7	Minimum Side Yard	15% of the site width or one-half the height of the building, whichever is the greater, except, in no case shall the side yard be less than 3.0 m (10.0 ft) on interior sites and 4.5 m (15.0 ft) on corner sites.
13.6.8	Minimum Proportion of Site Covered in Landscaping	25%, to the satisfaction of the Development Authority

### 13.7 DEVELOPMENT REGULATIONS, ALL OTHER USES

13.7.1	Maximum Site Coverage	40%
13.7.2	Maximum Building Height	10.0 m (32.8 ft)
13.7.3	Minimum Floor Area (Duplex Dwellings)	74.3 m <sup>2</sup> (800.0 ft <sup>2</sup> ) for each dwelling unit
13.7.4	Minimum Floor Area (Senior Citizens' Housing)	42.0 m <sup>2</sup> (452.0 ft <sup>2</sup> )
13.7.5	Minimum Floor Area (All Other Uses)	At the discretion of the Development Authority
13.7.6	Minimum Front Yard	6.0 m (19.7 ft)
13.7.7	Maximum Front Yard	12.2 m (40.0 ft)
13.7.8	Minimum Rear Yard (Corner Lots)	4.0 m (13.0 ft)
13.7.9	Minimum Rear Yard (All Other Lots)	7.4 m (24.6 ft) or 23% of the depth of the lot, whichever is greater
13.7.10	Minimum Side Yard	1.5 m (4.9 ft) on each side, except that this may be reduced to 1.2 m (4.0 ft) for a carport which is attached to the principal building, however, the principal building must maintain a side yard of a minimum of 1.5 m (4.9 ft).  Notwithstanding the above, where a site has vehicular access from the front only and no attached garage or carport is provided at the front or side of the dwelling, one side yard of at least 3.0 m (10.0 ft) shall be provided.
13.7.11	Minimum Yards and Site Requirements (Single Detached Dwellings)	Single detached dwellings shall only be allowed on lots which satisfy the requirements for single detached dwellings in the R1 – Low Density Residential District. Single detached dwellings shall be developed in such a manner as to satisfy all the regulations of the R1 – Low Density Residential District

### 13.8 PARKING AND VEHICLE STORAGE

- 13.8.1 A parking area shall be provided for each development in a location satisfactory to the Development Authority.
- 13.8.2 Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

## 14. R3 - HIGHER DENSITY RESIDENTIAL DISTRICT

### 14.1 PURPOSE

- 14.1.1 To enable the development of high and medium density residential developments and compatible uses in appropriate neighbourhoods in the Town of Gibbons.

### 14.2 PERMITTED USES

- |                                       |   |
|---------------------------------------|---|
| 14.2.1 Dwellings, apartment           | 14.2.4 Public and quasi-public buildings and uses     |
| 14.2.2 Dwellings, stacked row housing | 14.2.5 Public Parks                                   |
| 14.2.3 Minor home occupations         | 14.2.6 Buildings and uses accessory to permitted uses |

### 14.3 DISCRETIONARY USES

- |                                  |   |
|----------------------------------|---|
| 14.3.1 Convenience retail stores | 14.3.4 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 14.3.2 Day homes                 | 14.3.5 Buildings and uses accessory to discretionary uses   |
| 14.3.3 Show homes                |   |

### 14.4 SUBDIVISION REGULATIONS

14.4.1	Minimum Site Area	880.0 m <sup>2</sup> (9472.2 ft <sup>2</sup> )
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### 14.5 DEVELOPMENT REGULATIONS, ROW HOUSING

- 14.5.1 The development regulations for stacked row housing dwellings shall be the same as the stacked row housing dwellings within the R2 District.

### 14.6 DEVELOPMENT REGULATIONS FOR OTHER USES

14.6.1	Maximum Site Coverage	25%
14.6.2	Maximum Height	27.0 m (88.6 ft)
14.6.3	Maximum Density	125 dwelling units per ha (50.6 per ac.)
14.6.4	Minimum Floor Area, Dwelling Units	55.0 m <sup>2</sup> (592.0 ft <sup>2</sup> )
14.6.5	Minimum Floor Area, Other uses	At the discretion of the Development Authority
14.6.6	Minimum Proportion of Site Covered in Landscaping	30%
14.6.7	Minimum Front, Side, and Rear Yards, Adjacent to Roads	Not less than 7.5 m (24.6 ft) for a one (1) or two (2) storey building, 9.1 m (30.0 ft) for a three (3) storey building, and 10.6 m (35.0 ft) for a four (4) storey or taller building.
14.6.8	Minimum Front, Side, and Rear Yards, All other Sites	Not less than 15% of the site dimension (width or depth), except in no case shall the side yard be less than 3.0m (10.0 ft).
14.6.9	Corner Sites	Site lines shall be protected pursuant to Section 9.5.

### 14.7 PARKING AND VEHICLE STORAGE

- 14.7.1 A parking area shall be provided for each development in a location satisfactory to the Development Authority.
- 14.7.2 Site designs shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
- 14.7.3 The minimum number of parking stalls provided shall be in accordance with Section 9.17 of this Bylaw, with the additional requirement that for every 50 (or part thereof) parking spaces provided, a minimum of an additional 3 parking spaces shall be provided within the development for visitor parking. Such visitor parking shall be clearly labeled as such and located such that it is easily accessible to visitors of the development.

## **14.8 OTHER REGULATIONS**

- 14.8.1 In addition to the above, all development shall take place to the satisfaction of Development Authority with respect to:
- a. Landscaping;
  - b. Provision of storage of garbage, and access thereto;
  - c. Access for fire fighting purposes;
  - d. Light between buildings and overshadowing of other developments;
  - e. Privacy for dwelling units within and adjacent to the development;
  - f. Orientation of the buildings and the general appearance of the development; and
  - g. Pedestrian access to and from the road adjacent to the development.

## 15. RS – SINGLE DWELLING LARGE LOT RESIDENTIAL DISTRICT

### 15.1 PURPOSE

- 15.1.1 To enable the development of small low density residential developments and compatible uses on large residential lots in the Town.

### 15.2 PERMITTED USES

- |                                   |   |
|-----------------------------------|---|
| 15.2.1 Day homes                  | 15.2.4 Public and quasi-public buildings and uses     |
| 15.2.2 Dwellings, single detached | 15.2.5 Public parks                                   |
| 15.2.3 Home occupations, minor    | 15.2.6 Buildings and uses accessory to permitted uses |

### 15.3 DISCRETIONARY USES

- |   |  |
|---|--|
| 15.3.1 Bed and breakfast establishments | 15.3.9 Suites, secondary   |
| 15.3.2 Care facilities                  | 15.3.10 Tourist homes  |
| 15.3.3 Home occupations, major          | 15.3.11 Buildings and uses accessory to discretionary uses   |
| 15.3.4 Places of worship                | 15.3.12 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 15.3.5 Show homes                       |  |
| 15.3.6 Solar energy collection systems  |  |
| 15.3.7 Suites, garage                   |  |
| 15.3.8 Suites, garden                   |  |

### 15.4 SUBDIVISION REGULATIONS

15.4.1	Minimum Site Depth	55.0 m (180.4 ft)
15.4.2	Minimum Site Width (Lots with a Lane)	Internal Sites: 22.0 m (72.2 ft) Corner Sites: 23.5 m (77.1 ft)
15.4.3	Minimum Site Area	1,300 m <sup>2</sup> (13,993 ft <sup>2</sup> )

### 15.5 DEVELOPMENT REGULATIONS

15.5.1	Maximum Site Coverage	35%
15.5.2	Maximum Building Height	10.0 m (32.8 ft)
15.5.3	Minimum Floor Area (1 Storey Dwellings)	116.3 m <sup>2</sup> (1,250 ft <sup>2</sup> )
15.5.4	Minimum Floor Area (1 ½ and Split Level Dwellings)	Upper floor: 46.5 m <sup>2</sup> (500.0 ft <sup>2</sup> ) Lower floor: 93.0 m <sup>2</sup> (1,000 ft <sup>2</sup> )
15.5.5	Minimum Floor Area (2 Storey Dwellings)	Upper floor: 65.0 m <sup>2</sup> (700.0 ft <sup>2</sup> ) Lower floor: 83.6 m <sup>2</sup> (900.0 ft <sup>2</sup> )
15.5.6	Minimum Floor Area (Other Uses)	At the discretion of the Development Authority
15.5.7	Minimum Front Yard	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 7.5 m (24.6 ft).
15.5.8	Minimum Rear Yard	15.0 m (49.0 ft)
15.5.9	Minimum Side Yard, Corner and Double Fronting Sites	4.5 m (14.8 ft)
15.5.10	Minimum Side Yard, Other Sites	3.0 m (9.8 ft)



15.5.11	Minimum Side yard, Other Requirements	Verandahs, steps, porches, eaves, bay or oval windows, chimneys, and other appurtenances of a building shall not project more than 0.6 m (2 ft.) beyond into any required minimum side yard.
15.5.12	Corner Sites	Site lines shall be protected pursuant to Section 9.5.

## **15.6 PARKING AND VEHICLE STORAGE**

15.6.1 A parking area shall be provided to the rear or side of the dwelling.

15.6.2 Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

## 16. RID – INNOVATIVE DESIGN RESIDENTIAL DISTRICT

### 16.1 PURPOSE

To enable the development of street-oriented neighbourhoods that contain a mix of single detached and duplex dwellings, with a focus on urban design and livability. This district will be utilized in new developments areas and on sites that are suitable comprehensive planning. This district will be used where planned zero side yard developments are proposed.

### 16.2 PERMITTED USES

- |        |                            |        |  |
|--------|----------------------------|--------|--|
| 16.2.1 | Home occupations, minor    | 16.2.4 | Public parks                                   |
| 16.2.2 | Day homes                  | 16.2.5 | Buildings and uses accessory to permitted uses |
| 16.2.3 | Dwellings, single detached |        |  |

### 16.3 DISCRETIONARY USES

- |        |   |         |  |
|--------|---|---------|--|
| 16.3.1 | Bed and breakfast establishments  | 16.3.8  | Show homes   |
| 16.3.2 | Dwellings, duplex   | 16.3.9  | Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 16.3.3 | Family care facilities  |         |  |
| 16.3.4 | Group care facilities   | 16.3.10 | Buildings and uses accessory to discretionary uses   |
| 16.3.5 | Home occupations, major   |         |  |
| 16.3.6 | Places of worship   |         |  |
| 16.3.7 | Public utilities that have no office or workshop as a part of the development |         |  |

### 16.4 SUBDIVISION REGULATIONS

16.4.1	Minimum Site Depth	33.5 m (110.0 ft)
16.4.2	Minimum Site Width, Internal Sites	10.0 m (32.8 ft)
16.4.3	Minimum Site Width, Corner Sites	11.5 m (37.8 ft)
16.4.4	Minimum Site Area	335.0 m <sup>2</sup> (3,606 ft <sup>2</sup> )

### 16.5 DEVELOPMENT REGULATIONS

16.5.1	Maximum Site Coverage, Principal Dwelling	37%
16.5.2	Maximum Site Coverage, All Buildings	45%
16.5.3	Maximum Height	10.0 m (32.8 ft)
16.5.4	Minimum Front Yard	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 5.5 m (18 ft).
16.5.5	Minimum Side Yard	<ol style="list-style-type: none"> <li>The minimum required side yard on each site shall be zero for one side and as indicated in 16.5.5.c below on the other, except that no zero side yard will be allowed on a side yard abutting another District.</li> <li>Notwithstanding 16.5.5.a above, where a site has a parking space provided in the required side yard which is adjacent to a zero side yard of another unit, the minimum side yard where the parking space is provided shall be 3.5 m (11.5 ft).</li> <li>The minimum required side yard other than in the situations described in 16.5.5.a and 16.5.5.b above shall be:</li> </ol>

		<ul style="list-style-type: none"> <li>i. 2.74 m (9 ft) for an interior side yard,</li> <li>ii. 3.2 m (10.5 ft) for an exterior side yard adjacent to a road, and</li> <li>iii. 2.134 m (7 ft) for an exterior side yard adjacent to a lane.</li> </ul> <p>d. Verandahs, steps, porches, eaves, bay or oval windows, chimneys, and other appurtenances of a building shall not project more than 0.6 m (2.0 ft) beyond into any required minimum side yard.</p>
16.5.6	Minimum Rear Yard	The minimum required rear yard shall be 7.5 m (24.6 ft), except in the case of a corner site, where the rear yard next to a lane may be reduced to 4.5 m (14.8 ft).
16.5.7	Minimum Floor Area, Single Detached Dwellings	74.3 m <sup>2</sup> (800.0 ft <sup>2</sup> )
16.5.8	Minimum Floor Area, Other uses	At the discretion of the Development Authority
16.5.9	Minimum Proportion of Site Covered in Landscaping	30%
16.5.10	Minimum Front, Side, and Rear Yards, Adjacent to Roads	Not less than 7.5 m (24.6 ft) for a one (1) or two (2) storey building, 9.1 m (30.0 ft) for a three (3) storey building, and 10.6 m (35.0 ft) for a four (4) storey or taller building.
16.5.11	Minimum Front, Side, and Rear Yards, All other Sites	Not less than 15% of the site dimension (width or depth), except in no case shall the side yard be less than 3.0m (10.0 ft).
16.5.12	Corner Sites	Site lines shall be protected pursuant to Section 9.5.

## **16.6 EASEMENTS REQUIRED FOR ZERO SIDE YARD DEVELOPMENTS**

- 16.6.1 Where a zero side yard is allowed, an easement shall be provided on the side abutting that side yard for the maintenance of all buildings and for any overhang of any building onto that adjacent site. The Development Authority may require that an easement plan be registered in addition to the normal plan of subdivision.
- 16.6.2 Where an accessory building is allowed to have a zero side yard abutting a lot, the landowner will be responsible for the negotiation and registration of any easements required pursuant to 16.6.1 above prior to the issuance of a development permit for the zero side yard development proposal.

## **16.7 GRADING AND DRAINAGE FOR ZERO SIDE YARD DEVELOPMENTS**

- 16.7.1 Prior to the approval of any zero side yard development, plans showing grading and drainage on adjacent sites acceptable to the Development Authority must be submitted.

## **16.8 PROVISIONS FOR FUTURE ZERO SIDE YARD DEVELOPMENTS**

- 16.8.1 Where a plan is accepted for a zero side yard project or zero side yard site, and where the plan indicates the location or alternative locations for future accessory buildings (including garages) on the site, easements required pursuant to Section 16.6 above shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.

## **16.9 PARKING AND VEHICLE STORAGE**

- 16.9.1 A parking area shall be provided for each development in a location satisfactory to the Development Authority.
- 16.9.2 Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

## **16.10 SEPARATION SPACE**

- 16.10.1 A minimum of 2.74 m (9.0 ft) shall separate each dwelling. Except where adjacent lots are developed as a project, separation space shall be provided within the lot which the development is proposed.

## **16.11 DESIGN REQUIREMENTS**

- 16.11.1 The design of dwellings must ensure individuality and variety within a unified project to the satisfaction of the Development Authority. This will require consideration of elevations, colours, materials, and textures, as well as setbacks, orientations, massing, floor plans, roof lines, and wall openings.

## **16.12 NON-ZERO SIDE YARD DEVELOPMENTS**

- 16.12.1 Side yards shall total at least 20% of the side width, with a minimum side yard of 1.4 m (4.5 ft), except that the minimum side yard for buildings over 7.5 m (24.6 ft) in height shall be 2.0 m (6.6 ft).
- 16.12.2 Where there is no lane abutting the site, one side yard shall be at least 3.0 m (9.8 ft) for vehicular access, unless there is an attached garage or a garage which is an integral part of the dwelling on the site.
- 16.12.3 On a corner site where the building fronts on the front yard, the minimum side yard abutting the road other than a lane shall be 3.2 m (10.5 ft).
- 16.12.4 On a corner site where the building fronts on the side yard facing the road, the minimum side yard abutting the road other than a lane shall be 5.5 m (18.0 ft) and the minimum yard abutting the lane shall be 2.1 m (7.0 ft).

## 17. RMH – RESIDENTIAL MANUFACTURED HOME PARK DISTRICT

### 17.1 PURPOSE

17.1.1 To provide for orderly development of manufactured home parks within the Town of Gibbons.

### 17.2 PERMITTED USES

17.2.1	Manufactured homes	17.2.3	Public parks
17.2.2	Minor home occupations	17.2.4	Buildings and uses accessory to permitted uses

### 17.3 DISCRETIONARY USES

17.3.1	Manufactured home parks	17.3.6	Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
17.3.2	Convenience stores		
17.3.3	Places of worship		
17.3.4	Public utilities that have no office or workshop as a part of the development	17.3.7	Buildings and uses accessory to discretionary uses
17.3.5	Show homes		

### 17.4 SUBDIVISION REGULATIONS

17.4.1	Minimum Site Area	1.2 ha (3.0 acres)
17.4.2	Maximum Site Area	2.0 ha (5.0 acres)

### 17.5 DEVELOPMENT REGULATIONS (MANUFACTURED HOME PARKS)

17.5.1	Maximum Density	15 manufactured home units per net ha (6 per net ac.)
17.5.2	Minimum Front Yard	7.6 m (24.9 ft)
17.5.3	Minimum Side Yard	4.6 m (15.1 ft)
17.5.4	Minimum Rear Yard	4.6 m (15.1 ft)
17.5.5	Minimum Portion of the Site to be Landscaped	30%
17.5.6	Storage Areas	A storage area shall be established for the storage of any furniture, domestic equipment, or seasonally used equipment which is not stored inside manufactured home units. This area shall be set aside and screened to the satisfaction of the Development Authority.
17.5.7	Roadways	All roadways within a manufactured home park shall be paved and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 12.0 m (39.4 ft).
17.5.8	Pedestrian Walkways	A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.3 ft) in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents.
17.5.9	Visitor Parking	Visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
17.5.10	Building Design	The design of manufactured home parks shall be to the satisfaction of the Development Authority.
17.5.11	Utilities	All municipal utilities shall be provided underground to stalls.
17.5.12	Recreation and Open Space	A minimum of ten percent (10%) of the gross site area shall be devoted to recreational and open space use.
17.5.13	Landscaping	All areas not occupied by manufactured home units and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority within one (1) year from the date of issuance of the development permit for a manufactured home park. Screen fences or walls shall be erected



		where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
17.5.14	Stall Markings	Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
17.5.15	Lighting	Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
17.5.16	Signage	Only one main, free-standing, identification sign of residential character and appearance shall be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
17.5.17	Conditions of Approvals	As a condition of approval of a development permit for a manufactured home park, all of the above noted matters may be required to be implemented to the satisfaction of the Development Authority. The Development Authority may establish time parameters for the implementation of any of the conditions of approval that may be established.
17.5.18	Phasing	The Development Authority may provide for phasing of a manufactured home park development, implementation of a development permit, or the completion of the conditions under which a development permit may be approved.

#### 17.6 DEVELOPMENT REGULATIONS (MANUFACTURED HOME PARK STALLS)

17.6.1	Minimum Stall Area	408.8 m <sup>2</sup> (4,400.0 ft <sup>2</sup> )
17.6.2	Maximum Stall Coverage	40%
17.6.3	Minimum Floor Area (Single Wide Manufactured Home Dwelling)	66.9 m <sup>2</sup> (720.0 ft <sup>2</sup> )
17.6.4	Minimum Floor Area (Double Wide Manufactured Home Dwelling)	83.6 m <sup>2</sup> (900.0 ft <sup>2</sup> )
17.6.5	Minimum Front Yard	3.0 m (10.0 ft)
17.6.6	Minimum Side Yard	1.2 m (3.9 ft)
17.6.7	Minimum Rear Yard	3.0 m (10.0 ft)
17.6.8	Minimum Distance Between Manufactured Home Dwellings	4.6 m (15.1 ft)
17.6.9	Accessory Structures	All accessory structures, such as patios, porches, additions and skirtings, shall be: <ul style="list-style-type: none"> <li>a. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units;</li> <li>b. considered as part of the main building; and</li> <li>c. erected only after obtaining a development permit.</li> </ul>
17.6.10	Skirting	A manufactured home unit shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home unit, or suitable parking constructed to the satisfaction of the Development Authority.
17.6.11	Porches and Additions	The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit, and this relationship shall be determined by the Development Authority.

17.6.12	Accessory Buildings and Uses	No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit stall.
17.6.13	Hitch and Wheels	The hitch and wheels are to be removed from the manufactured home unit.
17.6.14	Foundation	All manufactured home units shall be placed on a foundation or base as required by the Development Authority. The manufactured home unit is to be attached by means of bolting or otherwise to the foundation or base.
17.6.15	Landscaping	All parts of a manufactured home stall which are not occupied by a manufactured home unit, accessory buildings, parking areas or driveways shall be fully landscaped to the satisfaction of the Development Authority within one (1) year of the date of the issuance of the development permit for the placement of a manufactured home.
17.6.16	Design Standards	Notwithstanding any other regulation of this Bylaw to the contrary, no new manufactured home unit shall be allowed within the MHP District which: <ul style="list-style-type: none"> <li>a. Is more than five (5) years old at the time of development permit application, subject to the design regulations in Section 10.17;</li> <li>b. Does not meet current industry standards.</li> </ul> Notwithstanding any other regulation of this Bylaw to the contrary, no manufactured home unit shall be allowed in the MHP District which is less than 4.9 m (16.0 ft) in width.
17.6.17	Conditions of Approvals	As a condition of the approval of any development permit for a manufactured home park, all the above noted matters shall be required to be implemented to the satisfaction of the Development Authority.
17.6.18	Time Parameters	The Development Authority may establish time parameters for the implementation of any of the conditions of approval that may be established.

## 17.7 ADDITIONAL REGULATIONS

- 17.7.1 In addition to the above, all development shall take place to the satisfaction of the Development Authority with respect to:
- a. provision of storage of garbage, and access thereto;
  - b. access for fire fighting purposes;
  - c. light between buildings;
  - d. privacy for dwelling units within and adjacent to the development;
  - e. orientation of the buildings and the general appearance of the development; and
  - f. pedestrian access to and from the road adjacent to the development.
- 17.7.2 Secondary suite, garage suites, and garden suites shall not be allowed in the MHP District.
- 17.7.3 Fences shall be developed in accordance with Section 9.11 – Fences and Walls.
- 17.7.4 Landscaping shall be provided in accordance with Section 9.14 – Landscaping.
- 17.7.5 Grading and drainage of the site shall be provided in accordance with Section 9.25 – Site Grading, Stripping, and Drainage.
- 17.7.6 Accessory buildings shall be developed in accordance with Section 10.1 – Accessory Buildings in Residential Districts.
- 17.7.7 No accessory buildings shall have a height which is greater than the height of the manufactured home unit to which it is accessory.
- 17.7.8 Private swimming pools and hot tubs shall be developed in accordance with Section 10.24 – Private Swimming Pools and Hot Tubs.
- 17.7.9 No development permit for an individual manufactured home unit may be issued by the Development Authority until a development permit has been issued for the manufactured home park in which the manufactured home unit is to be located, and any conditions associated with the permit have been substantially implemented to the satisfaction of the Development Authority.

## 18. CXR – MIXED USE DISTRICT

### 18.1 PURPOSE

- 18.1.1 To enable the development and re-development of a wide range of complementary commercial, residential, recreational, and community uses that together create a vibrant neighbourhood in the Town's downtown area.

### 18.2 PERMITTED USES

- |  |  |
|--|--|
| 18.2.1 Business support services establishments  | 18.2.11 Indoor amusement establishments  |
| 18.2.2 Commercial schools  | 18.2.12 Libraries and cultural exhibits  |
| 18.2.3 Day care facilities   | 18.2.13 Office uses  |
| 18.2.4 Dwelling units in buildings where there is a commercial use on the ground floor | 18.2.14 Off-street parking lots  |
| 18.2.5 Eating and drinking establishments  | 18.2.15 Personal service shops   |
| 18.2.6 General retail establishments   | 18.2.16 Public parks   |
| 18.2.7 Government services   | 18.2.17 Public Uses / Utilities that have no workshop as a part of the development |
| 18.2.8 Health services   | 18.2.18 Veterinary clinics   |
| 18.2.9 Hotels  | 18.2.19 Warehouse sales establishments   |
| 18.2.10 Household repair services  | 18.2.20 Buildings and uses accessory to permitted uses                             |

### 18.3 DISCRETIONARY USES

- |   |  |
|---|--|
| 18.3.1 Alcohol retail sales   | 18.3.18 Microbreweries and distilleries  |
| 18.3.2 Auctioneering establishments   | 18.3.19 Minor repair shops   |
| 18.3.3 Automotive and minor recreation vehicle sales/rentals establishments             | 18.3.20 Motels   |
| 18.3.4 Cannabis retail sales  | 18.3.21 Private clubs  |
| 18.3.5 Car Washes   | 18.3.22 Public utilities that have a workshop as a part of the development   |
| 18.3.6 Day care facilities  | 18.3.23 Recreational facilities  |
| 18.3.7 Drive-in businesses  | 18.3.24 Recycling depots   |
| 18.3.8 Dwellings, apartment   | 18.3.25 Service stations and gas bars  |
| 18.3.9 Dwellings, single detached (existing on lots as of the passing of this bylaw)    | 18.3.26 Workshops or places of manufacture provided that the goods created are specifically for the use of or for sale by a use listed as a permitted or a discretionary use in this District for which a development permit has been issued |
| 18.3.10 Dwellings, stacked row housing  | 18.3.27 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses   |
| 18.3.11 Dwelling units in buildings where there is a commercial use on the ground floor | 18.3.28 Buildings and uses accessory to discretionary uses   |
| 18.3.12 Entertainment establishments  |  |
| 18.3.13 Equipment rental establishments   |  |
| 18.3.14 Event venues  |  |
| 18.3.15 Fleet services  |  |
| 18.3.16 Funeral services  |  |
| 18.3.17 Limited contractor services   |  |

### 18.4 SUBDIVISION REGULATIONS

18.4.1	Minimum Site Area	At the discretion of the Development Authority
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### 18.5 DEVELOPMENT REGULATIONS

18.5.1	Design and Appearance	The design, siding, external finish, architectural appearance, and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
18.5.2	Multiple Building Developments	Where groups of buildings are built, or buildings which are to accommodate a number of individual establishments on one site, development requirements

		shall be determined by the Development Authority having in mind the overall development and the parking requirements of this Bylaw.
18.5.3	Maximum Site Coverage	100%, provided that adequate provision, in the opinion of the Development Authority, for access, parking, loading and garbage facilities.
18.5.4	Minimum Front Yard	None
18.5.5	Minimum Side Yard	None, unless the site yard abuts a Residential District, in which case the minimum required side yard shall be 2.4 m (8.0 ft) or one-half the height of the building, whichever is the greater.
18.5.6	Minimum Rear Yard	None, except as required to provide loading, parking, or garbage facilities.
18.5.7	Maximum Height	13.7 m (45.0 ft), or the maximum height of a more restrictive abutting District.
18.5.8	Parking and Loading	Parking and loading shall be provided in accordance with Section 9.18.
18.5.9	Landscaping	When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
18.5.10	Outdoor Storage	No outdoor storage shall be allowed in the CXR District, even as an accessory use to a permitted or a discretionary use which is allowed.

## 18.6 REGULATIONS RELATED TO DWELLING UNITS

18.6.1 The following regulations shall apply to dwelling units within the CXR District:

- a. Dwelling units shall be allowed only in buildings where at least part of the first story is used for commercial purposes.
- b. Dwelling units shall have access at grade which is separate from any access for any commercial use.
- c. Dwelling units shall meet the requirements for dwelling units in the R3 - Higher Density Residential District, except for minimum site area, minimum required yards, and maximum site coverage, which shall all be at the sole discretion of the Development Authority.
- d. Where more than two (2) dwelling units are to be provided, a minimum of 7.5 m<sup>2</sup> (80.7 ft<sup>2</sup>) of amenity area per dwelling unit shall be provided in accordance with the regulations of this Bylaw.

## 19. C1 – GENERAL COMMERCIAL DISTRICT

### 19.1 PURPOSE

- 19.1.1 To enable a wide variety of commercial developments throughout the Town of Gibbons that support the local economy.

### 19.2 PERMITTED USES

- |   |   |
|---|---|
| 19.2.1 Business support services establishments | 19.2.11 Office uses   |
| 19.2.2 Commercial schools                       | 19.2.12 Off-street parking lots   |
| 19.2.3 Eating and drinking establishments       | 19.2.13 Personal service shops  |
| 19.2.4 General retail establishments            | 19.2.14 Public parks  |
| 19.2.5 Government services                      | 19.2.15 Public uses   |
| 19.2.6 Health services                          | 19.2.16 Public utilities that have no workshop as a part of the development |
| 19.2.7 Hotels                                   | 19.2.17 Veterinary clinics  |
| 19.2.8 Household repair services                | 19.2.18 Buildings and uses accessory to permitted uses                      |
| 19.2.9 Indoor amusement establishments          |   |
| 19.2.10 Libraries and cultural exhibits         |   |

### 19.3 DISCRETIONARY USES

- |  |  |
|--|--|
| 19.3.1 Alcohol retail sales  | 19.3.16 Motels   |
| 19.3.2 Auctioneering establishments  | 19.3.17 Private clubs  |
| 19.3.3 Automotive and minor recreation vehicle sales/rentals establishments            | 19.3.18 Public utilities that have a workshop as a part of the development   |
| 19.3.4 Cannabis retail sales   | 19.3.19 Recreational facilities  |
| 19.3.5 Day care facilities   | 19.3.20 Recycling depots   |
| 19.3.6 Drive-in businesses   | 19.3.21 Service stations and gas bars  |
| 19.3.7 Dwelling units in buildings where there is a commercial use on the ground floor | 19.3.22 Workshops or places of manufacture provided that the goods created are specifically for the use of or for sale by a use listed as a permitted or a discretionary use in this District for which a development permit has been issued |
| 19.3.8 Entertainment establishments  | 19.3.23 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses   |
| 19.3.9 Equipment rental establishments   | 19.3.24 Buildings and uses accessory to discretionary uses   |
| 19.3.10 Event venues   |  |
| 19.3.11 Fleet services   |  |
| 19.3.12 Funeral services   |  |
| 19.3.13 Limited contractor services  |  |
| 19.3.14 Microbreweries and distilleries  |  |
| 19.3.15 Minor repair shops   |  |

### 19.4 SUBDIVISION REGULATIONS

19.4.1	Minimum Site Area	The minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to allow for the clustering of a variety of uses in a compact area.
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### 19.5 DEVELOPMENT REGULATIONS

19.5.1	Siting and Design	The design, siding, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
19.5.2	Commercial Nodes	Where groups of buildings are built, or buildings which are to accommodate a number of individual establishments on one site, development requirements shall be determined by the Development Authority having in mind the overall development and the parking requirements of this Bylaw.



19.5.3	Maximum Site Coverage	100%, provided that adequate provision, in the opinion of the Development Authority, for access, parking, loading, storage, and garbage facilities.
19.5.4	Minimum Front Yard	None
19.5.5	Minimum Side Yard	At the discretion of the Development Authority. If the development is adjacent to a Residential District, the minimum required side yard shall be 2.4 m (8.0 ft) or one-half the height of the building, whichever is the greater.
19.5.6	Minimum Rear Yard	None, except as required to provide loading, parking, or garbage facilities.
19.5.7	Maximum Height	13.7 m (45.0 ft)
19.5.8	Parking and Loading	Parking and loading shall be provided in accordance with Section 9.17.
19.5.9	Landscaping	When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
19.5.10	Outdoor Storage	Outdoor Storage shall be allowed at the discretion of the Development Authority.

## 20. C2 – HIGHWAY COMMERCIAL DISTRICT

### 20.1 PURPOSE

- 20.1.1 To enable the development of highway commercial uses in appropriate locations near the highways that promote economic development and attract visitors to the Town of Gibbons.

### 20.2 PERMITTED USES

- |  |  |
|--|--|
| 20.2.1 Automotive and minor recreational vehicles sales/rentals establishments | 20.2.7 Motels  |
| 20.2.2 Convenience retail stores   | 20.2.8 Private clubs                                   |
| 20.2.3 Drive-in businesses   | 20.2.9 Public parks                                    |
| 20.2.4 Eating and drinking establishments                                      | 20.2.10 Service stations and gas bars                  |
| 20.2.5 Highway commercial uses   | 20.2.11 Veterinary clinics                             |
| 20.2.6 Hotels  | 20.2.12 Buildings and uses accessory to permitted uses |

### 20.3 DISCRETIONARY USES

- |   |  |
|---|--|
| 20.3.1 Alcohol retail sales   | 20.3.25 Limited contractor services  |
| 20.3.2 Animal hospitals   | 20.3.26 Microbreweries and distilleries  |
| 20.3.3 Auctioneering establishments   | 20.3.27 Minor repair shops   |
| 20.3.4 Business support services establishments   | 20.3.28 Office uses  |
| 20.3.5 Bus depots   | 20.3.29 Off-street parking lots  |
| 20.3.6 Cannabis retail sales  | 20.3.30 Personal service shops   |
| 20.3.7 Car washes   | 20.3.31 Public uses  |
| 20.3.8 Commercial schools   | 20.3.32 Public utilities   |
| 20.3.9 Day care facilities  | 20.3.33 Recreational facilities  |
| 20.3.10 Dwelling units in buildings where there is a commercial use on the ground floor | 20.3.34 Recreational trailer parks   |
| 20.3.11 Entertainment establishments  | 20.3.35 Recycling depots   |
| 20.3.12 Equipment rental establishments   | 20.3.36 Self-service storage facilities  |
| 20.3.13 Event venues  | 20.3.37 Truck and recreational vehicle sales/rentals establishments  |
| 20.3.14 Fleet services  | 20.3.38 Trucking and cartage establishments  |
| 20.3.15 Funeral services  | 20.3.39 Warehouse sales establishments   |
| 20.3.16 General retail establishments   | 20.3.40 Workshops or places of manufacture provided that the goods created are specifically for the use of or for sale by a use listed as a permitted or a discretionary use in this District for which a development permit has been issued |
| 20.3.17 Government services   | 20.3.41 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses   |
| 20.3.18 Health services   | 20.3.42 Buildings and uses accessory to discretionary uses   |
| 20.3.19 Household repair services   |  |
| 20.3.20 Indoor amusement establishments   |  |
| 20.3.21 Industrial uses, light  |  |
| 20.3.22 Industrial vehicle and equipment sales/rentals establishments                   |  |
| 20.3.23 Institutional uses  |  |
| 20.3.24 Libraries and cultural exhibits   |  |

### 20.4 SUBDIVISION REGULATIONS

20.4.1	Minimum Site Area	The minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to allow for the clustering of a variety of uses in a compact area.
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### 20.5 DEVELOPMENT REGULATIONS

20.5.1	Siting and Design	The siting and architectural appearance of all developments and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent
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		developments and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
20.5.2	Maximum Site Coverage	40%
20.5.3	Minimum Front Yard	7.6 m (25.0 ft)
20.5.4	Minimum Side Yard, Corner and Double Fronting Sites	Corner and double fronting sites shall provide side yards as provided pursuant to Section 9.4. On corner sites, site lines shall be protected pursuant to Section 9.5.
20.5.5	Minimum Side Yard, All Other Sites	The minimum required side yard shall be 10% of the width of the site or 4.5 m (15.0 ft), whichever is the less. The minimum required side yard may be reduced to 1.5 m (5.0 ft) provided, in their sole opinion of the Development Authority, the location of buildings and the appearance of the site would be improved.
20.5.6	Minimum Rear Yard	7.6 m (25.0 ft) when adjacent to a Residential District; otherwise, 6.0 m (19.7 ft) at the level of the first storey of the development. Upper storeys of a development may extend to the rear line except in a site abutting a Residential District. Where not adjacent to a Residential District, the minimum required rear yard may be reduced to 1.5 m (5.0 ft) provided, in the sole opinion of the Development Authority, the location of the buildings and the appearance of the site would be improved.
20.5.7	Maximum Height	13.7 m (45.0 ft)
20.5.8	Parking and Loading	Parking and loading shall be provided in accordance with Sections 9.16 and 9.17.

## 21. M1 – INDUSTRIAL DISTRICT

### 21.1 PURPOSE

- 21.1.1 To enable the development of industrial uses that support economic development and diversification in the Town of Gibbons.

### 21.2 PERMITTED USES

- |  |   |
|--|---|
| 21.2.1 Automotive and equipment repair shops                         | 21.2.6 Limited contractor services                    |
| 21.2.2 Business support services establishments                      | 21.2.7 Public uses                                    |
| 21.2.3 Equipment rental establishments                               | 21.2.8 Veterinary clinics                             |
| 21.2.4 Fleet services  | 21.2.9 Buildings and uses accessory to permitted uses |
| 21.2.5 Industrial vehicle and equipment sales/rentals establishments | 21.2.10 Discretionary Uses                            |

### 21.3 DISCRETIONARY USES

- |  |  |
|--|--|
| 21.3.1 Alcohol retail sales  | 21.3.22 Major utility services   |
| 21.3.2 Agricultural industry   | 21.3.23 Medium industrial uses   |
| 21.3.3 Animal hospitals  | 21.3.24 Microbreweries and distilleries  |
| 21.3.4 Auctioneering establishments  | 21.3.25 Minor repair shops   |
| 21.3.5 Automotive and minor recreational vehicles sales/rentals establishments | 21.3.26 Office uses  |
| 21.3.6 Bus depots  | 21.3.27 Outdoor amusement establishments   |
| 21.3.7 Cannabis retail sales   | 21.3.28 Outdoor storage  |
| 21.3.8 Car washes  | 21.3.29 Private clubs  |
| 21.3.9 Commercial schools  | 21.3.30 Public utilities   |
| 21.3.10 Convenience retail stores  | 21.3.31 Recycling depots   |
| 21.3.11 Drive-in businesses, not including drive-in restaurants                | 21.3.32 Self-service storage facilities  |
| 21.3.12 Eating and drinking establishments                                     | 21.3.33 Small animal breeding and boarding establishments  |
| 21.3.13 Entertainment establishments   | 21.3.34 Surveillance suites  |
| 21.3.14 Event venues   | 21.3.35 Truck and recreational vehicle sales/rentals establishments  |
| 21.3.15 Funeral services   | 21.3.36 Trucking and cartage establishments  |
| 21.3.16 General contractor services  | 21.3.37 Warehouse sales establishments   |
| 21.3.17 General industrial uses  | 21.3.38 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 21.3.18 Government services  | 21.3.39 Buildings and uses accessory to discretionary uses   |
| 21.3.19 Health services  |  |
| 21.3.20 Household repair services  |  |
| 21.3.21 Indoor amusement establishments  |  |

### 21.4 SUBDIVISION REGULATIONS

21.4.1	Minimum Site Area	650.0 m <sup>2</sup> (6996.5 ft <sup>2</sup> )
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### 21.5 DEVELOPMENT REGULATIONS

21.5.1	Maximum Site Coverage	60%
21.5.2	Minimum Front Yard	6.0 m (19.7 ft), unless a greater yard is deemed necessary by the Development Authority. No loading or storage area shall be allowed within the required minimum front yard.
21.5.3	Minimum Side Yard	6.1 m (20.0 ft) on one side and 1.5 m (5.0 ft) on the other for a building up to a height of 4.5 m (15.0 ft). For a building over 4.5 m (15.0 ft), the minimum required side yard shall be increased by 0.3 m (1.0 ft) for every 1.0 m (3.3 ft) of height up to a maximum requirement of 6.0 m (19.7 ft).

21.5.4	Minimum Side Yard, Corner and Double Fronting Sites	Corner and double fronting sites shall provide side yards as provided pursuant to Section 9.4.  On corner sites, site lines shall be protected pursuant to Section 9.5.
21.5.5	Minimum Rear Yard	6.1 m (20.0 ft), except that where the rear yard is adjacent to a Public Utility Lot, the Development Authority may reduce the required rear yard.
21.5.6	Maximum Height	13.7 m (45.0 ft)

## **21.6 SETBACKS FROM PIPELINES AND UTILITIES**

- 21.6.1 No building shall be located within 15.2 m (50.0 ft) of the centreline of a pipeline or the centreline of a pipeline right-of-way, whichever is the lesser.
- 21.6.2 No building shall be located within 5.2 m (17.0 ft) of a railroad right-of-way.
- 21.6.3 No building shall be located within 7.6 m (25.0 ft) of the centreline of a utility within an easement.

## **21.7 ACCESS**

- 21.7.1 Each site shall have direct access to a road designed and constructed to have regard for continuity of traffic flow, safety of vehicles, and avoidance of dangerous intersections, all in the opinion of the Development Authority.
- 21.7.2 No site shall have more than one access or approaches to any road.

## **21.8 PARKING AND LOADING**

- 21.8.1 Parking and loading shall be provided in accordance with Section 9.17.

## **21.9 OUTDOOR STORAGE AND WASTE MANAGEMENT FACILITIES**

- 21.9.1 All outdoor storage and the waste management facility on any development site shall be screened where visible from an adjacent Residential District or a Provincial Highway to the satisfaction of the Development Authority.

## **21.10 LANDSCAPING**

- 21.10.1 All yards shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority.

## **21.11 UPKEEP OF SITE**

- 21.11.1 The entire site and all buildings shall be maintained in a neat and tidy manner to the satisfaction of the Development Authority. This shall include the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

## **21.12 REGULATIONS FOR DWELLING UNITS**

- 21.12.1 All regulations for dwelling units shall be at the discretion of the Development Authority.
- 21.12.2 All dwelling units shall be developed in such a manner as to satisfy all regulations established under the Safety Codes Act and any other provincial regulation or legislation.



## 22. PR – PUBLIC USE DISTRICT

### 22.1 PURPOSE

- 22.1.1 To allow for the development of uses that provide valuable community, cultural, educational, institutional, and recreational amenities and services for Town residents and visitors.

### 22.2 PERMITTED USES

- |   |   |
|---|---|
| 22.2.1 Institutional uses                         | 22.2.5 Public parks                                   |
| 22.2.2 Places of worship                          | 22.2.6 Recreational facilities                        |
| 22.2.3 Public and quasi-public buildings and uses | 22.2.7 Buildings and uses accessory to permitted uses |
| 22.2.4 Public education facilities                |   |

### 22.3 DISCRETIONARY USES

- |  |  |
|--|--|
| 22.3.1 Campgrounds   | 22.3.10 Libraries and cultural exhibits  |
| 22.3.2 Care facilities   | 22.3.11 Private clubs  |
| 22.3.3 Cemeteries  | 22.3.12 Protective and emergency services  |
| 22.3.4 Commercial uses within institutional or recreational facilities | 22.3.13 Recreational trailer parks   |
| 22.3.5 Daycares  | 22.3.14 Senior citizens' housing   |
| 22.3.6 Exhibition and convention facilities                            | 22.3.15 Buildings and uses accessory to discretionary uses   |
| 22.3.7 Extended medical treatment facilities                           | 22.3.16 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 22.3.8 Government services   |  |
| 22.3.9 Health services   |  |

### 22.4 SUBDIVISION REGULATIONS

22.4.1	Minimum Site Area	At the discretion of the Development Authority
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### 22.5 DEVELOPMENT REGULATIONS

22.5.1	Site Regulations	At the discretion of the Development Authority
22.5.2	Landscaping and Site Design	The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimize and compensate, in their sole opinion, for any objectionable aspects or potential incompatibility with development in abutting Districts.
22.5.3	Compatibility	In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is, in their sole opinion, consistent with, and not prejudicial to, the overall purpose of this District.

## 23. UR - URBAN RESERVE DISTRICT

### 23.1 PURPOSE

23.1.1 To allow for limited rural land uses that will not prejudice the future development of the land for urban uses.

### 23.2 PERMITTED USES

23.2.1 Home occupations, minor

23.2.2 Limited agriculture

23.2.3 Public and quasi-public buildings and uses

23.2.4 Buildings and uses accessory to permitted uses

### 23.3 DISCRETIONARY USES

23.3.1 Agricultural, industrial

23.3.2 Dwellings, single detached

23.3.3 Greenhouses and plant nurseries

23.3.4 Home occupations, minor

23.3.5 Public parks

23.3.6 Public uses

23.3.7 Recreational Vehicle Storage

23.3.8 Small animal breeding and boarding establishments

23.3.9 Temporary uses which, in the sole opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the site in the future

23.3.10 Buildings and uses accessory to discretionary uses

23.3.11 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### 23.4 SUBDIVISION REGULATIONS

23.4.1	Minimum Site Area	8.0 ha (19.8 acres). However, a subdivision of an existing single detached dwelling may be allowed provided that the lot is a minimum of 0.2 ha (0.5 acres) and a maximum of 4.0 ha (10 acres) in area. The single detached dwelling shall be fully constructed and habitable prior to a favourable decision on the subdivision application being rendered by the Subdivision Authority. Only one such lot shall be allowed on a quarter section.
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### 23.5 DEVELOPMENT REGULATIONS

23.5.1	Maximum Height (Agricultural Uses)	At the discretion of the Development Authority
23.5.2	Maximum Height (All Other Uses)	11.0 m (36.1 ft)
23.5.3	All Other Site Regulations	At the discretion of the Development Authority
23.5.4	Temporary Developments	The Development Authority may specify the length of time any use is approved in this District, having regard to the servicing and future development of the subject area

## 24. DCC - DIRECT CONTROL COTTAGE DISTRICT

### 24.1 PURPOSE

- 24.1.1 The purpose of this district is to provide for the development of smaller, high-quality single detached dwellings that enjoy the beauty of the Sturgeon River Valley while maintaining the environmental integrity of the river valley. In this district all dwellings shall be oriented such that the main areas of the home and decks face the river valley, and the street side of the home shall include such features as porches or verandas, clearly visible entranceway and at least one prominent window.

### 24.2 PERMITTED AND DISCRETIONARY USES

- 24.2.1 Dwellings, Single Detached  
 24.2.2 Public Uses  
 24.2.3 Public Utilities  
 24.2.4 Accessory buildings or uses accessory to permitted uses

### 24.3 DISCRETIONARY USES

- 24.3.1 Home occupations, minor

### 24.4 DEVELOPMENT REGULATIONS

24.4.1	Minimum Parcel Area	278.7 m <sup>2</sup> (3000 ft <sup>2</sup> )
24.4.2	Maximum Site Coverage	50%
24.4.3	Maximum Building Height	10.0 m (32.8 ft)
24.4.4	Minimum Ground Floor Area, Single Detached Dwellings	1 storey: 83.6 m <sup>2</sup> (900.0 ft <sup>2</sup> ) 1 ½ storey floor: 61.3 m <sup>2</sup> (660.0 ft <sup>2</sup> ) 1 ½ storey half storey: 22.3 m <sup>2</sup> (240.0 ft <sup>2</sup> ) 2 storey each floor: 61.3 m <sup>2</sup> (660.0 ft <sup>2</sup> )
24.4.5	Minimum Ground Floor Area, Other Uses	At the discretion of the Development Authority
24.4.6	Maximum Total Floor Area, Single Detached Dwellings	1 storey: 111.4 m <sup>2</sup> (1,200.0 ft <sup>2</sup> ) 1 ½ storey: 148.6 m <sup>2</sup> (1,600.0 ft <sup>2</sup> ) 2 storey: 148.6 m <sup>2</sup> (1,600.0 ft <sup>2</sup> ) Where a single detached dwelling includes an attached garage, the maximum floor area shall be at the discretion of the Development Authority.
24.4.7	Maximum Total Floor Area, Other Uses	At the discretion of the Development Authority
24.4.8	Minimum Front Yard	The minimum required front yard shall be at the discretion of the Development Authority; however, in no case shall the Development Authority allow front yard of less than 6.0 m (19.7 ft)
24.4.9	Minimum Side Yard	1.5m (5.0 ft)
24.4.10	Minimum Rear Yard	The minimum required rear yard shall no of less than 4.5 m (15.0 ft). No permanent foundations of any type shall be permitted within this setback.

### 24.5 OTHER REGULATIONS

- 24.5.1 Notwithstanding Sections 9.1 and 10.1, in this district all accessory buildings and garages will be constructed in the front yard between the principal building and roadway.
- 24.5.2 No in-ground pools, water features, or underground sprinkler systems are permitted in this district.
- 24.5.3 No accessory building shall have a height greater than that of the primary building.
- 24.5.4 Identical homes with similar front elevations must be separated by a minimum of one parcel unless finishing treatments (building materials and colour patterns) are substantially different to the satisfaction of the Development Authority.
- 24.5.5 Side windows shall be arranged to keep the incident of windows facing each other to a minimum in the above grade floors. No window shall face directly into a bedroom area. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.














- 24.5.6 All single detached dwellings shall comply with all aspects of the Safety Codes Act and the National Building Code (Alberta Edition).

DRAFT FOR FIRST READING  
MARCH 2025

## 25. LAND USE DISTRICT MAP

### TOWN OF GIBBONS LAND USE BYLAW DRAFT

#### Land Use District Map

-  R1 - Low Density Residential
-  R2 - Medium Density Residential
-  R3 - Higher Density Residential
-  RMH - Residential Manufactured Home Park
-  RID - Innovative Design
-  RS - Single Dwelling Large Lot
-  CXR - Mixed Use District
-  C1 - General Commercial
-  C2 - Highway Commercial
-  M1 - Industrial District
-  PR - Public Use
-  UR - Urban Reserve
-  DC - Direct Control

