

## HOW TO USE THIS BYLAW

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

If you are not sure you understand the regulations, or if you would like someone to guide you through the process, simply call or visit the Town's Planning & Community Development Department. The telephone number is (403) 847-5260.

### Step 1

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

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

### Step 2

Check the Table of Contents and find the District that you are interested in. In each District you will find a list of permitted and discretionary uses, development standards and other regulations.

### Step 3

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

### Step 4

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

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

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

## METRIC CONVERSION

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

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

To convert m<sup>2</sup> to square feet, multiply the number of m<sup>2</sup> by 10.764 to get the number of square feet. Some typical conversions are as follows:

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

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

# Town of Rocky Mountain House

## Land Use Bylaw No. 11-11 LU

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## **PART 1: INTERPRETATION AND DEFINITIONS**

### **1.1 Short Title**

This Bylaw may be cited as "The Town of Rocky Mountain House Land Use Bylaw".

### **1.2 Purpose**

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

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

### **1.3 Compliance with Other Legislation**

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

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

### **1.4 Sections Found Invalid**

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

## 1.5 Rules of Interpretation

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

## 1.6 Establishment of Districts

- (1) For the purpose of this Land Use Bylaw the Town of Rocky Mountain House is divided into the following Districts:

Low Density Residential District	R-1
Special Low Density Residential District	R-1A
Compact Residential District	R-1C
Narrow Lot Residential District	R-1N
Rural Low Density Residential District	R-1R
General Residential District	R-2
Multiple Family Residential District	R-3
Manufactured Home District	R-4
Central Commercial District	C
Highway Commercial District	HC
Local Commercial District	LC
Light Industrial District	LI
General Industrial District	I
Public District	P
Environmental Open Space District	EO
Reserved for Future Development District	RD



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

## 1.7 Definitions

In this Land Use Bylaw,

*“abut or abutting”* means contiguous to or physically touching, and when used with respect to a parcel or site, means that the parcel or site physically touches upon another parcel, site or piece of land, and shares a property line or boundary line with it;

*“accessory building or use”* means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building;

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

*“adjacent use”* means the use of adjacent land;

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

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

*“adult training centre”* means a use of land or a building primarily for the vocational education and general instruction of adults to enhance their employment skills and capabilities;

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

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

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

*"animal hospital"* means a facility for the medical care and treatment of animals and includes provision for their accommodation and confinement;

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

*"apartment"* means a residential building consisting of at least 3 dwelling units, but shall not include buildings containing units with separate exterior entrances or entranceways;

*"area redevelopment plan"* means a plan adopted by bylaw pursuant to the *Municipal Government Act*;

*"area structure plan"* means a plan adopted by bylaw pursuant to the *Municipal Government Act*;

*"bachelor unit"* means a dwelling unit for the use of one individual, comprising a combined living and sleeping room with cooking and separate toilet facilities;

*"basement"* means a habitable portion of a building which is partly underground, and has not more than half of the distance between the floor level and the underside of the ceiling joists above the adjacent finished grade elevation;

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

*"billboard"* see "sign, billboard";

*"bona fide tourist"* means a person on vacation away from his/her ordinary place of residence;

*"building"* includes 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;

*"building height"* means the vertical distance between the average grade and the highest point on a building, other than any chimney, poles, vents or other things that, in the opinion of the Development Officer or Municipal Planning Commission are similar and are not part of the building structure;

*"building separation"* means the minimum distance between two buildings on adjoining parcels of land;

*"bulk fuel sales and storage"* means development for handling petroleum products in bulk quantities, and includes retail fuel sales;

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

*"business license"* means a license issued by the Town of Rocky Mountain House;

*"campground"* means any parcel of land or part thereof which charges fees for the locating of tents, holiday trailers or recreation vehicles for temporary use by tourists and transients, and is not used as year round storage, or accommodation for residential use and shall include facilities and amenities subordinate to the operation of the campground;

*"caretaker suite"* means a portion of the main land use district building not including a manufactured unit attached to the said building, used to provide accommodation for one individual that is employed by the business located on the property to provide janitorial and/or security functions for the same said property. Only one caretaker's suite per property location shall be permitted. A caretaker's suite may consist of an office, sleeping, kitchen and bathroom facilities, and for the purposes of this Land Use Bylaw shall not be considered a dwelling unit, and cannot be a business unto itself."

*"carriageway"* means paved or unpaved portion of a street or lane including vehicle travel lanes and parking lanes;

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

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

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

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

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

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

*"contractor services"* means premises used for the provision of building and construction services, including electrical, landscape, concrete, painting, heating and plumbing contracting services, which includes onsite storage and warehouse space. Any sales or office service areas are accessory to the principal contractor services use."

*"convenience retail store"* means a development used for the retail sale of goods required by area residents or employees on a day-to-day basis from premises which do not exceed 280 m<sup>2</sup> (3,014 sq. ft.) in gross floor area;

*"corner parcel"* see *"parcel, corner"*;

*"Council"* means the Council of the Town of Rocky Mountain House;

*"craft brewery and distillery"* means an establishment where beer, wine, or alcoholic spirits are produced on-site and are for retail sale. The facility must be appropriately licensed by the Alberta Liquor and Gaming Commission; (Bylaw 16/05LU)

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

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

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

*"detached dwelling"* means a residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a manufactured home;

*"development"* means

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

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

*"development authority"* means the person or persons appointed pursuant to Development Authority Bylaw No 95/15LU, as amended;

*"Development Officer"* means a person appointed as a Development Officer pursuant to this Land Use Bylaw;

*"development permit"* means a document authorizing a development issued pursuant to this Land Use Bylaw;

*"discretionary use"* means a use of land or a building provided for in this Land Use Bylaw, which may be compatible with other uses in the District, for which a development permit may be issued upon an application having been made;

*"district shopping centre"* means a group of commercial establishments as listed in the highway commercial district as either permitted or discretionary uses, planned, owned, developed and managed as a unit with off-street parking established on the same site and shall serve the needs of the urban centre and surrounding municipalities. Each establishment within a District Shopping Centre shall require their own, separately approved development permit;

*"District"* means Land Use District;

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

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

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

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

"duplex" means a separate residential building consisting of only two dwelling units, located side by side or one above the other, each having exterior entrances;

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

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

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

"fascia sign" see "sign, fascia";

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

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

"floor area" means

- (a) for residential buildings, the total area of all floors in a building measured from the outside of exterior walls excluding attached garages and enclosed porches and decks;
- (b) for commercial buildings, the total floor area of all floors in a building measured from the outside of exterior walls including basements but excluding mall areas;

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

"freestanding sign" see "sign, freestanding";

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

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

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

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

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

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

*"group home"* means a dwelling unit which is authorized, licensed or certified by a provincial authority to provide room and board for foster children or for physically, mentally, socially, developmentally or behaviourally challenged persons and may include professional care, guidance and supervision. A group home may incorporate accommodations for resident staff.

*"hard landscaping"* see *"landscaping, hard"*;

*"hard surfacing"* means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area;

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

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

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

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

*"interior parcel"* see *"parcel, interior"*;

*"Intermunicipal Development Plan"* means

- (a) a plan adopted by a bylaw of the Town of Rocky Mountain House and a bylaw of Clearwater County as an Intermunicipal Development Plan pursuant to the *Municipal Government Act*;
- (b) a Joint General Municipal Plan deemed to be an Intermunicipal Development Plan pursuant to the *Municipal Government Act*;

*"kennel"* includes a house, shelter, room or place where more than three (3) dogs and/or three (3) cats (animals) are kept or boarded at the same time, but does not include premises used for the care and treatment of animals operated by a duly qualified veterinary surgeon;

*"Land Titles Act"* means the *Land Titles Act*, Chapter L-5, Revised Status of Alberta 1980, as amended;

*"Land Use District"* means an area as shown in Schedule A of this Land Use Bylaw;

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

*"landscaped area"* means an area of land made attractive by the use of any or all of the following: grass, trees, shrubs, ornamental planting, fences, walls and associated earthworks; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways;

*"landscaping, hard"* means the use of non-vegetative material, such as monolithic concrete, paving stone, asphalt or gravel, as part of a landscaped area;

*"landscaping, soft"* means the use of vegetative material as part of a landscaped area;

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

*"lane"* means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a land titles office;

*"licensed premises"* means a commercial establishment which is licensed to serve alcohol;

*"light equipment assembly, sales and service"* means the assembly, sales, rental and service of any light vehicle or equipment, including small implements such as snow blowers, boats, snow machines, quads, or motorcycles;

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

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

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

*"main building"* means a building in which is conducted the main or principal use of the parcel on which it is erected;

*"main use"* means the principal purpose for which a building or parcel is used;

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



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

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

*"medical marijuana facility"* means a building where medical marijuana is grown, processed, tested, destroyed, stored or loaded for shipping, and for which a license provided by Health Canada has been issued for all onsite activities. This does not include the retail sales of marijuana for recreational purposes; (Bylaw 16/05 LU)

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

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

*"mobile commercial sales"* means the sale of items or provision of a service from a motor vehicle, or a trailer capable of being towed by a motor vehicle, or a cart or similar structure with attached wheels, or a portable marquee tent, any of which can be moved off a location in less than 4 hours;

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

*"multi-attached building"* means a residential building containing three or more dwelling units, each unit separated by a common or party wall and having a separate entrance, whether located on a single site or adjoining individual lots;

*"multiple family building"* means a building containing three or more dwelling units;

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

*"municipality"* means the Town of Rocky Mountain House;

*"Municipal Development Plan"* means a plan adopted by the Council as a Municipal Development Plan pursuant to the *Municipal Government Act*;

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

*"Municipal Planning Commission"* means a commission established by the Municipal Planning Commission Bylaw 95/13LU, as amended;

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

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

*"neighbourhood shopping centre"* means a group of commercial establishments planned, owned, developed and managed as a unit with off street parking established on the same site and shall serve the needs of the immediate neighbourhood;

*"non-conforming building"* means a building

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

*"non-conforming use"* means a lawful specific use

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

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

*"office, professional"* means a facility providing for the practice of a profession and administration of a business but excludes such uses as retail sales, personal services, financial institutions, government or public administration, places of amusement or places of assembly

*"off-site levy"* means a levy imposed pursuant to the *Municipal Government Act*;

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

*"outdoor boiler"* means any type of solid fuel burning unit located separate from the principal building/accessory buildings or as a stand alone building used for the generation of space heating or water heating;

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

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

*"parcel"* means the aggregate of 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 the land titles office;

*"parcel depth"* means the distance measured along each side parcel boundary or a parcel;

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

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

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

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

*"park"* means an area of public land that is developed for active and/or passive outdoor recreation use;

*"parking facility"* means a structure or an area providing for the short term parking of motor vehicles up to a maximum of 72 hours at a time and does not include recreation vehicle storage;

*"performance bond"* means written obligation by an applicant for a development permit to pay a specified amount of money to the municipality, usually in the form of a letter of credit, in the event of a failure to comply with particular conditions under which the development permit is issued;

*"permitted use"* means a use of land or a building that is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms to this Land Use Bylaw;

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

*"playground"* means an area developed for active play using fixed equipment;

*"portable sign"* see *"sign, portable"*;

*"private club or lodge"* means a facility used for the meeting, social or recreational activities of members of non-profit, charitable, social service, athletic, business or fraternal organizations;

*"projecting sign"* see *"sign, projecting"*;

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

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

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

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

*"quasi-public use"* which means a facility or use which is essentially public (as in services rendered) such as emergency shelters or food banks although the facility may be under private ownership or control;

*"Real Property Report"* means a plan prepared by an Alberta Land Surveyor which establishes dimensions of the boundaries of a parcel and the location of the improvements thereon;

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

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

*"recreation area"* means land used for the purpose of active or passive leisure activities;

*"recreation vehicle storage"* means a structure or an area providing for the long term storage of recreation vehicles, trailers or motor homes that are not being used for overnight accommodation;

*"redevelopment levy"* means a levy imposed pursuant to Section 75 of the *Municipal Government Act*;

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

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

*"retail and light manufacturing"* means development that provides for retail as the primary use with a small degree of manufacturing of products or goods directly related to the principal commercial use of the site, the process of which does not create and emit fumes, gases, smoke, vapours, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent lands;

*"retail sales establishment"* means a facility used for the retail sale of a wide variety of consumer goods including such things as groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationery, etc;

*"road"* means land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway;

*"roof top sign"* see *"sign, rooftop"*;

*"row housing"* means a group of three or more dwelling units, each unit separated by a common or party wall and having a separate front and rear access to the outside grade;

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

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

*"satellite dish antennae"* means a curved apparatus for receiving electromagnetic waves from a satellite and the supporting structure of that apparatus;

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

*"sea / land cargo container (sea can)"* means a prefabricated metal structure designed for use as an individual shipping container in accordance with international standards or a metal structure designed and built for use as an enclosed truck trailer in accordance with the Department of Transportation standards. Sea Cans are deemed to be an accessory building or use and will be governed under Policy 001/2010 as to what types of permits are required;

*"seasonal greenhouse"* means a moveable commercial building that is placed or erected on a parcel and is used for a portion of the year for retail sale of such items as seeds, bedding plants, shrubs and other related gardening or yard products;

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

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

*"setback"* means the distance additional to the minimum yard requirements that a development must be set back from a parcel boundary or any other feature of a site;

*"show home"* means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other sites or dwellings in the area;

*"side parcel boundary"* means a registered boundary of a parcel which connects the front parcel boundary with the rear parcel boundary;

*"side yard"* means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the wall of the main building thereon;

*"sight triangle"* means an area at the intersection of two roads or a road and a railway in which all buildings, fences, vegetation, all signs except free-standing signs, and finished ground elevations shall be less than 1 m (3.3 ft.) in height above the average elevation of the carriageway/rails, in order that vehicle operators may see approaching vehicles in time to avoid collision. Unless otherwise required by this Bylaw, the area is established by marking the point at which the boundaries of the two rights-of-way intersect, measuring back 4.57 m (15.0 ft) on each street front and drawing a line connecting the two points to form a triangular area;

*"sign"* means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction;

*"sign awning"* means a sign inscribed on or affixed flat upon the covering material of an awning;

*"sign, billboard"* means a sign to which advertising copy is affixed to permit its periodic replacement;

*"sign, fascia"* means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a billboard;

*"sign, freestanding"* means a sign that is supported independently of a building wall or structure but does not include a billboard;

*"sign, portable"* means a sign which is not in a permanently installed or affixed position;

*"sign, projecting"* means a sign which projects from a structure or a building face;

*"sign, roof top"* means a sign affixed to or placed on a building and extending in whole or in part above the vertical walls or parapet of the building; or the top of a canopy, awning or other similar appurtenance of the building;

*"site coverage"* means the area covered by buildings, parking facilities, driveways, storage areas and display areas;

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

*"social care housing"* means a building where the occupants are living on a temporary, short-term or limited-term basis and are provided with specialized care in the form of supervisory, nursing, medical, counselling or homemaking services. For the purposes of this definition, 'temporary' means scheduled stays usually less than two weeks in duration and 'short-term or limited-term' means a finite term after which occupants move to other accommodation;

*"soft landscaping"* see *"landscaping, soft"*;

*"solar energy device"* means structures and accessories designed to convert solar radiation into electrical or thermal energy;

"*sport club*" means a society or association organized and operated for recreation activities;

"*statutory plan*" means a Municipal Development Plan, Intermunicipal Development Plan, an Area Structure Plan or an Area Redevelopment Plan adopted by a bylaw of the municipality, or any one or more of them;

"*street*" means any category of roads except a lane;

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

"*Subdivision and Development Appeal Board*" means a board established by the Subdivision and Development Appeal Board Bylaw 95/16LU, as amended;

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

"*temporary kiosk*" means any temporary or non-permanent structure used for retail, food and/or beverage sales and tourism related businesses that measures less than 107 square feet in total size and can be moved off of its location within a 24 hour period;

"*top of bank*" means the line where the surrounding tableland is broken by a valley slope and forms the valley crest as determined by a geotechnical engineer;

"*use*" means the function or activity on land or in a building;

"*variance*" means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Board;

"*walkway*" means a road on which no motor vehicles are allowed;

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

"*wind energy device*" means a structure designed to convert wind energy into mechanical or electrical energy;

"*xeriscaping*" means a creative, natural approach for constructing low maintenance, water efficient, and sustainable landscapes. It includes designing the landscape using native plants and drought-tolerant species which require less water and chemicals;

"*yard*" means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

"*zero lot line subdivision*" means a form of residential development where buildings are permitted to be located on one or more lot lines with no yard between the building and the lot line;

All other words and expressions have the meaning respectively assigned to them in Part 17 of the

*Municipal Government Act and the Subdivision and Development Regulation.*



## **PART 2: ADMINISTRATION**

### **2.1 Establishment of Development Officer**

The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

### **2.2 Authority and Responsibility of Development Officer**

- (1) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:
  - (a) receive and process all applications for development permits,
  - (b) review each development permit application to ascertain whether it is complete in accordance with the information requirements of this Bylaw,
  - (c) review each development permit application to ascertain its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use definition,
  - (d) keep and maintain for inspection of the public during office hours a copy of this Land Use Bylaw and all amendments thereto and ensure that copies are available to the public,
  - (e) keep a register of all applications for development including the decisions thereon and the reasons therefore,
  - (f) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Permitted Uses in the subject land use district,
  - (g) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Discretionary Uses in the subject land use district where in the Development Officer's opinion the proposed development meets all the standards of the Land Use Bylaw and is compatible with the surrounding uses,
  - (h) provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw.
- (2) The Development Officer may:
  - (a) refer any development permit applications to the Municipal Planning Commission when deemed necessary by the Development Officer,

- (b) refer any other planning or development matter to the Municipal Planning Commission for its review, support or direction.

### **2.3 Authority and Responsibility of Municipal Planning Commission**

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

### **2.4 Development Permit Required**

All development undertaken in the municipality requires an approved development permit prior to commencement, except

- (1) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- (2) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement;
- (3) the use of any such development as is referred to in subsection (2) for the purpose of which development was commenced;
- (4) the erection or construction of gates, fences, walls or other means of enclosure less than 1 m (3.28 ft.) in height in front yards and less than 2 m (6.56 ft.) in height

in other yards, and the maintenance, improvement and other alterations of any gates, fences, walls or other means of enclosure;

- (5) a temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw;
- (6) the installation, maintenance and repair of utilities;
- (7) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- (8) subject to subsection 3.2(2) of Part 3, an accessory building with a maximum floor area of 9.5 m<sup>2</sup> (102.2 sq. ft.) and a maximum height of 2.5 m (8.2 ft.) on a parcel in a residential District;
- (9) development specified in Section 3 of the *Municipal Government Act*, which includes:
  - (a) a highway or road,
  - (b) a well or battery within the meaning of the *Oil and Gas Conservation Act*,
  - (c) a pipeline or an installation or structure incidental to the operation of a pipeline, or
  - (d) any other thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings, or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in right of Alberta, or a municipal corporation;
- (10) a temporary use of a parcel not exceeding seven (7) days for the sole purpose of mobile commercial sales providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer.
- (11) the erection of fascia, projecting and awning signs provided that such signs comply with Sections 3.48, 3.49 and 3.52 of Part 3.
- (12) the use of a building as a temporary polling station, an election candidate's campaign office or any other official temporary use in connection with a federal, provincial or municipal election or referendum.
- (13) the temporary placement of campaign signs in connection with a federal, provincial or municipal election or referendum.

- (14) the erection of a satellite dish antennae with a dish diameter of less than 1 m (3.28 ft.).
- (15) the construction of retaining walls less than 1 m (3.28 ft.) in height.
- (16) the installation of an outdoor hot tub or whirl pool provided such hot tub or whirl pool complies with Section 3.43 or Part 3.
- (17) portable signs provided such signs comply with Section 3.51 of Part 3.
- (18) a-board signs provided such signs comply with Section 3.54 of Part 3.
- (19) the erection of a flag pole or other poles provided that such poles do not exceed 6 metres (20 ft) in height.
- (20) solar energy infrastructure, provided it meets all requirements in subsection 3.47, Alternative Energy Collecting and Storage

## **2.5 Development Permit Application**

- (1) An application for a development permit shall be made to the Development Officer in writing on the form prescribed by Council and shall be accompanied by:
  - (a) a scaled site plan in duplicate showing
    - (i) the legal description and surveyed dimensions of the parcel, the front, rear and side yards of an existing and proposed buildings,
    - (ii) a landscaping plan,
    - (iii) the removal of existing trees and shrubs, if any,
    - (iv) the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings, if any,
    - (v) provision for off-street loading and vehicle parking, if any,
    - (vi) access and egress points to the parcel,
    - (vii) the location and dimensions of any easements or rights of way,
    - (viii) existing and proposed parcel elevations and grades, and (ix) the methods of draining surface and sub-surface water,
    - (x) the municipal address and adjoining roads,
    - (xi) the location of existing and proposed public utility lines, if any,
    - (xii) the location, design and screening of garbage storage and recycling facilities.
  - (b) scaled floor plans, elevations clearly indicating the front, rear and sides and facing materials of any proposed buildings, and sections in duplicate;
  - (c) a statement of existing and proposed uses;

- (d) a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application;
  - (e) the estimated commencement and completion dates;
  - (f) the estimated cost of the project or contract price;
  - (g) such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.
- (2) The Development Officer may refuse to accept an application for a development permit where the information required by subsection 2.5(1) has not been supplied or where, in his/her opinion, the quality of the material supplied is inadequate to properly evaluate the application.
- (3) The Development Officer may deal with an application and make a decision without all of the information required by subsection 2.5(1), if he/she is of the opinion that a decision on the application can be properly made without such information.
- (4) Each application for a development permit shall be accompanied by a non-refundable processing fee, the amount of which shall be determined from time to time by Council.

## **2.6 Establishment of Forms**

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

## **2.7 Establishment of Fees**

Except as otherwise provided in this Land Use Bylaw, the Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by resolution of Council. Council may at anytime by resolution increase, decrease or establish new fees for matters covered by this Bylaw.

## **2.8 Decisions on Permitted Uses**

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

- (a) arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such facility by the applicant;
- (b) arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
- (c) that the applicant enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
  - (i) to construct or pay for the construction of a road required to give access to the development,
  - (ii) to construct, or pay for the construction of:
    - (a) a pedestrian walkway system to serve the development or
    - (b) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - (iv) to construct or pay for the construction of:
    - (a) off-street or other parking facilities; and
    - (b) loading and unloading facilities;
- (d) that the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the *Municipal Government Act*;
- (e) that the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;
- (f) that the applicant provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, and irrevocable letter or credit or charge against the title to the site.

- (g) that the applicant submits a Real Property Report to the satisfaction of the Development Officer.
- (2) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, the Development Authority
  - (a) may refuse the application giving reasons for refusal; or
  - (b) may approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Regulations and statutory plans; or
  - (c) may approve the application pursuant to Section 2.10 and subject to conditions listed in subsection (1).

## **2.9 Decisions on Discretionary Uses**

- (1) The Development Authority, in its discretion, may approve an application for a development permit for a discretionary use subject to:
  - (a) conditions listed in subsection 2.8(1); and
  - (b) any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of the neighbouring parcels of land, including, but not limited to, the following;
    - (i) limiting the time of operation including hours of the day, days of the week, and parts of the year;
    - (ii) limiting the number of patrons;
    - (iii) requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
    - (iv) regarding the location, character and appearances of buildings;
    - (v) regarding the grading of the site or such other matters as are necessary to protect other developments from the site;
    - (vi) establishing the period of time during which a development may continue.
- (2) The Development Authority, in its discretion, may refuse an application for a development permit for a discretionary use giving reasons for its refusal.

## **2.10 Variances**

- (1) The Development Authority may approve, with or without conditions, an application for development that does not comply with this Bylaw if, in the opinion of the Development Authority,
  - (a) the proposed development would not

- (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (2) In approving an application for development pursuant to subsection (1) the Development Authority shall adhere to the following:
- (a) except as otherwise provided in this Bylaw, there shall be no variance on density regulations;
  - (b) where the issuance of a development permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a District or any other regulation of this Bylaw, the Development Authority shall not permit any additional variance from that regulation;
  - (c) except as otherwise provided in this Bylaw, where the decision on an application is being made by the Development Officer a variance shall not be granted for less than ninety percent (90%) of any minimum regulation or more than one hundred and ten percent (110%) of any maximum regulation; and
  - (d) the General Purpose of the appropriate District.
- (3) In the event that a variance is granted, the Development Authority shall specify the nature of the approved variance in the development permit approval.

## **2.11 Notification of Decision**

- (1) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (2) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (3) On the same date a development permit is issued with respect to a decision of the Development Authority, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:
  - (a) mail a notice of the decision to all persons who in his/her opinion may be affected, and/or



- (b) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (c) publish in a newspaper circulating in the municipality a notice of the decision.
- (4) On the same date a development permit is issued with respect to a decision by the Development Authority, the Development Officer shall display a notice of the issuance of the permit in a publicly accessible area of the Town Office.

### **2.12 Effective Date of a Development Permit**

- (1) A permit issued pursuant to this Land Use Bylaw does not come into effect until fourteen (14) days after the date on which notice of issuance of the permit is given under subsection 2.11(1) or 2.11(2) or twenty-one (21) days after the date on which notice of issuance of the permit is given, if such notice is given under subsection 2.11(3)(a) by ordinary mail, whichever last occurs.
- (2) The date of issue of any permit shall be the date of notification pursuant to subsection 2.11(3).
- (3) Any development proceeded with by the applicant prior to the effective date of the development permit is done solely at the risk of the applicant.
- (4) Where an appeal is made pursuant to the *Municipal Government Act*, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

### **2.13 Expiry of a Development Permit**

- (1) Except where a development permit is specified as being valid for a specified time period, a permit expires in twelve (12) months from its date of issuance unless development has been substantially started in a manner satisfactory to the Development Authority.
- (2) The Development Authority may grant an extension of the time the permit remains in effect for up to an additional twelve (12) months. Only one extension shall be granted.

### **2.14 Resubmission Interval**

In the case where an application for a development permit has been refused pursuant to this Land Use Bylaw or ultimately after appeal, the submission of another application for a permit on the same parcel and for the same or similar use of land by the same or any other applicant may not be accepted by the Development Officer for at least six (6) months after the date of the final decision, unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

## **2.15 Development Permit Appeals**

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Officer, and the applicant may appeal in writing, as provided for in this Land Use By-law, unless the applicant enters into an agreement with the Development Officer to extend the 40-day period.
- (2) Where the Development Authority
  - (a) refuses or fails to issue a development permit to a person, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under the *Municipal Government Act*,the person applying for the permit or affected by the order, as the case may be, may appeal to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.
- (3) A person referred to in subsection (1) or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) consecutive days after receipt of the order, decision, or date of issuance of the development permit. The written notice of appeal must contain reasons for the appeal.
- (4) Despite subsection (2), no appeal lies in respect of the issuance of a development permit for a Permitted Use unless the provisions of this Land Use Bylaw were relaxed, varied, or misinterpreted.

## **2.16 Contravention and Enforcement**

- (1) Where the Development Authority finds that a development or use of land or building is not in accordance with Part 17 of the *Municipal Government Act*, this Land Use Bylaw, the *Subdivision and Development Regulation*, a development permit or subdivision approval, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
  - (a) stop the development or use of the land or building in whole or in part as directed by the notice, or
  - (b) demolish, remove or replace the development, or

- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with Part 17 of the *Municipal Government Act*, the *Subdivision and Development Regulation*, this Land Use Bylaw, a development permit or subdivision approval,
- within the time set out in the notice.
- (2) Any person who receives an order under subsection (1) may appeal to the Subdivision and Development Appeal Board pursuant to Section 2.15 of this Land Use Bylaw.
- (3) The Development Authority may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order. A caveat registered under this subsection must be discharged once the order has been complied with.
- (4) Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within the time specified, the Council may seek a court order from the Court of Queen's Bench for any or all of the following:
- (a) a declaration that the person who received an order is in breach of the Land Use Bylaw, an order issued under the Land Use Bylaw and/or the Subdivision and Development Appeal Board's decision relating to an appeal of an order,
- (b) an injunction ordering the person who received an order referred to in subsection (1) to comply with the Land Use Bylaw within a certain period of time,
- (c) an order providing that, if compliance has not been achieved within the period stated in the court order, that the Council or persons appointed by it has the right to enter upon the land and building and take steps necessary to achieve compliance with the Land Use Bylaw,
- (d) an order that legal costs and the costs to achieve compliance incurred by the municipality can be added to the tax roll for the land that is the subject of the court order,
- (e) a provision that the court order may be registered against the certificate of title for the land that is the subject of the court order and discharged only on full compliance with the court order.
- (5) Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the Subdivision and Development Appeal

Board under the *Municipal Government Act* within the time specified, the Council or persons appointed by it may, in accordance with the *Municipal Government Act*, enter upon the land or building and take such action as is necessary to carry out the order.

- (6) Where the Council or persons appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is subject of the order.
- (7) For the purpose of entering and inspecting land or buildings as described in the *Municipal Government Act*, the Development Officer is hereby declared to be an “authorized person”.

### **2.17 Offences and Penalties**

- (1) A person who contravenes or does not comply with a provision of the *Municipal Government Act*, the *Subdivision and Development Regulation*, this Land Use Bylaw, a stop work order issued under this Land Use Bylaw, a development permit or subdivision approval, or a decision of the Subdivision and Development Appeal Board or who obstructs or hinders any person in the exercise or performance of their powers or duties under Part 17 of the *Municipal Government Act*, the *Subdivision and Development Regulation* or this Land Use Bylaw is guilty of an offence.
- (2) A person who is found guilty of an offence pursuant to subsection (1) is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) If a person is found guilty of an offence under the *Municipal Government Act* or this Land Use Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with the Act or this Land Use Bylaw or a permit issued under this Bylaw.
- (4) Development Permit applications submitted after site preparation or construction has commenced may be subject to the double fee provisions described in the fee schedule adopted by Council resolution in accordance with section 2.7.

### **2.18 Amending the Land Use Bylaw**

- (1) The Council on its own initiative may amend this Land Use Bylaw.
- (2) A person may make application to the Development Officer to amend this Land Use Bylaw. The application shall include:
  - (a) a statement of the specific amendment requested;

- (b) the purpose and reasons for the application;
  - (c) if the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - (d) a statement of the applicant's interest in the lands; and
  - (e) an application fee, the amount of which shall be determined from time to time by resolution of Council.
- (3) If the amendment is for redesignation of land, the Development Officer may require:
- (a) an outline plan for the area to be redesignated to the level of detail specified by the Development Officer; and
  - (b) payment of a fee to the Town equal to the costs incurred by the Town to review the proposed redesignation and related outline plan, or if necessary to prepare an outline plan.
- (4) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed as a result of the proposed amendment. The analysis shall be based on the full development potential of the proposed amendment and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
- (a) relationship to and compliance with approved statutory plans and Council policies,
  - (b) relationship to and compliance with statutory plans or outline plans in preparation,
  - (c) compatibility with surrounding development in terms of land use function and scale of development,
  - (d) traffic impacts,
  - (e) relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools,
  - (f) relationship to municipal land, right-of-way or easement requirements,
  - (g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area,

- (h) necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant, and
  - (i) relationship to the documented concerns and opinions of area residents regarding development implications.
- (5) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than seven (7) days notice to the applicant advising that he may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within sixty (60) days of its receipt by the Development Officer.
- (6) Following first reading of an amending bylaw, the Council shall
  - (a) establish the date, time and place for a public hearing on the proposed bylaw;
  - (b) outline the procedure to be followed by anyone wishing to be heard at the public hearing, and
  - (c) outline the procedure by which the public hearing will be conducted.
- (7) Following first reading of an amending bylaw, the Development Officer must give notice of the public hearing by:
  - (a) publishing notice at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, and,
  - (b) if the amending bylaw proposes to change the district designation of a parcel of land, mailing or delivering notice to every owner of adjacent land in and around the parcel or parcels to which the proposed bylaw relates.
- (8) A notice of public hearing must be advertised at least five (5) days before the public hearing occurs.
- (9) A notice must contain:
  - (a) a statement of the general purpose of the proposed bylaw and public hearing,
  - (b) the address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected,
  - (c) the date, place and time where the public hearing will be held.
- (10) In the case of an amendment to change the district designation of a parcel of

land, the Development Officer must, in addition to the requirements of subsections (6) to (8),

- (a) include in the notice:
    - (i) the municipal address, if any, and the legal address of the parcel of land, and
    - (ii) a map showing the location of the parcel of land,
  - (b) give written notice containing the information described in clause (a) and subsection (8) to the assessed owner of that parcel of land at the name and address shown on the assessment roll of the municipality, and
  - (c) give written notice containing the information described in clause (a) and subsection (8) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- (11) If the land referred to in subsection (9) (c) is in Clearwater County, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Clearwater County.
- (12) Notwithstanding subsection (5), the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- (13) In the public hearing, the Council:
- (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council, and
  - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear, and
  - (c) shall read or circulate to all those in attendance, any written representations received from any person, or group of persons, who have complied with the procedures outlined by Council and who are not in attendance at the hearing.
- (14) After considering the representations made to it about the proposed bylaw at the public hearing and after considering the Town's statutory plans and any other matter it considers appropriate, the Council may
- (a) refer it for further information or comment;
  - (b) pass the bylaw,

- (c) make any amendment to the bylaw it considers necessary and proceed to pass it without advertisement or hearing, or
  - (d) defeat the bylaw.
- (15) The Development Officer shall not accept an application to amend this Land Use Bylaw which is identical or similar to an application which was refused by the Council, for a period of six (6) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

### **2.19 Professional Fees, Charges, Costs**

- (1) All costs incurred by the Municipality for technical or external review or processing of a planning application (or proposed statutory plan or amendment, or land use bylaw amendment) and related matters shall be paid by the applicant/developer. Such costs shall include, but are not limited to, all legal, planning, and engineering costs for:
- (a) public hearing/meeting attendance or preparation;
  - (b) inspections or material testing;
  - (c) preparation or review of drawings or plans (e.g. area structure, outline, concept, or engineering plans);
  - (d) preparation, implementation, or enforcement of development agreements;
  - (e) review of proposed amendments to the Municipality's municipal development plan, other statutory plans, or land use bylaw (including redistricting); and
  - (f) review and processing of subdivision or development applications (including the registration of plans or documents with land titles),
- all of which costs shall be the responsibility of the applicant/developer whether or not the agreement, application, or plans are ultimately used or executed.
- (2) Where Council has not established a particular fee or charge amount for such costs, administration shall develop and apply a method of calculation for the fees or charge based upon full cost recovery.
- (3) The costs described herein may be recovered under a development agreement entered into as a condition of a development permit or subdivision approval, or may be otherwise collected as incurred by the Municipality.



## **PART 3: GENERAL REGULATIONS**

### **REGULATIONS PERTAINING TO ALL DISTRICTS**

#### **3.1 Applicability**

The General Regulations shall apply to all development unless otherwise exempted in this Part. Where these Regulations may be in conflict with any District Regulations, the General Regulations shall take precedence.

#### **3.2 Accessory Buildings and Uses**

- (1) In all Districts
  - (a) Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.
  - (b) No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorised by the Development Authority.
  - (c) An accessory building shall not be used for human habitation except where a secondary residence has been approved.
  - (d) All types of outdoor boilers are prohibited.
- (2) In residential Districts
  - (a) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
  - (b) An accessory building on an interior parcel shall be situated so that the exterior wall is at least 1 m (3.3 ft.) from the side and rear boundaries of the parcel.
  - (c) An accessory building on a corner parcel shall not be situated closer to the street than the main building. It shall not be closer than 1 m (3.3 ft.) to the other side parcel boundary or the rear parcel boundary.
  - (d) An accessory building shall not be more than 4.5 m (14.8 ft.) in height, and shall not exceed the height of the main building. Refer to subsection 3.55 (5) regarding secondary residences for the maximum allowable height of a secondary residence developed on a second storey integral to a detached garage.
  - (e) Notwithstanding subsections (b) and (c), an accessory building or any portion thereof may be erected or placed on the rear or side boundary

common to two parcels provided the accessory building serves the two abutting parcels.

- (f) Accessory buildings shall not individually exceed 62.8 m<sup>2</sup> (676 sq.ft.) and shall not cover more than 35% of the rear yard. The maximum 35% coverage of the rear yard does not apply to parcels located in an R-4 District.
  - (g) In addition to subsection 3.2 (2) (f) in the rear yard of a detached dwelling in the following districts, the maximum total area that may individually be developed for accessory buildings are as follows:
    - (i) in R-1 and R-1A Districts, 70 m<sup>2</sup> (754 sq. ft.); and
    - (ii) in R-1R District, 143 m<sup>2</sup> (1,539 sq. ft.).
  - (h) In addition to subsection 3.2 (2) g (i), in the R-1 and R-1A District where the parcel area exceeds 700 m<sup>2</sup> (7,535 sq. ft.), the maximum total area which can be developed for an accessory building may be increased up to a maximum of 110 m<sup>2</sup> (1,184 sq. ft.), but the size of the accessory building shall not exceed the total area of the primary dwelling.
  - (g) (i) A permanent playhouse, play equipment, or any combination of permanent playhouse, play equipment and storage shall not be located within the front yard of a parcel.
  - (j) No accessory building that can be rolled or folded is allowed to be erected in a residential district.
- (3) In other Districts
- No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority.
- (4) Where possible the pitch of the accessory building shall match the pitch of the principle dwelling.

### **3.3 Number of Buildings on a Parcel**

- (1) Not more than one main building shall be erected, placed or moved onto a parcel except where it is proposed to develop more than one main building to form a single, unified group of buildings.
- (2) the number of dwelling units permitted on a parcel shall be limited to one, except where
  - (a) in the opinion of the Development Authority, either
    - (i) the building is clearly designed to be divided into more than one dwelling, or

- (ii) the development of the parcel is clearly designed to include more than one dwelling, and
- (b) the use conforms to the uses prescribed for the District in which the parcel is located, and
- (c) subject to Section 2.10 of Part 2, the development complies with the provisions of this Land Use Bylaw, and
- (d) a development permit is issued for the use.

### **3.4 Building Orientation and Design**

- (1) The design, character and appearance of any building, or sign must be acceptable to the Development Authority having due regard to
  - (a) amenities such as daylight, sunlight and privacy;
  - (b) compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing;
  - (c) its effect on adjacent parcels.
- (2) The Development Authority may approve an application for a development permit for a building that is faced or finished with flexible sheeting capable of being rolled or folded only if
  - (a) the building is located in the General Industrial District or, subject to subsection (3) the Highway Commercial District, and
  - (b) the building is an accessory building on the parcel and is not erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority.
- (3) In the Highway Commercial District, a building that is faced or finished with flexible sheeting capable of being rolled or folded may be erected or placed on a parcel and must be removed after a maximum period of thirty (30) consecutive days from the date of its erection or placement except in the instance of a seasonal greenhouse.
- (4) In the Commercial District, the only type of building that is faced or finished with flexible sheeting capable of being rolled or folded which may be erected or placed on a parcel is a seasonal greenhouse.

### **3.5 Relocation of Buildings**

- (1) No person shall
  - (a) place on a parcel a building which has previously been erected or placed on a different parcel, or
  - (b) alter the location on a parcel of a building which has already been constructed on that parcel

unless a development permit has been issued by the Development Authority.

- (2) In addition to the requirements of Section 2.5 of Part 2, the Development Authority may require an application for a development permit to be accompanied with
  - (a) recent colour photographs showing all sides of the building;
  - (b) a statement on the age, size and general condition of the building;
  - (c) a statement prepared and signed by a qualified person on structural condition of the building; and
  - (d) a statement of proposed improvements to the building.
- (3) 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.
- (4) Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- (5) All structural and exterior renovations shall be completed within one year of the issuance of a development permit.

### **3.6 Building Demolition**

An application to demolish a building shall not be approved without a statement or plan which indicates

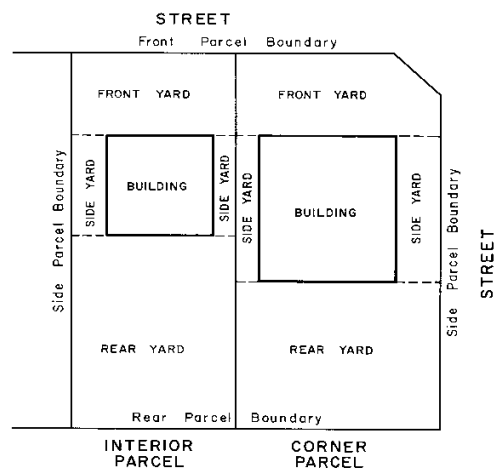
- (1) how the operation will be carried out so as to create a minimum of dust or other nuisance, and
- (2) the final reclamation of the parcel

which is satisfactory to the Development Authority.

### 3.7 Non-conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with provisions of the Land Use Bylaw then in effect.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
  - (a) to make it a conforming building.
  - (b) for routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the provisions of Section 2.10 of Part 2.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Land Use Bylaw.
- (6) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

### 3.8 Yard Definitions



### **3.9 Projections Over Yards**

- (1) Except as allowed in the subsections (2) and (3), no portion of the principal building on a site shall project over or onto a required front, side or rear yard.
- (2) In residential Districts the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:

- (a) Side yards

Any projection, including unenclosed steps, eaves, balconies, sills, cornice or canopies, not exceeding one-half of the minimum side yard required for the building,

A cantilevered wall section, bay or bow window or chimney which projects into a side yard if the projection is not wider than 2.5 m (8.2 ft.) and does not project more than 0.6 m (2.0 ft) over the required side yard, unless the side yard provides or is required to provide access to a detached garage or carport in a rear yard in which case no projection is allowed within 3 m (9.8 ft.) of the property line,

- (ii) Front yards and rear yards

Any eave, chimney, enclosed deck and steps, porch, or balcony, which projects not more than 1.5 m (4.9 ft.) over or on the minimum front yard; or 3 m (9.8 ft.) over or on the minimum rear yard,

A cantilevered wall section, eave or chimney or combination of the above that does not project more than 1.2 m (3.9 ft.) over the required rear yard.

- (2) In all other Districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:

- (a) any projection not exceeding 1.5 m (4.9 ft.) into a front or rear yard;

- (b) any projection not exceeding 0.6 m (2.0 ft.) into a side yard;

- (c) any projection that is an exterior fire escape not exceeding 1.2 m (3.9 ft.) in width.

### **3.10 Objects Prohibited or Restricted in Yards**

- (1) No person shall keep or permit in any part of the parcel in any residential District:

- (a) any dismantled or wrecked vehicle for more than fourteen successive days, or

- (b) any vehicle weighing in excess of 4500 Kg gross vehicle weight (except recreation vehicles) for longer than is reasonably necessary to load or unload such a vehicle,
  - (c) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or
  - (d) any excavation, storage or piling up of materials required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than reasonably necessary to complete construction.
- (2) No person shall store or permit to be stored in a required front yard in any residential District any recreational vehicle or other vehicles if in the opinion of the Development Authority it is unsightly or tends to adversely affect the amenities of the adjacent property owners.
- (3) Recreation vehicles may be stored in the required front yard provided the vehicle is set back at least 1.5 m (4.9 ft.) from the interior edge of the sidewalk, or where no sidewalk exists, from the interior edge of the curb.
- (4) A holiday trailer, motor home or camper parked in a residential District may be used for living and sleeping accommodation only by bona fide tourists for a maximum period of thirty (30) days per annum.
- (5) No person shall keep or permit in any part of the parcel in any commercial or industrial District:
- (a) any dismantled or wrecked vehicle for more than fourteen successive days, or
  - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or
  - (d) any excavation, storage or piling up of materials required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than reasonably necessary to complete construction,

unless located and screened from view to the satisfaction of the Development Authority.

### **3.11 Zero Lot Lines**

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

- (a) the owner(s) of the adjacent site or sites grant(s) a 2.4 m (7.8 ft.) maintenance access plus a 0.6 m (2.0 ft.) eave and footing encroachment easement on the adjoining site in perpetuity. The easements shall be to the satisfaction of the Development Officer and shall be registered against the title of the said site.
- (b) all roof drainage from any building shall be directed onto the site upon which such building is situated by means of eaves troughs and downspouts, or other suitable means.
- (c) in laneless subdivision, adequate provision for access to the rear of each lot shall be provided from the front street.

### **3.12 Development On or Near Slopes**

- (1) For the purposes of this Section, “top of the bank” is as determined by the Development Authority.
- (2) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings intended for human habitation shall be permitted within 10 m (32.8 ft.) of the top of the bank of any waterbody and no development shall be permitted within 20 m (65.6 ft.) of the top or bottom of a slope where the grade exceeds 15% (fifteen percent).
- (3) The Development Authority may require a greater setback than is prescribed in subsection (2) above.
- (4) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including subsection (2) above, where the application is for development on lands that are or may be subject to subsidence, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that preventative engineering and construction measures can be instituted to ensure suitability of the development to the site.
- (5) Further to subsection (4), the Development Authority may require that the development site and buildings be designed by a professional engineer registered in the Province of Alberta.
- (6) Subject to subsections (4) and (5), the Development Authority may reduce the setback requirements if the applicant provides satisfactory proof of slope stability.



- (7) Development permit applications for any open, enclosed, attached or detached swimming and wading pool, any water fountain and/or water sculpture, any water reservoirs and water tanks, any ornamental ponds and lakes, and any water retaining excavation structure or vessel that could alter sub-soil adhesion characteristics on sites abutting or adjacent the “top of bank” shall be accompanied by a report prepared by a qualified, registered professional engineer detailing the structural components of the proposal which will mitigate risks to bank stability.

### 3.13 Setbacks Along Future Major Roadways

- (1) Where a parcel abuts a street for which a setback is established (identified on Schedule A), the minimum requirement for the yard abutting the street shall be increased by the amount of the applicable setback shown below:

Street	From	To	Setback Required
42 Avenue	46 Street	Highway 11	5m where a 40m right-of-way is not present (based on existing 30m right-of-way)
42 Avenue	Highway 11	42 Street	10m where a 40m right-of-way is not present (based on existing 20m right-of-way)
42 Avenue	42 Street	East Boundary SE 23	20m where a 60m right-of-way is not present (based on existing 20m right-of-way)

- (2) Where a parcel abuts the future alignment for the extension of 42 Avenue (identified on Schedule A), the minimum requirement for the yard abutting the future alignment may be increased by 60m to accommodate the future extension of 42 Avenue described in the applicable area structure plan.
- (3) Where a parcel abuts the future alignment for the Eastern Corridor/37 Street (identified on Schedule A), the minimum requirement for the yard abutting the future alignment may be increased by 60m to accommodate the future development of the Eastern Corridor/37 Street described in the applicable area structure plan.

### 3.14 Yards Adjoining Railway Property

All development undertaken on parcels adjoining railway property may be required to erect fencing to standards approved by the Development Authority.

### 3.15 Reduced Front Yard Requirement for Parcels with Lane Access

- (1) Within the R-1, R-1A, R-1C and R-2 Districts and pursuant to the policies and design provisions of an Area Structure Plan or an Outline Plan, where rear lane access to a parcel is provided the required front yard may be reduced from 6 m

(19.7 ft.) to not less than 4.57 m (15 ft.) from the front parcel boundary subject to the following:

- (a) No driveways or parking areas shall be permitted within the front yard
  - (b) Parking areas located within the rear yard shall be constructed to a minimum depth of 6.71 m (22 ft.) from the rear parcel boundary
  - (c) No portion of or attachment to a main building projecting over or on the reduced front yard shall be permitted where the projection conflicts with any easement registered on title for utilities located in the front yard.
- (2) Where reduction of the front yard requirement for parcels with lane access is approved pursuant to subsection (1), the reduced front yard requirement must be applied to all parcels on the block face or street.
- (3) Notwithstanding the 4.57 m (15 ft) reduced front yard requirement in subsection 3.15 (1), the required front yard may be reduced to 4.5 m (14.8 ft) for those lots fronting onto the segment of 54 Street between Trappers Creek and 44 Avenue where all other provisions of Section 3.15 have been met.

### 3.16 Parking

- (1) A person using a parcel or building in any District for the uses listed below shall provide and maintain no less than the number of parking spaces specified. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the closest integer.

<u>Uses</u>	<u>Parking Spaces Required</u>
<b>Commercial</b>	
Offices	2.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Retail sales	4.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Neighbourhood shopping centres	4.0/100m <sup>2</sup> (1,076.4 sq.ft.)
District shopping centres	5.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Personal services	2.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Light repair services	2.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Vehicle and equipment sales	2.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Restaurants and licensed premises	1.0/4 seats indoors and 1.0/12 seats outdoors
Hotels and Motels	1.0/guest room and 1/worker per shift
Child care	1.0 space per employee, and 1.0 space per twelve (12) children (Bylaw 16/05LU)
<b>Public</b>	
Religious assembly and auditorium	1.0/ 8 seats
Schools	
Elementary and junior high	1.0/worker plus 5.0 visitor
Senior high	1.0/worker and 1.0/10 students
Other public assembly buildings	1.0/8 seats
Hospitals and nursing homes and other health care institutions	1.0/4 beds and 1.0/4 worker/shift

**Residential**

Detached dwellings and duplex	2.0/dwelling unit
Manufactured homes	2.0/dwelling unit
Row housing	2.0/dwelling unit
Four-plexes	2.0/dwelling unit
Apartments	1.0/bachelor or one bedroom unit 2.0/two or more bedroom unit 1.0/5 units for visitors
Adult care housing	1.0/5 beds and 1.0/worker/shift
Secondary residences	1.0 /dwelling unit

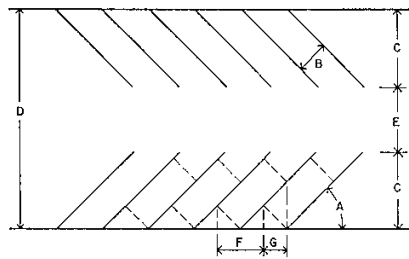
**Industrial**

Contractor services	2.0/100m <sup>2</sup> (1,076.4 sq. ft.)
Kennel	2.0/kennel , plus 1 per employee
Light equipment assembly sales and service	2.0/100m <sup>2</sup> (1,076.4 sq. ft.)
Manufacturing industry	
Office area	2.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Other area	1.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Retail and light manufacturing	2.0/100m <sup>2</sup> (1,076.4 sq. ft.)
Vehicle and equipment sales	2.0/100m <sup>2</sup> (1,076.4 sq. ft.)
Warehousing and storage	
Office area	2.0/100m <sup>2</sup> (1,076.4 sq.ft.)
Storage area	1.0/400m <sup>2</sup> (4,305.7 sq.ft.)

- (2) The parking requirement for any uses not specified above shall be as required by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.
- (3) Any loading space provided pursuant to Section 3.18 may be used as parking space.
- (4) When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original building or use and that of the enlarged building or changed or intensified use.
- (5) The parking space requirement on a parcel which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses.
- (6) The parking spaces for two or more uses may, at the discretion of the Development Authority, be shared and the total number of spaces required by subsection (1) reduced, if the periods of occupation of the spaces required by each use are not concurrent. Within the Central Commercial District, the availability of on-street parking and the sharing of these parking spaces by uses in the general vicinity may be taken into account in determining a reduction in the total number of parking spaces required.
- (7) Each parking space shall have dimensions of not less than 2.75 m (9.02 ft.) by 5.5 m (18.04 ft.).

- (8) The dimensions of parking areas shall be as set out in the following diagram and table:

A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Manoeuvring Space	F Curb Length	G Row End Length
0	2.75 m (9.0 ft.)	2.75 m (9.0 ft.)	9.00 m (29.5 ft.)	3.50 m (11.5 ft.)	6.70 m (22.0 ft.)	0.00 m
30	2.75 m (9.0 ft.)	5.0 m (16.4 ft.)	13.50 m (44.3 ft.)	3.50 m (11.5 ft.)	5.45 m (17.9 ft.)	0.85 m (2.8 ft.)
45	2.75 m (9.0 ft.)	5.70 m (18.7 ft.)	15.40 m (50.5 ft.)	4.00 m (13.1 ft.)	3.85 m (12.6 ft.)	2.05 m (6.7 ft.)
60	2.75 m (9.0 ft.)	6.00 m (19.7 ft.)	17.50 m (57.4 ft.)	5.50 m (18.0 ft.)	3.20 m (10.5 ft.)	2.00 m (6.7 ft.)
90	2.75 m (9.0 ft.)	5.50 m (18.0 ft.)	18.00 m (59.1 ft.)	7.00 m (23.0 ft.)	2.75 m (9.0 ft.)	0.00 m



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- (9) General calculations for parking lot area shall use a minimum standard of 30 m<sup>2</sup> (322.8 sq. ft.) per parking space.
- (10) Parking areas shall be screened from residential development on adjacent parcels. Any screen shall be a minimum of 1 m (3 ft.) in height and any berm used as a screen shall be landscaped in accordance with Section 3.26.
- (11) Parking spaces shall be located on the same parcel as the building for which they are being provided however, at the discretion of the Development Authority, parking may be located on another parcel within 125 m (410.1 ft.) walking distance, provided that a restrictive covenant, ensuring the use of the parcel for the required number of parking spaces, is registered against the title with the Town of Rocky Mountain House being a third party to the agreement.
- (12) Every on-site parking space provided and access thereto may be required to be hard surfaced if the access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future. Parking areas for apartment, adult care residence and public uses shall be hard surfaced in accordance with the standards of the municipality. Parking areas for commercial and industrial uses located within front yards and side yards abutting a street shall be hard surfaced and parking areas located in rear yards and side yards not abutting a street may be gravelled at the discretion of the Development Authority.
- (13) Vehicle access to commercial and industrial sites shall consist of a hard surfaced apron measuring the width of the access to a minimum depth of 7.5 m (25 ft.) if



### **3.17 Communal Parking Facilities**

Notwithstanding subsection 3.16 (11), parking may be provided on a site other than the site of the principal building provided that it is in accordance with the following regulations:

- (a) For non-residential development and subject to approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of Section 3.16.
- (b) Where a group of uses or buildings is served by a communal parking facility, the requirement for such facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.
- (c) Where two or more parties agree to combine parking as required under Section 3.16, a joint parking agreement, to be registered against title, is required with the Town of Rocky Mountain House being a third party to the agreement.
- (d) Where two or more parties agree to combine parking as required under Section 3.16 with joint access, a joint access agreement, to be registered against title, is required with the Town of Rocky Mountain House being a third party to the agreement.
- (e) Within the Central Commercial District and at the discretion of the Development Authority, in lieu of providing parking spaces a person using a parcel or building for non-residential purposes may make a payment to the Town at a rate per space to provide the equivalent amount of parking. The amount of money required will be determined by resolution of Council and shall be based on the amount needed to construct the required number of parking stalls on land owned or proposed to be purchased by the municipality. Money received by the municipality in lieu of parking spaces will only be used for the development of municipal, off-street parking facilities.

### **3.18 Loading Spaces**

- (1) A vehicle loading space at least 3.5 m x 9 m (11.5 ft. x 29.5 ft.) with an overhead clearance of at least 4.6 m (15.1 ft.) may be required by the Development Authority in the side or rear yard of a building in which commercial uses other than shopping centres are established.
- (2) A vehicle loading space at least 3.5 m x 9 m (11.5 ft. x 29.5 ft.) with an overhead clearance of at least 4.6 m (15.1 ft.) shall be provided in the side or rear yard of a building in which any of the following uses are established:
  - (a) industry,
  - (b) warehousing,

- (c) shopping centres.
- (3) A loading space shall be provided for apartment development.
- (4) A loading space may be required to be paved.

### **3.19 Vehicle Access to Buildings**

Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (19.7 ft.) in length in front of the entranceway, except where the driveway enters a lane from a garage used as an accessory building to a dwelling unit, where it shall be either 1 m (3.3 ft.) or at least 6 m (19.7 ft.).

### **3.20 Driveways**

- (1) At street intersections, driveways shall be setback from the parcel boundaries which form the intersection not less than
  - (a) 6 m (19.7 ft.) where the driveway serves not more than four dwelling units, or
  - (b) 15 m (49.2 ft.) for all other uses,except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
- (2) The maximum width of a driveway shall be 10 m (32.8 ft.)
- (3) The minimum distance between driveways shall be:
  - (a) nil, where the driveways serve single dwelling units,
  - (b) 6 m (19.7 ft.), where the driveways serve any other use, except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
- (4) The minimum angle for a driveway to a use which generates high traffic volumes shall be seventy degrees (70°).
- (5) To ensure that the movement of traffic is both safe and efficient, driveways are not allowed on the streets identified on Schedule A, unless alternative access is unavailable.

### **3.21 Site Circulation**

The space for the manoeuvring and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads other than lanes or onto adjacent parcels

when manoeuvring and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

### **3.22 Drive-in Businesses**

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

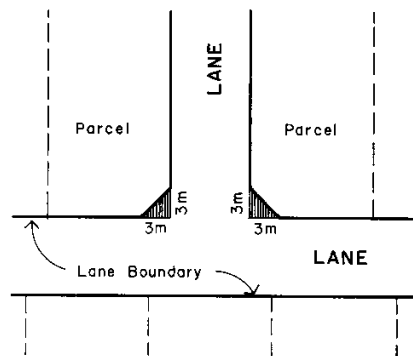
### **3.23 Deferred Paving Agreement**

If a street or lane providing access to a site in a commercial or industrial District is not paved, the Development Authority may permit an extension of not more than twelve (12) months following notification by the Town of completion of such paving within which the owner shall comply with this Bylaw's requirements for onsite paving, provided that the registered owner of the site enters into an agreement in writing satisfactory to the Town to complete such works. The Town may register a caveat on the title to the site to protect the agreement.

### **3.24 Sight Lines at Intersections of Roadways**

- (1) At the intersection of lanes, a 3 m (9.84 ft.) sight triangle shall be provided (see diagram below).

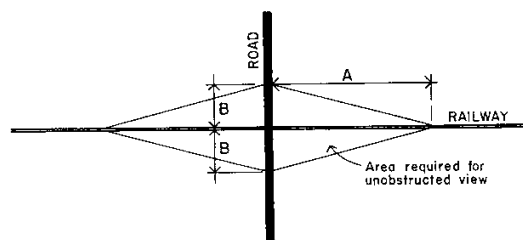




- (2) At the intersection of other roadways, the Development Authority may require the calculation of sight triangles where:
- (a) one or more rights-of-way is less than 15 m (49.2 ft.), or
  - (b) regulated vehicle speed exceeds 50 km/h, or
  - (c) either the carriageway or the railway is not centred in its right-of-way, or
  - (d) an intersection leg is curved or skewed, or
  - (e) an intersection leg is sloped at 2% or greater.
- (3) Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopping motor.

### 3.25 Sight Lines at Road and Rail Intersections

- (1) At the intersection of roadways and railways, which are unprotected by automatic warning signals, sight triangles shall be determined using the diagram and table below:



Maximum Train Speed		Sight Distance A from Crossing		Maximum Vehicle Speed		Sight Distance B From Crossing			
km/h	(mph)	m	(ft.)	km/h	(mph)	m	(ft.)*	m	(ft.)**
32.19	(20)	91.44	(300)	32.19	(20)	32.00	(105)	18.29	(60)
48.28	(30)	137.16	(450)	48.28	(30)	53.34	(175)	28.96	(95)
64.37	(40)	182.88	(600)	64.37	(40)	79.25	(260)	44.20	(145)
80.47	(50)	228.6	(750)	80.47	(50)	112.78	(370)	64.01	(210)
96.56	(60)	274.32	(900)	96.56	(60)	150.88	(495)	85.34	(280)
112.65	(70)	320.04	(1,050)	112.65	(70)	192.02	(630)	111.25	(365)
128.74	(80)	365.76	(1,200)						
144.84	(90)	411.48	(1,350)						
160.93	(100)	457.20	(1,500)						

- (2) At the intersection of roadways and railways, which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:
  - (a) one or more of the rights-of-way is less than 15 m (49.2 ft.), or
  - (b) regulated vehicle speed exceeds 50 km/h, or
  - (c) either the carriage way or the railway is not centred in its right-of-way, or
  - (d) an intersection leg is curved or skewed, or
  - (e) an intersection leg is sloped at 2% or greater.
- (3) Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopping motor vehicle between 5 m (16.4 ft.) and 15 m (49.2 ft.) as required by the *Highway Traffic Act*.

### **3.26 Landscaping and Environmental Conservation**

- (1) The following standard of landscaping shall be required for all parts of a parcel not covered by buildings, driveways, parking, storage and display areas:
  - (a) natural drainage courses, land subject to flooding by 1:100 year flood and land with a natural gradient of 15% or greater shall be retained in their natural state as part of a landscaped area;
  - (b) the retention of trees which exist prior to development to the extent possible. Any such trees which are retained following development may be considered in assessing fulfilment of the landscaping requirements provided construction activity has not, in the opinion of the Development Authority, impacted on the ability of the existing trees to survive 5 years beyond the date the development was completed;
  - (c) the appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and roads;
  - (d) the provision of landscaped areas within large off street car parks to enhance the appearance of the hard surfaced area, provide shade and wind breaks and assist in defining pedestrian walkways and rows of parking spaces;
  - (e) the landscaping of all boulevards adjoining the parcel;
  - (f) the planting of additional trees and shrubs to provide

- (i) a minimum overall density of one tree per 40 m<sup>2</sup> (430.6 sq. ft.) of the required landscaped area,
  - (ii) a minimum overall density of four shrubs per 100 m<sup>2</sup> (1,076.4 sq. ft) of the required landscaped area,
  - (iii) a minimum of thirty-three percent (33%) coniferous trees and shrubs,
  - (iv) a minimum height of 1.8 m (6.0 ft.) for coniferous trees,
  - (v) a minimum calliper width of 5.08 cm (2 in) at 0.46 m (1.5 ft.) above ground level for deciduous trees,
  - (vi) a minimum height of 0.38 m (1.5 ft) for coniferous shrubs, and
  - (vii) a minimum height of 0.61 m (2 ft) for deciduous shrubs.
- (g) a maximum of fifteen percent (15%) of the required landscaped area being hard-landscaped in residential and commercial Districts and a maximum of thirty percent (30%) of the required landscaped area being hard-landscaped in industrial Districts;
- (h) a sufficient depth of topsoil to facilitate growth in the soft-landscaped areas, with areas not planted to trees and shrubs being seeded to grass, sodded, cultivated as a garden or left with its natural grass cover;
- (i) completion of the landscaping within one year of the completion of construction or the commencement of the use, whichever first occurs;
- (j) drought tolerant native trees and shrubs shall be used for the majority of plant material;
- (k) all parts of a parcel not covered by buildings, driveways, parking areas, pedestrian circulation facilities, storage and display areas and not part of a minimum required landscaped area shall be seeded to grass, sodded, cultivated as a garden, xeriscaped or left with its natural grass and vegetative cover; and
- (l) wherever possible xeriscaping shall be used, but a minimum of ten (10) percent of the required landscaped area in commercial, industrial and recreation facility districts shall be xeriscaped.
- (2) The owner of a property, or his/her successor or assignees, shall be responsible for landscaping and proper maintenance. If the required landscaping does not survive two (2) growing seasons, the applicant/owner must replace it with a similar type of species and with a similar calliper width or height.
- (3) As a condition of a development permit, a performance bond shall be required up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence. The condition of the security being that, if the landscaping is not completed in accordance with this Bylaw and the development permit within one (1) growing

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

### **3.27 Deferred Landscaping Agreement**

If a boulevard abutting a site in a commercial or industrial District is not landscaped, the Development Authority may permit an extension of not more than twelve (12) months following notification by the Town of completion of such landscaping within which the owner shall comply with this Bylaw's requirements for onsite landscaping, provided that the registered owner of the site enters into an agreement in writing satisfactory to the Town to complete such works. The Town may register a caveat on the title to the site to protect the agreement.

### **3.28 Surface and Sub-surface Drainage**

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

### **3.29 Retaining Walls**

- (1) The Development Authority may require the construction of an engineered retaining wall where the change in grade or elevation between two sites or around a building exceeds a slope of 1:3 (vertical:horizontal) and a height of 1 m (3.28 ft.).
- (2) Where a retaining wall is required or proposed, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

### **3.30 Fences and Screening**

- (1) In any District, the maximum height of a fence as measured from grade shall be:

- (a) 2 m (6.56 ft) for that portion of the fence which does not extend beyond the front portion of the principal building, and
  - (b) 1 m (3.28 ft) for that portion of the fence which extends beyond the front portion of the principal building.
- (2) Notwithstanding subsection (1) above, the Development Authority may approve a higher fence having regard to the location of fences in the surrounding area and the requirement for screening.
- (3) Barbed wire fences are not permitted in any residential District. Barbed wire fences are permitted on any parcel used primarily for agricultural purposes. The Development Authority may approve barbed wire fences around areas of storage located in commercial and industrial Districts that meet the following requirements:
  - (a) In the opinion of the Development Authority, the barbed wire fence is required for security purposes,
  - (b) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or a board fence with a minimum height of 2.4 meters (7.9 ft.) measured below the lowest strand of barbed wire, and
  - (c) The entire fence and barbed wire are completely contained within the property lines of the parcel being fenced.
- (4) Electrified fences are not permitted in any District unless they are contained within a non-electrified perimeter fence. Lands that are being solely used for agricultural pursuits do not require a non-electrified perimeter fence provided adequate signage of the electrified fence is posted to the satisfaction of the Development Authority.
- (5) The Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are coterminous with a residential property line or are adjacent to lanes or roads that abut a neighbouring residential parcel. Such screening shall be at least 1.83 m (6 ft) in height.
- (6) For open storage yards that are located adjacent a non-industrial District, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses, and where because of the height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view of the stored materials at a distance of 60.96 m (200 ft.) or to the satisfaction of the Development Authority shall be required.

### **3.31 Garbage Storage**

A commercial garbage bin shall be provided in accordance with the Waste Management Bylaw of the Town as part of the development of commercial and industrial uses and any residential buildings containing three or more dwellings on a parcel. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible by garbage collectors.

### **3.32 General Requirements for Signs**

- (1) A sign shall not conflict with or dominate or detract from the general character of the surrounding streetscape or the architecture of any building on the parcel on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape.
- (2) Where a sign projects over public property, a minimum clearance of 2.5 m (8.20 ft.) above grade level shall be maintained. An encroachment agreement with the municipality shall be completed prior to the erection of such signs.
- (3) Notwithstanding subsection (2), where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.6 m (15.1 ft.) above grade level shall be maintained.
- (4) A sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.
- (5) A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.

### **3.33 Fascia and Projecting Signs**

- (1) No fascia or projecting sign shall be lower than 2.5 m (8.2 ft.) above grade, except in the case of signs intended solely for the information of pedestrians in which case the height shall be determined by the Development Authority having regard, amongst other things, to clarity and safety.
- (2) No fascia sign shall project more than 0.4 m (1.3 ft.) over a street or public property.
- (3) No projecting sign shall project more than 1.0 m (3.3 ft.) over a street or public property.
- (4) No fascia or projecting sign on a building two or more storeys in height shall be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall, unless approved by the Development Authority.
- (5) The maximum size for projecting signs shall be 1.9 m<sup>2</sup> (20.5 sq.ft.)

- (6) Only one projecting sign may be erected on each street frontage of a commercial use, unless otherwise approved by the Development Authority.

### **3.34 Freestanding Signs and Billboards**

- (1) No freestanding sign shall extend beyond 6 m (19.7 ft.) above grade or be larger than 4.5 m<sup>2</sup> (48.4 sq.ft.) except in:
  - (a) a Highway Commercial District, where the maximum shall be 11 m (36.1 ft.) in height, 3.5 m (11.5 ft.) in width and 22.75 m<sup>2</sup> (244.9 sq.ft.) in area, and
  - (b) a General Industrial District, where the maximum shall be 9 m (29.5 ft.) in height, 3.5 m (11.5 ft.) in width and 9 m<sup>2</sup> (96.9 sq.ft.) in area.
- (2) Notwithstanding subsection (1) above and subsections (4) and (7) below, if a freestanding sign is to be located in a shopping centre or intended to serve a commercial area planned as a unit, more than one freestanding sign may be permitted and the total area may be increased to a maximum of 27.3 m<sup>2</sup> (293.9 sq. ft.) and the maximum height shall be 11 m (36.1 ft.).
- (3) A freestanding sign, excluding its supporting structure, shall be a minimum of 2.5 m (8.2 ft.) above grade level.
- (4) Only one (1) freestanding sign may be erected on each of a parcel's boundaries with a street.
- (5) No freestanding sign shall be erected in such proximity to a Public or Environmental Open Space District that it would detract from the natural aesthetics of that District.
- (6) Freestanding signs shall be separated by a minimum distance of 15 m (49.2 ft.) from each other.
- (7) Freestanding signs shall only be erected on sites to which their display relates except in the case of
  - (a) advance directional and informational signs which may be approved by the Development Authority in locations where it considers the free and safe flow of traffic may be enhanced, or
  - (b) signs used solely by community organizations
- (8) Billboard signs shall not be allowed.
- (9) A member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing shall design or approve the design of the sign.

### **3.35 Portable Signs**

- (1) Only one (1) portable sign may be on a parcel
- (2) A portable sign shall be a minimum of 2 m (6.6 ft.) from any parcel boundary and shall not be placed on any road or land owned by the municipality.
- (3) No portable sign shall be higher than 2 m (6.6 ft.) above grade or larger than 3 m<sup>2</sup> (32.3 sq. ft.).
- (4) Portable signs shall only be erected on sites to which their display relates except in the case of advance directional and informational signs which may be approved by the Development Authority in locations where it considers the free and safe flow of traffic may be enhanced.

### **3.36 Awning Signs**

- (1) Awning signs shall only be permitted if the awning is a minimum of 2.5 m (8.2 ft.) above the grade level.
- (2) Any awning/canopy sign that encroaches over any road or land owned by the municipality shall have an awning/canopy encroachment agreement.
- (3) No awning sign shall project more than 1.0 m (3.3 ft.) over a street or public property.
- (4) A member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing shall design or approve the design of the sign.

### **3.37 Roof Top Signs**

Roof Top Signs will only be allowed if:

- (a) located in a commercial or industrial district:
- (b) the message of the sign is limited to the buildings on or the land use of the parcel on which the sign is situated;
- (c) the maximum sign area shall be 9 m<sup>2</sup> (96.86 sq. feet). Sign area shall be exclusive of pylons, supports and structural members if such pylons, supports and structural members are free of any message and are constructed such that they do not form part of the message;
- (d) the sign shall not project more than 2.43 m (8 ft) vertically above the roof line, and no portion of the sign shall project horizontally beyond the roof line. These measurements of projection shall include pylons, supports, and structural



members whether or not such pylons, supports and structural members have any message or are constructed such that they form part of the message;

- (e) structural support elements shall be designed or concealed such that they are not visible; and
- (f) a member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing shall design or approve the design of the sign.

### **3.38 A-Board Signs on Town Sidewalks**

A-board signs shall only be placed on sidewalks in the Central Commercial District subject to the following:

- (a) Signs to be a maximum of 0.61 m (2 ft) wide and 0.91 m (3 ft.) high.
- (b) Signs shall be placed on the sidewalk in a location that allows at least 1.2 m (3.9 ft) minimum width for pedestrian traffic.
- (c) Signs shall not impede the views of pedestrians or street traffic.
- (d) Signs shall be placed against the building.
- (e) Signs shall only be allowed on sidewalks during hours when the business to which the sign relates is open to the public.
- (f) Signs shall be limited to one (1) sign per business to be placed directly in front of the building in which the business is located.
- (g) Signs cannot be placed on centre medians.
- (h) Signs must be constructed of a material such that a rigid frame is provided.

### **3.39 Other Signs**

The Development Authority may approve other signs subject to the General Requirements of Section 3.48.

### **3.40 Sign Removal**

Where a sign no longer fulfils its function under the terms of this Bylaw, the Development Authority may recommend that the Council resolve or order the removal of such a sign, and the lawful owner of the sign or where applicable, the registered property owner, shall, upon such a resolution,

- (a) remove such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice,

- (b) restore the immediate area around the sign to the satisfaction of the Town of Rocky Mountain House,
- (c) bare all the costs related to such removal and restoration.

### **3.41 Adult Entertainment and Drinking Establishment (adult entertainment permitted)**

- (1) In considering an application for approval of a renovation to an existing drinking establishment which proposes to include adult entertainment or for approval of a new drinking establishment (adult entertainment permitted) as an accessory use or principal use, the Development Authority shall require the development to meet the following:
  - (a) The gross floor area for the adult entertainment use shall not exceed 557.4 m<sup>2</sup> (6,000 sq.ft.) and building occupancy shall not exceed 300 persons,
  - (b) Be located on a parcel the boundary of which is not less than 150 m (492 ft.) from the boundary of a parcel containing an existing drinking establishment (adult entertainment permitted) or an existing adult entertainment use,
  - (c) Be located on a parcel the boundary of which is not less than 150 m (492 ft.) from the boundary of any parcel located in a residential district, any parcel with an existing institutional use, or any parcel developed as a park or playground,
  - (d) No exterior display of nudity or partial nudity in respect of any adult entertainment offered within the premises.
- (2) Subsections (1)(b) and (1)(c) do not apply to the existing establishments located on Lots 1-4, Block 21, Plan 101 AJ and on Lots 3-5, Block 29, Plan 101 AJ.

### **3.42 Bare Land Condominium**

A bare land condominium development must comply with all of the general regulations of this Bylaw and the regulations of the applicable land use district.

### **3.43 Bed and Breakfasts**

- (1) A maximum of three (3) guest rooms shall be permitted in any bed and breakfast establishment.

- (2) One (1) off-street parking space for each guest room and one off-street parking space for each off-site employee shall be provided in addition to the parking spaces required for a detached dwelling. Parking spaces shall not be tandem.
- (3) One (1) sign with a maximum size of 0.56 m<sup>2</sup> (6.0 sq.ft.) and a maximum height of 1.2 m (3.9 ft.) shall be permitted on the site of a bed and breakfast.
- (4) A bed and breakfast shall not be permitted on a parcel where a home occupation – class 2 use or a secondary residence exists.

#### **3.44 Dangerous Goods**

- (1) Prior to making any decision on a development application which involves dangerous goods or development on adjacent land or in close proximity to any dangerous goods, the Development Authority shall refer the development proposal to the appropriate regulatory authority for comments.
- (2) Any on-site manufacture, storage and handling of dangerous goods in excess of the quantities listed in Schedule B – Small Quantity Exemptions for Dangerous Goods is not permitted on a parcel the boundary of which is within 50 m (164 ft.) of the boundary of any parcel located in a residential district.

#### **3.45 Development in Proximity to Sour Gas Facilities and Oil and Gas Wells**

- (1) In accordance with the *Subdivision and Development Regulation*,
  - (a) development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the Alberta Energy and Utilities Board with respect to sour gas facilities unless the Board has given written approval to a lesser setback;
  - (b) no building shall be constructed within 100 m (328.1 ft.) of the well head of a gas or oil well, unless, in the opinion of the Development Authority, it may be considered an infill development or is otherwise approved in writing by the Alberta Energy and Utilities Board.
- (2) No building shall be constructed within 100 m (328.1 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

#### **3.46 Development Setbacks from Wastewater Treatment Plants**

In accordance with the *Subdivision and Development Regulation*,

- (a) a school, hospital, food establishment or residential building must not be approved and a residential building must not be constructed within 300 m (984.25 ft.) of the working area of an operating wastewater treatment plant, and

- (b) a wastewater treatment plant must not be approved unless the working area of the plant is at least 300 m (984.25 ft.) from any existing or proposed school, hospital, food establishment or residential building

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

### **3.47 Development Setbacks from Landfills and Waste Sites**

In accordance with the *Subdivision and Development Regulation*,

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

### **3.48 Home Occupations – Class 1**

- (1) Home occupations – class 1 are essentially “desk and telephone” home offices that require no deliveries, require no storage, do not generate any non-residential traffic, do not have signage or commercial vehicles on the site, and are essentially “invisible” within a residential neighbourhood.
- (2) Home occupations - class 1 require a development permit. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit.
- (3) Home occupations – class 1 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- (4) Home occupations – class 1 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- (5) The operation of a home occupation – class 1 shall not:
  - (a) have outside storage of materials, goods or equipment on the site

- (b) increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation
- (c) display any form of advertising related to the home occupation on the site
- (d) require alterations to the principal building unless the Development Authority approves the alterations
- (e) have any employees or business partners working on the site who are not residents of the dwelling unit
- (f) include the direct sale of goods
- (g) have a licensed commercial vehicle or vehicles with commercial advertising associated with the business parked on-site or in the vicinity of the site at any time
- (h) have more than 20% of the gross floor area of the dwelling unit or 30 m<sup>2</sup> (323 sq.ft), whichever is less, devoted to business usage
- (i) advertise the address of the home occupation to the general public

### **3.49 Home Occupations – Class 2**

- (1) Home occupations – class 2 are allowed for in a number of land use districts to provide for the potential of operating more intensive home-based businesses than “desk and telephone” (Home Occupation – Class 1) operations.
- (2) A home occupation – class 2 shall not be permitted if, in the opinion of the Development Authority, it would be more appropriately located in a commercial or industrial district.
- (3) The regulations which follow are intended to ensure that these businesses will be operated in a manner which recognizes that home occupations - class 2 are subordinate to the residential use of the site and do not interfere with the amenities of the residential neighbourhood in which they are located.
- (4) Home occupations – class 2 require a development permit and shall be operated only by a resident. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit.
- (5) Home occupations shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

- (6) Home occupations shall be an incidental and subordinate use to the principal residential use and shall normally be contained within the principal building.
- (7) Home occupations - class 2 may be considered by the Development Authority within a private garage provided that at least 50% of the floor area of the garage is available at all times for the parking of motor vehicles and the proposed use does not interfere with the provision of the bylaw parking requirement.
- (8) Only residents of the residence and up to two (2) non-resident employees or business partners may be employed on site by the home occupation. In addition to the parking spaces required for the dwelling, one (1) additional onsite parking space shall be provided for each non-resident employee or business partner.
- (9) Home occupations – class 2 shall not be permitted on the same site as a Bed and Breakfast establishment.
- (10) Home occupations - class 2 shall erect exterior fascia signage no larger than 12 by 12 inches (30 cm by 30 cm) that reads “No idling of vehicles over 5 minutes be permitted” if the Home occupation class 2 has regular customers that attend the residence of the Home Occupation class 2 by appointment or drop-in. (Bylaw 16/05LU)
- (11) Home occupations – class 2 are limited to one per dwelling unit and to those which shall not:
  - (a) create a nuisance by way of dust, noise, odour, smoke, parking, traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation or beyond the parcel boundaries
  - (b) display any form of advertising related to the home occupation on the site except in accordance with this bylaw
  - (c) require alterations to the principal building unless the Development Authority approves the alterations
  - (d) include the direct sale of goods which are not produced on the premises
  - (e) have more than one commercial motor vehicle associated with the business parked on-site or in the vicinity of the site at any time
  - (f) have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m<sup>2</sup> (323 sq.ft) whichever is less, devoted to business usage
  - (g) have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12

inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building

- (h) advertise the address of the home occupation to the general public except in accordance with (g) above.
- (i) have outside storage of materials, goods or equipment on the site.

### **3.50 Mail Boxes**

The Development Authority may require the provision of facilities for the efficient delivery of mail to a single point on parcels occupied by more than two households or businesses.

### **3.51 Manufactured Homes**

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

- (a) a minimum roof pitch of 4:12 (rise:run)
- (b) a roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes
- (c) a minimum roof overhang or eaves of 0.40 m (1.31 ft.) from each external wall
- (d) a maximum length to width ratio of 2.5:1
- (e) a minimum width of 6.09 m (20.0 ft.) measured from external wall surface to external wall surface
- (f) a permanent foundation consisting of a basement, crawl space or slab on grade
- (g) a minimum floor area that meets the minimum floor area requirements of the applicable District

### **3.52 Outdoor Hot Tubs and Whirl Pools**

- (1) Every outdoor hot tub or whirl pool shall be secured against entry by the public other than owners, tenants or their guests.
- (2) With the exception of the R-4 District, outdoor hot tubs and whirl pools shall not be located within any front or required side yard.

### **3.53 Outdoor Swimming Pools**

- (1) Every outdoor swimming pool shall be secured against entry by the public other than owners, tenants or their guests.
- (2) No outdoor swimming pool shall be constructed unless fenced, except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
- (3) Every fence enclosing an outdoor swimming pool shall be at least 1.7 m (5.6 ft) in height above the level of grade outside the enclosure and shall be of a design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock located on the inside of the gate.
- (4) With the exception of the R-4 District, outdoor swimming pools shall not be located within any front or required side yard.

### **3.54 Satellite Dish Antennae**

- (1) A satellite dish antenna with a dish diameter of 1 m (3.3 ft.) or more shall;
  - (a) only be located in a rear yard, or a side yard which does not abut a street;
  - (b) on an interior parcel, be situated so that no part of it is closer than 1 m (3.3 ft.) from the side or rear boundaries of the parcel;
  - (c) on a corner parcel, be situated so that no part of it is closer to the street than the main building, or closer than 1 m (3.3 ft.) from the other side parcel boundary or the rear parcel boundary;
  - (d) display no other advertising than the manufacturer's name/logo;
  - (e) require an approved development permit.
- (2) A satellite dish antenna with a dish diameter of less than 1 m (3.3 ft.) shall be located to the satisfaction of the Development Authority.

### **3.55 Secondary Residences**

- (1) A secondary residence shall be restricted to a site occupied by a detached dwelling.
- (2) One secondary residence may be allowed per detached dwelling lot.
- (3) A secondary residence shall not contain more than 70 m<sup>2</sup> (753 ft<sup>2</sup>) in floor area and shall have a maximum of two (2) bedrooms.
- (4) A secondary residence shall be situated so the exterior walls are at least



- (a) 1.5 m (4.9 ft) from the side parcel boundaries and on a corner parcel no closer to the street or avenue than the principal building
  - (b) 1.5 m (4.9 ft) from the rear parcel boundary when there is a blank wall facing the boundary
  - (c) 3.0 m (9.8 ft) from the rear parcel boundary when there is a window or doorway opening in the wall facing that boundary
  - (d) 2.5 m (8.2 ft) from the principal building and any accessory buildings on the parcel
- (5) A secondary residence developed on a second floor integral to a detached garage shall not be more than 7.5 m (24.6 ft) in height and shall not exceed the height of the principal building.
  - (6) One off-street parking stall shall be provided per secondary residence in addition to the required number of parking stalls for the principal building.
  - (7) Separate municipal utility services or means of suspending service to the secondary residence without disrupting service to the principal residence may be required at the discretion of the Development Authority.
  - (8) The appearance and design of a secondary residence developed as a separate building or addition to the principal building shall be compatible with the appearance and design of the principal building to the satisfaction of the Development Authority.

### **3.56 Alternative Energy Collecting and Storing Devices**

- (1) Solar energy devices attached to a principal or accessory building shall:
  - (a) be integrated so as to mimic the roof or wall/structure. The mounted panel shall project no more than 0.15 m (6 in.) from the surface of the building;
  - (b) where located on buildings with flat roofs, not project vertically more than 1.0 m (3.28 ft) above the roof line in residential districts and not more than 1.8 m (6 ft) above the roof line in all other districts; and
  - (c) not extend beyond the outermost edge of the roof or wall to which it is mounted.
- (2) Solar energy devices not attached to a building shall:
  - (a) be located in a side or rear yard only;

- (b) not exceed 2.5 m (8.2 ft) in height above the ground; and
  - (c) be screened from adjacent properties with a fence or landscaping, to the satisfaction of the Development Authority
- (3) Wind Energy Devices shall:
  - (a) be located in a side or rear yard only;
  - (b) be subject to the district requirements for height on the parcel which they are located;
  - (c) be sized appropriately to the district in which they are located;
  - (d) comply with any other municipal, provincial or federal, or other jurisdictional requirements.
- (4) The Development Authority may require provision of a visual and noise impact assessment including steps proposed to mitigate such impacts.

### **3.57 Guidelines for Other Land Uses**

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

- (a) separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses,
- (b) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan,
- (c) setback from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses,
- (d) of a height which will be consistent with that prevailing in the area,
- (e) developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads,
- (f) developed in accordance with the provisions of Part 3, General Regulations, and
- (g) developed in conformance with any applicable statutory plan policies.

### **3.58 Flag Poles**

Flag poles or other poles exceeding 6 metres (20 ft) in any district shall meet the following requirements:

- (a) A flag pole shall not conflict with, dominate or detract from the general character of the surrounding streetscape or the architecture of any building on the parcel on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape;
- (b) Where a flag is attached to a building, no projecting flag shall be lower than 2.5 m (8.2 ft) above grade;

- (c) Where a flag is attached to a building, no projecting flag shall project more than 0.4 m (1.3 ft) over a street or public property;
- (d) Where a flag is attached to a building, no projecting flag on a building two or more storeys in height shall be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall, unless approved by the Development Authority; and
- (f) Where a flag is attached to a building, only one projecting flag may be erected on each street frontage of a building, unless otherwise approved by the Development Authority.

**3.59 Kennels**

- (1) Kennels must be set back a minimum distance of 150 metres from a residential district, which must be measured from the building containing the use to the nearest property line of a parcel designated as a residential district.
- (2) A kennel containing dogs shall meet the following minimum space requirements:

<b>Minimum Space Requirements for a Dog</b>			
<b>Weight (kg)</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Minimum Height (m)</b>	<b>Puppies up to 7 weeks old</b>
<12	1.1	1	Add 10% per puppy
12-30	1.86	2	Add 10% per puppy
>30	2.2	2	Add 10% per puppy

<b>Minimum Space Requirements for Puppies 7 – 16 weeks</b>		
<b>Weight (kg)</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>Minimum Height (m)</b>
<3	0.5	0.5
3-11	0.5	0.6
>11	0.6	0.6

- (3) In addition to subsection 3.59 (2) exercise areas (runs) shall include:
  - (a) at least 4.6 m<sup>2</sup> per dog for breeds weighing 18.14 kgs or less and, are enclosed with an acceptable secure fence (ie. chain link or similar fence, to the satisfaction of the Development Authority), with a minimum height of 1.2 m; or
  - (b) at least 9.3 m<sup>2</sup> per dog for breeds weighing more than 18.14 kgs and, are enclosed with an acceptable secure fence (ie. chain link or similar fence, to the satisfaction of the Development Authority), with a minimum height of 1.8 m.

### **3.60 Protection of Agricultural Operations**

Every action undertaken by the Town and the Development Authority must consider the protection of agricultural operations in accordance with section 639.1 of the Municipal Government Act.

### **3.61 Sea/Land Cargo Container**

- (1) Sea Cans shall be used as an accessory use for storage on a temporary basis. The regulations stated in section 3.2 Accessory Buildings and Uses shall apply to sea cans.
- (2) In residential districts, sea cans shall only be allowed temporarily for the purposes of construction on the property or site (e.g. storage of construction tools/materials required during proposed new construction or renovations). Once occupancy is permitted for the new construction or renovations on the property or site, the sea can must be removed from the property.
- (3) In all other districts where listed as a use, Sea Cans shall only be allowed to be located on a property or site for a maximum of three (3) years. A property owner may apply for a new temporary permit for a sea can on the same site if the last temporary development permit has expired and the sea can has been removed for a period of time (not less than one (1) month).
- (4) The applicant shall specify on the development permit application the start and end date for the Sea Can. Any development permit granted by the Development Authority for a Sea Can shall specify within the condition(s) the start and end date for the location of the Sea Can on a property. If a Sea Can exists past the end date stated within the conditions of the development permit, the Development Authority may undertake enforcement action to remove the Sea Can from the subject property.

### **3.62 Medical Marijuana Facility (Bylaw 16/05 LU)**

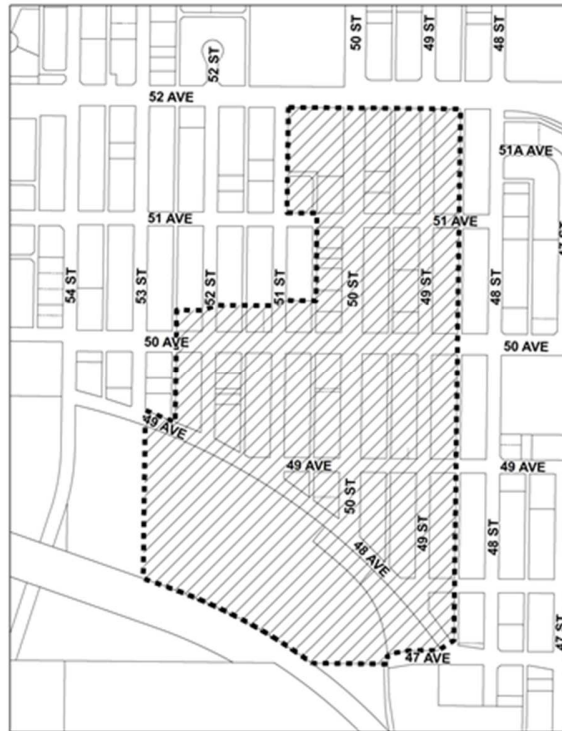
- (1) All medical marijuana facilities must be located outside of a 100 m radius from a property that has any of the following attributes:
  - (a) zoned a residential district;
  - (b) location of an existing religious assembly use;
  - (c) location of any existing private or public schools;
  - (d) location of any existing child care facility;
  - (e) location of any community hall;
  - (f) location of any existing parkspace.
- (2) Medical marijuana facilities shall:
  - (a) be contained in a fully enclosed stand-alone building;

- (b) be the only use permitted on a parcel, with the allowance for an accessory building on the parcel;
- (c) must not have any outdoor area for storage of goods, materials, and supplies;
- (d) No use or operation shall cause or create conditions that may be objectionable or dangerous beyond the building that contains it.

### **3.63 Temporary Kiosks in Central Commercial District (Bylaw 16/16 LU)**

Temporary kiosks shall:

- a) be limited to a maximum of one (1) per site;
- b) have a maximum floor area of 9.94 m<sup>2</sup> (107 sq. ft.);
- c) have a maximum height of 4.5 m (14.8 ft.);
- d) have a minimum separation of 3.65 m (12 ft.) from the exterior wall of the principal building on the same site or a building on an abutting site;
- e) be placed on a site in a manner that allows for high visibility of the kiosk and physical access to the kiosk without complete obstruction of the visibility of the principal building or entrance into the principal building on the site from abutting streets, or obstruction of vehicle or pedestrian access to the site and principal building;
- f) be located on a site where a non-residential principal use is present and located in the area shown as hatched on the map below;



- g) have a highly attractive architectural appearance as determined at the sole discretion of the Development Authority with the minimum expectations consisting of:
- i. steep pitched roof with a minimum pitch of 10:12 (rise:run);
  - ii. at least three different colours used for each major architectural feature such as the roof surface, wall surfaces and window and door trims;
  - iii. large windows accounting for at least 30 percent of the total wall surface area comprising all sides of the structure below the eaveline of the roof;
  - iv. use of high quality exterior cladding materials such as wood siding, textured or coloured metal panelling, or fibre-cement board siding;
  - v. use of gables, gable end treatments, corner accents and wide banding or trim around windows and doors to add visual interest;
- h) use signage consisting only of fascia and/or projecting signs where, in addition to the requirements of Section 3.33, the number of signs is limited to three (3) and the maximum size for any single sign shall not exceed 1.49 m<sup>2</sup> (16 sq. ft.);
- i) have a maximum outdoor area or amenity area such as a deck or seating areas of 20 m<sup>2</sup> (215 sq. ft.);
- j) provide receptacles for solid waste collection that are secured from tampering or the effects of high winds to the satisfaction of the Development Authority;

- k) maintain a clean and uncluttered appearance at all times and have no outdoor storage of equipment or items such as movable chairs when the business is not open;
- l) not be used for any activity associated with the repair and maintenance of motor vehicle engines or tires, sale of alcohol, sale of pharmaceuticals, or sale of tobacco or vapour inhalant products;
- m) be approved for a maximum period of three (3) years after which a new development approval is required and with any subsequent approvals being limited to a three (3) year duration;
- n) provide hard surfacing for all portions of the site around the temporary kiosk that is accessed by pedestrians including hard surface connections to the nearest public sidewalks. For the purposes of this regulation, hard surfacing shall consist of pavement, concrete, patio stones or a wooden deck surface; and
- o) where an onsite portable toilet is provided, the portable toilet must be screened from view by a three sided wooden enclosure and must be physically secured in a manner that prevents the portable toilet from being tipped over.

## **PART 4: DISTRICT REGULATIONS**

### **4.1 LOW DENSITY RESIDENTIAL DISTRICT (R-1)**

#### **General Purpose**

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

**Permitted Uses:** Accessory buildings or uses  
Detached dwellings  
Group homes  
Home occupations – class 1  
Parks

**Discretionary Uses:** Adult care housing  
Bed and breakfasts  
Child care facilities  
Commercial schools  
Duplexes existing at the date of passage of  
this Land Use Bylaw  
Essential public services  
Home occupations – class 2  
Manufactured homes (subject to Part 3, Section 3.42)  
Playgrounds  
Public uses  
Public utilities  
Quasi-public uses  
Religious assemblies  
Sea/land cargo container (sea can)  
Secondary residences contained within the principal building  
Show homes  
Social care housing  
Solar energy device

#### **Development Standards**

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

Minimum Parcel Area:	Interior parcels	515 m <sup>2</sup> (5543.6 sq. ft.)
	Corner parcels	555 m <sup>2</sup> (5974.2 sq. ft.)
Minimum Parcel Width:	Interior parcels	14.25 m (46.75 ft.)
	Corner parcels	15.75 m (51.67 ft.)



Minimum Front Yard:	6 m (19.7 ft.)
Minimum Rear Yard:	7.5 m (24.6 ft.)
Minimum Side Yard:	1.5 m (4.92 ft.) except: <ul style="list-style-type: none"> <li>a) 3 m (9.84 ft.) on the street side of a corner parcel</li> <li>b) 3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided</li> <li>c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision</li> </ul>
Minimum Floor Area:	Interior parcels      parcel width x 7.0 m Corner parcels      parcel width less 1.5 m x 7.0 m
Maximum Building Height:	9.5 m (31.2 ft) for principal building(s) only
Maximum Site Coverage:	45% including all buildings, parking facilities, storage areas and display areas

**Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

## 4.2 SPECIAL LOW DENSITY RESIDENTIAL DISTRICT (R-1A)

### General Purpose

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

**Permitted Uses:** Accessory buildings or uses  
Detached dwellings  
Group homes  
Home occupations – class 1  
Parks

**Discretionary Uses:** Home occupations – class 2  
Manufactured homes (subject to Part 3, Section 3.42)  
Public utility buildings  
Quasi-public uses  
Sea/land cargo container (sea can)  
Secondary residences  
Show homes  
Solar energy device

### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

Minimum Parcel Area:	Interior parcels	650 m <sup>2</sup> (6996.8 sq. ft.)
	Corner parcels	695 m <sup>2</sup> (7481.1 sq. ft.)
Minimum Parcel Width:	Interior parcels	18.0 m (59.1 ft.)
	Corner parcels	19.5 m (64.0 ft.)
Minimum Front Yard:	6 m (19.7 ft.)	
Minimum Rear Yard:	10 m (32.8 ft.)	
Minimum Side Yard:	1.5 m (4.92 ft.) except: a) 3 m (9.84 ft.) on the street side of a corner parcel b) 3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision	
Minimum Floor Area:	Interior parcels	parcel width x 7.0 m
	Corner parcels	parcel width less 1.5 m x 7.0 m
Maximum Building Height:	9.5 m (31.2 ft.) for principal building(s) only	

Maximum Site Coverage: 45% including all buildings, parking facilities, storage areas and display areas

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.16 of Part 3

Landscaping – see Section 3.26 of Part 3

Fences – see Section 3.30 of Part 3

Accessory Buildings and Uses – see Section 3.2 of Part 3

Discretionary Uses – see Part 3

Sea/land cargo container (sea can) – see Section 3.61 of Part 3

### 4.3 COMPACT RESIDENTIAL DISTRICT (R-1C)

#### General Purpose

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

**Permitted Uses:** Accessory buildings or uses  
Detached dwellings  
Group Homes  
Home occupations – class 1  
Parks

**Discretionary Uses:** Adult care housing  
Child care facilities  
Commercial schools  
Home occupations – class 2  
Manufactured homes (subject to Part 3, Section 3.42)  
Playgrounds  
Public uses  
Public utilities  
Religious assemblies  
Sea/land cargo container (sea can)  
Secondary residences contained within the principal building  
Show homes  
Solar energy device

#### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

Minimum Parcel Area:	Interior parcels	400 m <sup>2</sup> (4305.7 sq.ft.)
	Corner parcels	450 m <sup>2</sup> (4843.9 sq.ft.)
Minimum Parcel Width:	Interior parcels	12.0 m (39.4 ft.)
	Corner parcels	13.5 m (44.3 ft.)
Minimum Front Yard:	6 m (19.7 ft.)	
Minimum Rear Yard:	7.5 m (24.6 ft.)	
Minimum Side Yard:	1.25 m (4.10 ft.) except:	
	a)	3 m (9.84 ft.) on the street side of a corner parcel
	b)	3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided
	c)	0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision

Minimum Floor Area:	Interior parcels	parcel width x 7.0 m
	Corner parcels	parcel width less 1.5 m x 7.0 m
Maximum Building Height:	9.5 m (31.2 ft.) for principal building(s) only	
Maximum Site Coverage:	55% including all buildings, parking facilities, storage areas and display areas	

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

#### 4.4 NARROW LOT RESIDENTIAL DISTRICT (R-1N)

##### General Purpose

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

**Permitted Uses:** Accessory buildings or uses  
Detached dwellings  
Group Homes  
Home occupations – class 1  
Parks

**Discretionary Uses:** Child care facilities  
Home occupations – class 2  
Manufactured homes  
(subject to Part 3, Section 3.42)  
Playgrounds  
Public uses  
Public utilities  
Sea/land cargo container (sea can)  
Show homes  
Solar energy device

##### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

Minimum Parcel Area:	Interior parcels	380 m <sup>2</sup> (4090.4 sq.ft.)
	Corner parcels	420 m <sup>2</sup> (4521.0 sq.ft.)
Minimum Parcel Width:	Interior parcels	10.5 m (34.4 ft.) in the front and 9.2 m (30.2 ft) along the rear parcel boundary
	Corner parcels	11.65 m (38.2 ft.) in the front and 10.35 m (34.0 ft) along the rear parcel boundary
Minimum Parcel Depth:		35 m (114.8 ft.)
Minimum Front Yard:		5 m (16.4 ft.)
Minimum Rear Yard:		7.5 m (24.6 ft.)
Minimum Side Yard:		1.25 m (4.10 ft.) except: d) 2.4 m (7.87 ft.) on the street side of a corner parcel

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

Minimum Floor Area:	Interior parcels	parcel width x 6.0 m
	Corner parcels	parcel width less 1.15 m x 6.0 m
Maximum Building Height:	9.5 m (31.2 ft.) for principal building(s) only	
Maximum Site Coverage:	55% including all buildings, parking facilities, storage areas and display areas	

**Other Regulations**

1. In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

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

9. The front yard shall have a tree or shrub plantings to the satisfaction of the Development Authority. The provisions of Section 3.26 (3) relating to performance bonds for landscaping shall not apply to parcels within this District.



## 4.5 RURAL LOW DENSITY RESIDENTIAL DISTRICT (R-1R)

### General Purpose

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses in a semi-rural setting which would normally be without the full range of municipal services.

**Permitted Uses:** Accessory buildings or uses  
Detached dwellings  
Group homes  
Home occupations – class 1  
Parks

**Discretionary Uses:** Bed and breakfasts  
Child care facilities  
Greenhouse on Lot 16, Block 3, Plan 992 5999  
Home occupations – class 2  
Manufactured homes (subject to Part 3, Section 3.42)  
Playgrounds  
Public uses  
Public utilities  
Quasi-public uses  
Religious assemblies  
Sea/land cargo container (sea can)  
Secondary residences  
Social care housing  
Show homes  
Solar energy device

### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

**Minimum Parcel Area:** Parcels within the SE 26-39-7-5 shall have an area not less than 8,096.7 m<sup>2</sup> (2.0 ac)

Parcels not intended to be served by a sewage collection system or by a water distribution system shall have an area not less than 8,096.7 m<sup>2</sup> (2.0 ac)

Parcels intended to be served by a water distribution system or by a sewage collection system or by both shall have an area not less than 2,023.5 m<sup>2</sup> (0.5 ac)

**Minimum Parcel Width:** 30 m (98.4 ft.) for parcels greater than 8,096.7 m<sup>2</sup> (2.0 ac) in area

	15 m (49.2 ft.) for parcels less than 8,096.7 m <sup>2</sup> (2.0 ac) in area
Minimum Front Yard:	10 m (32.8 ft.)
Minimum Rear Yard:	10 m (32.8 ft.)
Minimum Side Yard:	3 m (9.84 ft.)
Minimum Floor Area:	111.5 m <sup>2</sup> (1,200 sq.ft) on main floor for new construction after the date this Land Use Bylaw is adopted
Maximum Building Height:	12 m (39.4 ft.) for principal building(s) only
Maximum Site Coverage:	20% including all buildings, parking facilities, driveways, storage areas and display areas

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

## 4.6 GENERAL RESIDENTIAL DISTRICT (R-2)

### General Purpose

The purpose of this district is to provide areas for medium density residential development with a mixture of housing types and complementary uses.

**Permitted Uses:** Accessory buildings or uses  
Detached dwellings  
Duplexes  
Group homes  
Home occupations – class 1  
Parks

**Discretionary Uses:** Adult care housing  
Apartments  
Bed and breakfasts  
Child care facilities  
Commercial schools  
Essential public services  
Fourplexes  
Funeral homes with or without a crematorium  
Home occupations – class 2  
Manufactured home on  
(a) Lot 2B, Block 3, Plan 892-1598  
(b) Lot 5, Block 3, Plan 4045 ET  
Manufactured homes (subject to Part 3, Section 3.42)  
Multiple housing developments  
Playgrounds  
Public uses  
Public utilities  
Quasi-public uses  
Religious assemblies  
Row housing  
Sea/land cargo container (sea can)  
Secondary residences  
Show homes  
Social care housing  
Solar energy device

### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings, duplexes, row housing, fourplexes, apartments and multiple housing developments. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

Minimum Parcel Area: Detached dwellings

Interior parcels	400 m <sup>2</sup> (4305.7 sq. ft.)
Corner parcels	450 m <sup>2</sup> (4843.9 sq. ft.)

Duplexes	
Interior parcels	275 m <sup>2</sup> (2960.2 sq. ft.) per dwelling unit
Corner parcels	325 m <sup>2</sup> (3498.4 sq. ft.) per dwelling unit

Row housing	
Interior parcels	185 m <sup>2</sup> (1990.6 sq. ft.) per dwelling unit
Corner/End parcels	275 m <sup>2</sup> (2959.0 sq. ft.) per dwelling unit

Fourplexes	135 m <sup>2</sup> (1453.2 sq.ft) per dwelling unit
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Apartments	82 m <sup>2</sup> (882.7 sq.ft) per bachelor and one bedroom unit
	102 m <sup>2</sup> (1098 sq. ft.) per unit with more than one bedroom

Multiple housing developments	
Duplexes	320 m <sup>2</sup> (3445 sq. ft.) per dwelling unit
Row housing	280 m <sup>2</sup> (3014 sq. ft.) per dwelling unit
Fourplexes	150 m <sup>2</sup> (1614.6 sq. ft.) per dwelling unit
Apartments	90 m <sup>2</sup> (968 sq. ft.) per dwelling unit

Minimum Parcel Width:	Detached dwellings	
	Interior parcels	12.0 m (39.4 ft.)
	Corner parcels	13.5 m (44.3 ft.)

Duplexes	
Interior parcels	7.5 m (24.6 ft.) per dwelling unit
Corner parcels	9.0 m (29.5 ft.) per dwelling unit

Row housing	
Interior parcels	6.0 m (19.7 ft.) per dwelling unit
Corner/End parcels	9.0 m (29.5 ft.) per dwelling unit

Fourplexes	15.24 m (50 ft.)
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Apartments	15.24 m (50 ft.)
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Minimum Front Yard:	6 m (19.7 ft.)
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Minimum Side Yard: Detached dwellings, Duplexes and End units on row housing  
 1.5 m (4.92 ft.) except:  
 a) 3 m (9.84 ft.) on the street side of a corner parcel  
 b) 3 m (9.84 ft.) in a laneless subdivision where no attached garage or carport is provided  
 c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision

Fourplexes  
 3.0 m (9.84 ft.) except:  
 a) 4.5 m (14.8 ft.) on the street side of a corner parcel  
 b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision

Apartments  
 3.0 m (9.84 ft.) except:  
 a) 6.0 m (19.7 ft.) on the street side of a corner parcel  
 b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision

Minimum Rear Yard: Detached dwellings and Duplexes 7.5 m (24.6 ft.)  
 Row housing, Fourplexes and Apartments 9.0 m (29.5 ft.)

In all multiple housing developments incorporating row housing, fourplexes or duplexes, each dwelling unit shall have a private, screened yard area of not less than 40 m<sup>2</sup> (430.6 sq. ft.)

Minimum Floor Area: Detached dwellings  
 Interior parcels parcel width x 7.0 m  
 Corner parcels parcel width less 1.5 m x 7.0 m

Duplexes  
 Interior parcels parcel width x 11.0 m  
 Corner parcels parcel width less 1.5 m x 11.0 m

Row housing  
 Interior parcels parcel width x 13.0 m  
 Corner/End parcels parcel width less 1.5 m x 13.0 m

Fourplexes and Apartments  
 Bachelor unit 50 m<sup>2</sup>  
 Other dwellings 50 m<sup>2</sup> plus 11 m<sup>2</sup> per bedroom

Maximum Building Height: 9.5 m (31.2 ft.) for principal building(s) only

Maximum Site Coverage: Detached dwellings, Duplexes and Row housing

55% including all buildings, parking facilities, storage areas and display areas

Fourplexes and Apartments

45% including all all buildings, parking facilities, storage areas and display areas

Landscaped Areas:

For multiple family buildings, a minimum of 30% of the parcel area with a minimum landscaped area of 6 m (19.7 ft.) in perpendicular depth and 1 m (3.3 ft.) on either side from all windows of living rooms, dining rooms, bedrooms and rumpus or family rooms in basements and first floors, provided as part of the landscaping scheme.

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.16 of Part 3

Landscaping – see Section 3.26 of Part 3

Fences – see Section 3.30 of Part 3

Accessory Buildings and Uses – see Section 3.2 of Part 3

Discretionary Uses – see Part 3

Sea/land cargo container (sea can) – see Section 3.61 of Part 3

## 4.7 MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-3)

### General Purpose

The purpose of this district is to provide areas for medium density residential development in the form of multiple family buildings and complementary uses.

**Permitted Uses:** Accessory buildings or uses  
Apartments  
Fourplexes  
Home occupations – class 1  
Row housing

**Discretionary Uses:** Adult care housing  
Child care facilities  
Duplexes on Lots 2-19, Block 1, Plan 992 0977  
Home occupations – class 2  
Multiple housing developments  
Parks  
Parking facilities  
Playgrounds  
Quasi-public uses  
Public utilities  
Sea/land cargo container (sea can)  
Show homes  
Solar energy device

### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to row housing, fourplexes, apartments and multiple housing developments. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

Minimum Parcel Area:	Row housing	
	Interior parcels	185 m <sup>2</sup> (1990.6 sq. ft.) per dwelling unit
	Corner parcels	275 m <sup>2</sup> (2959.0 sq. ft.) per dwelling unit
	Fourplexes	135 m <sup>2</sup> (1453.2 sq.ft) per dwelling unit
	Apartments	82 m <sup>2</sup> (882.7 sq.ft) per bachelor and one bedroom unit 102 m <sup>2</sup> (1098 sq. ft.) per unit with more than one bedroom
	Multiple housing developments	
	Duplexes	320 m <sup>2</sup> (3445 sq. ft.) per dwelling unit

Row housing	280 m <sup>2</sup> (3014 sq. ft.) per dwelling unit
Fourplexes	150 m <sup>2</sup> (1614.6 sq. ft.) per dwelling unit
Apartments	90 m <sup>2</sup> (968 sq. ft.) per dwelling unit

Maximum Parcel Area:	Apartments	1.2 ha (2.96 ac)
Minimum Parcel Width:	Row housing	
	Interior parcels	6.0 m (19.7 ft.) per dwelling unit
	Corner/End parcels	9.0 m (29.5 ft.) per dwelling unit
	Fourplexes	15.24 m (50 ft.)
	Apartments	15.24 m (50 ft.)
Minimum Front Yard:	6 m (19.7 ft.)	
Minimum Rear Yard:	Row housing	9 m (29.5 ft.)
	Fourplexes and Apartments	9 m (29.5 ft.)

In all multiple housing developments incorporating row housing, fourplexes or duplexes, each dwelling unit shall have a private, screened yard area of not less than 40 m<sup>2</sup> (430.6 sq. ft.)

Minimum Side Yard:	End units on row housing	
	1.5 m (4.92 ft.) except:	
	a) 3 m (9.84 ft.) on the street side of a corner parcel	
	b) 3 m (9.84 ft.) in a laneless subdivision where no attached garage or carport is provided	
	c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision	
	Fourplexes	
	3.0 m (9.84 ft.) except:	
	a) 4.5 m (14.8 ft.) on the street side of a corner parcel	
	b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision	
	Apartments	
	3.0 m (9.84 ft.) except:	
	a) 6.0 m (19.7 ft.) on the street side of a corner parcel	
	b) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision	

Minimum Floor Area:	Row housing	
	Interior parcels	parcel width x 13.0 m



Corner/End parcels                      parcel width less 1.5 m x 13.0 m

Four-plexes and Apartments

Bachelor unit                      50m<sup>2</sup>

Other dwellings                      50 m<sup>2</sup> plus 11 m<sup>2</sup> per bedroom

Landscaped Areas:                      For multiple family buildings, a minimum of 30% of the parcel area with a minimum landscaped area of 6 m (19.7 ft.) in perpendicular depth and 1 m (3.3 ft.) on either side from all windows of living rooms, dining rooms, bedrooms and rumpus or family rooms in basements and first floors, provided as part of the landscaping scheme.

Maximum Density:                      65 dwelling units per hectare

Maximum Building Height:                      12.0 m for principal building(s) only

Maximum Site Coverage:                      Row housing  
55% including all buildings, parking facilities, storage areas and display areas

Fourplexes and Apartments  
45% including all buildings, parking facilities, storage areas and display areas

**Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.16 of Part 3

Landscaping – see Section 3.26 of Part 3

Fences – see Section 3.30 of Part 3

Accessory Buildings and Uses – see Section 3.2 of Part 3

Discretionary Uses – see Part 3

Sea/land cargo container (sea can) – see Section 3.61 of Part 3

## 4.8

## MANUFACTURED HOME DISTRICT (R-4)

### General Purpose

The purpose of this district is to provide areas for low to medium density residential development in the form of manufactured homes and complementary uses within a comprehensively designed park on a single site or on individual lots.

**Permitted Uses:** Accessory buildings or uses  
Home occupations – class 1  
Manufactured homes  
Manufactured home parks  
Parks

**Discretionary Uses:** Child care facilities  
Home occupations – class 2  
Playgrounds  
Public utilities  
Sea/land cargo container (sea can)  
Show homes  
Solar energy device

### Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to manufactured home parks and manufactured home subdivisions. Standards for all other uses shall be determined in accordance with Section 3.47 of Part 3.

#### (1) Manufactured Home Park Standards

In a manufactured home park, “lot” means an area of land for the placement of a manufactured home and for the exclusive use of its occupant(s).

Maximum Density: 17 manufactured homes per hectare (7 per acre)

Park and Lot Area: The minimum site area for a manufactured home park shall be 2 ha (5 ac).

The maximum site area for a manufactured home park shall be 4 ha (9.9 ac).

The minimum lot area for a manufactured home shall be 325 m<sup>2</sup> (3498 sq. ft.)

The lot area requirements shall not apply to manufactured home parks existing prior to the adoption of this Land Use By-law, provided the minimum setback requirements are complied with.

Minimum Setbacks: Manufactured homes shall be at least:  
i) 4.5 m (14.76 ft.) from one another (except attached structures)  
ii) 7 m (23 ft.) from any park boundary  
iii) 3 m (9.8 ft.) from any internal access road or common parking area  
iv) 1.5 m (4.9 ft.) from any side lot line  
v) 4.5 m (14.76 ft.) from any rear lot line

Minimum Manufactured Home Width: 4.2 m (13.8 ft.)

Minimum Floor Area: 55 m<sup>2</sup> per unit

Maximum Building Height: 9.5 m (31.16 ft.) for principal building(s) only

Notwithstanding the General Regulations of Part 3, no accessory or attached structure shall exceed the height of the manufactured home on the same lot.

Maximum Lot Coverage: 45% including all all buildings, parking facilities, storage areas and display areas

Landscaped Area: A minimum of 5% of the total area of a manufactured home park shall be set aside for the recreational use and enjoyment of park residents.

In addition to the above area, each manufactured home park shall have on its perimeter a landscaped area not less than 2.5 m (8.2 ft.) wide between every manufactured home lot and the property line bounding the manufactured home park.

All areas of a manufactured home park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities, including paved playgrounds, shall be landscaped.

Landscaped areas shall be developed with recreation facilities to the satisfaction of the Development Authority and upon the approval of the development permit, the applicant shall deliver a performance bond in the amount of 100% of the estimated cost of landscaping to ensure its completion.

Vehicular and Pedestrian Area: All manufactured home park roadways shall have at least 12 m (39.4 ft.) right-of-way and the carriageways shall be no less than 10 m (32.8 ft.) in width. Internal pedestrian walkways, where provided, shall be a minimum of 1.5 m (4.9 ft.) in width.

Storage Areas:	Common storage areas, separate from the manufactured home lot shall be provided for storage of seasonal recreational equipment and other equipment not capable of storage on the manufactured home lot.
	Common storage areas shall be screened to the satisfaction of the Development Authority and shall have an area of not less than 20 m <sup>2</sup> (215 sq. ft.) per manufactured home lot.
Utilities:	All utility services and all utility wires and conduits shall be installed underground and shall comply with existing regulations for underground installations.
Fences and Lot Lines:	Fences and hedges shall be allowed only if they are erected and maintained by the manufactured home park operator to a uniform standard throughout the manufactured home park.
	All lot lines shall be clearly defined on the ground by permanent, flush stakes, or markers with a lot number or other address system.
Building Design:	Skirting and any attached structure shall match the exterior finish of the manufactured home. The manufactured home park operator shall ensure that each manufactured home is levelled, blocked and skirted, and all equipment used in the transportation of the manufactured home removed within thirty (30) days of being placed on a lot.

**(2) Manufactured Home Subdivision Standards**

Minimum Parcel Area:	Interior parcels	440 m <sup>2</sup> (4734.4 sq. ft.)
	Corner parcels	485 m <sup>2</sup> (5218.6 sq. ft.)
Minimum Parcel Width:	Interior Parcels	10.2 m (33.46 ft.)
	Corner Parcels	11.7 m (38.38 ft.)
Minimum Front Yard:	4.5 m (14.76 ft.)	
Minimum Rear Yard:	4.5 m (14.76 ft.)	
Minimum Side Yard:	1.5 m (4.92 ft.) except:	
	a) 3 m (9.84 ft.) on the street side of a corner parcel	
	b) 3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided	
	c) 0 m (0 ft.) on one side yard where a resolution has been passed allowing a zero lot line subdivision	
Minimum Setback:	Manufactured homes shall be at least 6 m (19.7 ft.) from one another (except attached structures)	

Minimum Manufactured Home Width: 4.2 m (13.8 ft.)

Minimum Floor Area: Interior parcel width x 7.0 m  
Corner parcel width less 1.5 m x 7.0 m

Maximum Building Height: 9.5 m (31.16 ft.) for principal building(s) only

Notwithstanding the General Regulations of Part 3, no accessory or attached structure shall exceed the height of the manufactured home on the same lot.

Maximum Site Coverage: 45% including all buildings, parking facilities, storage areas and display areas

Building Design: Skirting and any attached structures shall match the exterior finish of the manufactured home. All equipment used in the transportation of the manufactured home must be removed and the manufactured home placed on permanent foundation, or concrete piers. Skirting shall be completed within thirty (30) days of the manufactured home's placement on the parcel.

### Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.16 of Part 3

Landscaping – see Section 3.26 of Part 3

Fences – see Section 3.30 of Part 3

Accessory Buildings and Uses – see Section 3.2 of Part 3

Discretionary Uses – see Part 3

Sea/land cargo container (sea can) – see Section 3.61 of Part 3

## 4.9 CENTRAL COMMERCIAL DISTRICT (C)

### General Purpose

The purpose of this District is to facilitate the development of a unique area which includes a wide variety of commercial, institutional, cultural and residential development intended to serve the Town and surrounding region.

### Permitted Uses:

- Accessory buildings or uses
- Adult training centres
- Alcohol sales
- Animal Services
- Car washes
- Convenience retail stores
- Drinking establishments (adult entertainment prohibited)
- Financial services
- Funeral homes without a crematorium
- Government services
- Mixed use developments
- Office, business
- Office, professional
- Parks
- Parking facilities
- Personal services
- Playgrounds
- Private club or lodge
- Restaurants
- Retail sales establishments
- Sea/land cargo container (sea can)
- Seasonal greenhouses

### Discretionary Uses:

- Adult entertainment
- Apartments
- Bus depot
- Casinos
- Child care facilities
- Commercial recreation and entertainment uses
- Craft brewery and distillery (Bylaw 16/05 LU)
- Drinking establishments (adult entertainment permitted)
- Drive-in businesses
- Dwelling units above the ground floor
- Essential public services
- Funeral homes with a crematorium
- Home occupations – class 1 and 2
- Hotels and motels
- Light equipment assembly, sales and service
- Light repair services
- Mobile commercial sales

Public uses  
Public utility buildings  
Quasi-public uses  
Religious assemblies  
Retail and light manufacturing  
Solar energy device  
Temporary kiosks in accordance with Section 3.63 (Bylaw 16/16LU)

### **Development Standards**

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

- Minimum Parcel Area: 280 m<sup>2</sup> (3,014 sq. ft.)
- Minimum Parcel Width: 7.62 m (25.0 ft)
- Minimum Front Yard: Nil
- Minimum Rear Yard: 6 m (19.7 ft) except where parking, loading space and garbage areas have been adequately addressed in the opinion of the Development Authority in which case no rear yard is required
- Minimum Side Yard: Nil, except:  
a) 1.5 m (4.9 ft.) on the side adjacent to a residential District  
b) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12m (39.37 ft) to the rear of the principal building.
- Maximum Building Height: Where adjacent to a residential District and separated by a road or lane, the maximum building height shall be 15.25 m (50 ft) for principal building(s) only, and only if a shadow study (completed by a qualified professional) demonstrates that there will be no negative impact on surrounding lands.  
  
Where adjacent to a residential District and not separated from the adjacent residential district by a road or lane, the maximum building height shall be 10 m (32.8 ft) for the principal building(s) only.
- Maximum Site Coverage: 95% including all buildings, parking facilities, storage areas and display areas
- Outdoor Storage/Display: All outdoor storage areas shall be located to the rear or sides of the principal building and screened from view from adjacent sites and public roadways  
  
All outdoor displays shall be screened from residential Districts.

Garbage Storage: A commercial garbage bin shall be provided as part of the development of commercial and institutional uses and residential buildings containing three or more dwelling units on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors. Bins for recycling and oil collection will be located and screened similar to garbage bins.

Landscaped Areas: Nil, except for all areas of a site not covered by buildings, driveways, parking, storage and display areas.

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

No outdoor eating or drinking area shall be located within 15.2 m (50 ft) of an adjacent residential property.

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

- a) have an entrance that is separate and distinct from the entrance to any non-residential component of the building
- b) not be located below the second storey
- c) not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority



#### 4.10

#### HIGHWAY COMMERCIAL DISTRICT (HC)

##### General Purpose

The purpose of this District is to facilitate the development of commercial businesses intended to serve vehicular traffic in locations along arterial roadways and highways in order to minimize the intrusion of vehicular traffic into residential areas and provide for the orderly flow of traffic accessing these sites. The primary focus is on commercial land uses which are built at low densities and generally serve the Town and surrounding region.

##### Permitted Uses:

- Accessory buildings or uses
- Alcohol sales
- Animal Services
- Car washes
- Convenience retail stores
- Drive-in businesses
- Gas bars
- Hotels and Motels
- Light repair services
- Office, business
- Parking facilities
- Restaurants
- Retail sales establishments
- Sales and service outlets for automobiles, trucks and recreation vehicles
- Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes

##### Discretionary Uses:

- Bus Depot
- Caretaker suites
- Child care facilities
- Commercial recreation and entertainment uses
- Contractor services
- Craft brewery & distillery (Bylaw 16/05LU)
- District shopping centre
- Dwelling unit contained within the property's principal structure for the occupancy of the owner, operator or caretaker of a Hotel/Motel
- Financial Services
- Mixed Use Developments (Bylaw 13/14LU)
- Mobile commercial sales
- Office, Professional
- Personal Services
- Public utility buildings
- Quasi-public uses
- Sea/land cargo container (sea can)
- Seasonal Greenhouses
- Solar energy device

### Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area:	0.2 ha (0.5 ac)
Minimum Parcel Width:	30 m (98.4 ft.)
Minimum Front Yard:	6 m (19.7 ft.)
Minimum Rear Yard:	6 m (19.7 ft.)
Minimum Side Yard:	Nil, except: a) 3.0 m (9.8 ft.) on the side adjacent to a residential District b) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12m (39.37 ft) to the rear of the principal building.
Maximum Building Height:	10 m (32.8 ft.) adjacent to a residential District; for principal building(s) only
Minimum Floor Area:	Retail sales establishment      464.5 m <sup>2</sup> (5,000 sq.ft.) District shopping centre      650.3 m <sup>2</sup> (7,000 sq.ft.)
Maximum Site Coverage:	80% including all buildings, parking facilities, storage areas and display areas
Outdoor Storage/Display:	All outdoor storage areas shall be located to the rear or sides of the principal building and screened from view from adjacent sites and public roadways  All outdoor displays shall be screened from residential Districts.
Garbage Storage:	A commercial garbage bin shall be provided on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors. Bins for recycling and oil collection will be located and screened similar to garbage bins.
Landscaped Areas:	A minimum of 3 m (9.8 ft.) wide area adjacent to any residential parcel and any property boundary with a road shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

### Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

No outdoor eating or drinking area shall be located within 15.2 m (50 ft) of an adjacent residential property.

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

- a) have an entrance that is separate and distinct from the entrance to any non-residential component of the building.
- b) not be located below the second storey.
- c) not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority.
- d) have a residential parking area that is separate from the commercial use when both parking areas are located outdoors
- e) address garbage capacity and storage for both residential and commercial uses.
- f) provide adequate amenity space for the residential use with at least 15% of the parcel area being landscaped.

#### **4.11 LOCAL COMMERCIAL DISTRICT (LC)**

##### **General Purpose**

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

**Permitted Uses:**                    Accessory buildings or uses  
Car washes  
Convenience retail stores  
Gas bars  
Hotels and motels on Lot 1, Block 1, Plan 4045 ET

**Discretionary Uses:**            Animal Services  
Child care facilities  
Commercial use in existence on the parcel  
Campground on Lot 1 Block 1 Plan 4045 ET  
Drive-in businesses  
Dwelling units above the ground floor  
Light repair services on North Half Lots 5 and 6, Block 5, Plan 4045 ET and Lot 7, Block 5, Plan 4045 ET  
Neighbourhood shopping centre  
Office, business  
Office, professional  
Parking facilities  
Personal services  
Public utility buildings  
Quasi-public uses  
Restaurants  
Sea/land cargo container (sea can)  
Solar energy device

##### **Development Standards**

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area:            0.2 ha (0.5 ac)  
Maximum Parcel Area:           0.8 ha (2.0 ac)  
Minimum Parcel Width:           30.48 m (100 ft.)  
Minimum Front Yard:            6 m (19.7 ft.)  
Minimum Rear Yard:             3 m (9.8 ft.) except abutting a residential parcel, where it shall be 6 m (19.7 ft.)

Minimum Side Yard:	3 m (9.8 ft.) except abutting a residential parcel, where it shall be 6 m (19.7 ft.)
Maximum Building Height:	10 m (32.8 ft.) for principal building(s) only
Maximum Site Coverage:	75% including all buildings, parking facilities, storage areas and display areas
Outdoor Storage/Display:	All outdoor storage shall be screened and all storage shall be limited to items used or for use on the parcel  All outdoor displays shall be screened from residential Districts.
Garbage Storage:	A commercial garbage bin shall be provided on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors. Bins for recycling and oil collection will be located and screened similar to garbage bins.
Landscaped Areas:	A minimum of 3 m (9.8 ft.) wide area adjacent to any residential parcel and any property boundary with a road shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.
Building Design:	Any mechanical equipment on the roof shall be screened from adjacent roads and residential Districts

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

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

- a) have an entrance that is separate and distinct from the entrance to any non-residential component of the building
- b) not be located below the second storey

- c) not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority

If a development in this district abuts a residential parcel the abutting yard shall be a minimum of 6 m (19.7 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

No outdoor eating or drinking area shall be located within 15.2 m (50 ft.) of an adjacent residential property.

No recreation vehicle, trailer, or motor home may occupy a site within a campground between November 30 and March 31 of any given year unless a frost protected water and sewer system has been installed to the satisfaction of the Development Authority.

A campground may allow it's stalls to be used for temporary storage of recreational vehicles not in use provided the total number of stored vehicles and sites in active use does not exceed the total number of sites available for rent by the campground.

## **4.12 LIGHT INDUSTRIAL DISTRICT (LI)**

### **General Purpose**

The purpose of this District is to provide for a limited range of light industrial and service commercial businesses that may have limited outdoor storage and carry out their operations such that no nuisance is created or apparent outside an enclosed building. In addition, this District will provide for businesses which may be incompatible in commercial districts.

**Permitted Uses:**                    Accessory buildings or uses  
Animal Services  
Contractor services  
Light repair services  
Office, business  
Public utility buildings  
Warehousing

**Discretionary Uses:**            Adult entertainment  
Adult training centre  
Animal hospitals  
Caretaker suites  
Craft brewery and distillery (Bylaw 16/05LU)  
Dangerous goods occupancies  
Essential public services  
Light equipment assembly, sales and service  
Manufacturing industries  
Medical marijuana facility (Bylaw 16/05LU)  
Parking facilities  
Private club or lodge  
Recreation vehicle storage  
Sales and service outlets for automobiles, trucks and recreation vehicles  
Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes  
Sea/land cargo container (sea can)  
Wind energy device  
Solar energy device

### **Development Standards**

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area:            0.2 ha (0.5 ac)

Minimum Parcel Width:         30 m (98.4 ft.)

Minimum Front Yard:	6.5 m (21.3 ft.)
Minimum Rear Yard:	Nil, except 6 m (19.7 ft.) where adjacent to a residential District or abutting a public road other than a lane or abutting a railway right-of-way
Minimum Side Yard:	Nil, except: <ul style="list-style-type: none"> <li>a) 6 m (19.7 ft.) where adjacent to a residential District or abutting a public road other than a lane or abutting a railway right-of-way</li> <li>b) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12 m (39.37 ft) to the rear of the principal building.</li> </ul>
Maximum Building Height:	12 m (39.37 ft.) or the maximum height for a district adjacent to the site, whichever is less; for principal building(s) only
Maximum Site Coverage:	85% including all buildings, parking facilities, storage areas and display areas
Outdoor Storage/Display:	All outdoor storage areas shall be located to the rear or sides of the principal building and screened from view from adjacent sites and public roadways  All outdoor displays shall be screened from residential Districts.
Garbage Storage:	A commercial garbage bin shall be provided on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors.
Landscaped Areas:	A minimum of 6 m (19.7 ft.) wide area adjacent any residential parcel and any property boundary with a road shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3



Medical marijuana facilities – see Section 3.62 of Part 3

If a development in this district abuts a residential district the abutting yard shall be a minimum of 6 m (19.7 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

#### **4.13 GENERAL INDUSTRIAL DISTRICT (I)**

##### **General Purpose**

The purpose of this District is to provide for a wide range of manufacturing, assembling, fabricating, processing and storage of goods in which nuisance factors are likely to occur.

**Permitted Uses:**

- Accessory buildings or uses
- Contractor services
- Freight and transportation depots
- Heavy equipment assembly, sales and service
- Light repair services
- Municipal shops and storage yards
- Public utility buildings
- Warehousing

**Discretionary Uses:**

- Adult entertainment
- Adult training centre
- Animal hospitals
- Animal Services
- Bulk fuel sales and storage
- Caretaker suites
- Craft brewery & distillery (Bylaw 16/05 LU)
- Dangerous goods occupancies
- Essential public services
- Feed mills and grain elevators
- Kennel
- Light equipment assembly, sales and service
- Livestock auction markets
- Manufactured home sales
- Manufacturing industries
- Medical marijuana facility (Bylaw 16/05 LU)
- Mobile commercial uses
- Office, business
- Open storage yards
- Parking facilities
- Recreation vehicle storage
- Retail and light manufacturing
- Sales and service outlets for automobiles, trucks and recreation vehicles
- Sales and service outlets for farm and heavy equipment, building supplies and manufactured homes
- Sea/land cargo container (sea can)
- Seed cleaning plants
- Slaughter houses
- Solar energy device
- Wind energy device

## Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area:	0.2 ha (0.5 ac)
Minimum Parcel Width:	30 m (98.4 ft)
Minimum Front Yard:	6 m (19.7 ft.)
Minimum Rear Yard:	Nil, except 6 m (19.7 ft.) where adjacent a residential District or abutting a public road other than a lane or abutting a railway right-of-way
Minimum Side Yard:	Nil, except: a) 6 m (19.7 ft.) where adjacent a residential District or abutting a public road other than a lane or abutting a railway right-of-way b) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12 m (39.37 ft) to the rear of the principal building.
Maximum Building Height:	20 m (65.6 ft.) for principal building(s) only
Outdoor Storage/Display:	All outdoor storage areas associated with a principal use shall be located to the rear or sides of the principal building and screened from view from adjacent sites and public roadways  All outdoor displays shall be screened from residential Districts.
Garbage Storage:	A commercial garbage bin shall be provided on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors.
Landscaped Areas:	A minimum of 3 m (9.8 ft.) wide area adjacent any residential parcel and any property boundary with a road shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

## Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.16 of Part 3  
Landscaping – see Section 3.26 of Part 3  
Fences – see Section 3.30 of Part 3  
Accessory Buildings and Uses – see Section 3.2 of Part 3  
Discretionary Uses – see Part 3  
Kennels – see Part 3  
Sea/land cargo container (sea can) – see Section 3.61 of Part 3  
Medical marijuana facilities – see Section 3.62 of Part 3

If a development in this district abuts a residential district the abutting yard shall be a minimum of 3 m (9.8 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

Bulk fuel sales and storage must comply with the requirements of any provincial, federal, or other jurisdictional requirements.

#### **4.14 PUBLIC DISTRICT (P)**

##### **General Purpose**

The purpose of this District is to provide areas for the development of facilities and uses intended for the general benefit and enjoyment of the public at large.

**Permitted Uses:**                    Accessory buildings or uses  
   Parks  
   Playgrounds  
   Public uses  
   Recreation areas

**Discretionary Uses:**            Campground  
   Cemeteries  
   Public utility buildings  
   Quasi-public uses  
   Religious assemblies  
   Sea/land cargo container (sea can)  
   Solar energy device

##### **Development Standards**

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

**All Requirements:**                As determined by the Development Authority and in accordance with the General Regulations contained in Part 3 of this Land Use Bylaw.

##### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3
- Sea/land cargo container (sea can) – see Section 3.61 of Part 3

No recreation vehicle, trailer, or motor home may occupy a site within a campground between November 30 and March 31 of any given year unless a frost protected water and sewer system has been installed to the satisfaction of the Development Authority.

A campground may allow its stalls to be used for temporary storage of recreational vehicles not in use provided the total number of stored vehicles and sites in active use does not exceed the total number of sites available for rent by the campground.

#### **4.15 ENVIRONMENTAL OPEN SPACE DISTRICT (EO)**

##### **General Purpose**

The purpose of this District is to protect environmentally sensitive areas by restricting development to minimal and environmentally compatible uses.

**Permitted Uses:** Parks  
Natural Environmental Areas

**Discretionary Uses:** Public utility buildings

##### **Development Standards**

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

**All Requirements:** As determined by the Development Authority and in accordance with the General Regulations contained in Part 3 of this Land Use By-law.

##### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.16 of Part 3
- Landscaping – see Section 3.26 of Part 3
- Fences – see Section 3.30 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

#### **4.16 RESERVED FOR FUTURE DEVELOPMENT DISTRICT (RD)**

##### **General Purpose**

The purpose of this District is to ensure that development on lands required for urban growth is restricted to ensure that future development may proceed in an orderly and well planned fashion, premature subdivision is avoided, and existing agricultural use of lands is accommodated until development of a non-agricultural land use is imminent.

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

**Discretionary Uses:** Accessory uses and buildings which will not, in the opinion of the Municipal Planning Commission, materially alter the use of the land from that existing at the time of adoption of this Land Use Bylaw  
Public utility buildings  
Sea/land cargo container (sea can)  
Solar energy device

##### **Development Standards**

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area: Total area of land contained in current title  
Minimum Front Yard: 7.62 m (25.0 ft)  
Minimum Rear Yard: 7.62 m (25.0 ft)  
Minimum Side Yard: 7.62 m (25.0 ft)  
Maximum Building Height: 9.5 m (31.2 ft) for principal building(s) only  
All other requirements: As determined by the Development Authority and in accordance with the General Regulations contained in Part 3 of this Land Use Bylaw.

##### **Other Regulations**

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.16 of Part 3  
Landscaping – see Section 3.26 of Part 3  
Fences – see Section 3.30 of Part 3



Accessory Buildings and Uses – see Section 3.2 of Part 3  
Discretionary Uses – see Part 3  
Sea/land cargo container (sea can) – see Section 3.61 of Part 3

#### **4.17: OVERLAY – Brownfield Redevelopment Site District (O)**

##### **Brownfield Redevelopment Site Overlay**

###### **(1) Application**

This Overlay applies to sites which are the subject of or impacted by a Risk Management Plan or Remedial Action Plan. The regulations of this Overlay are in addition to the regulations of the underlying District shown for the property on the Land Use District Map and the General Regulations. Where there is a conflict between the Overlay and any District or General Regulations or the Administration Provisions of the Land Use Bylaw, the regulations of this Overlay prevail.

###### **(2) Purpose**

The purpose of this Overlay is to ensure that redevelopment of identified sites occurs in a manner that is compatible with the overall direction of any applicable Risk Management Plan or Remedial Action Plan.

###### **(3) Regulations for All Sites**

Notwithstanding that a use may be listed as a permitted use in the underlying District, any use or development that is incompatible with the recommendations of an approved Remedial Action Plan or Risk Management Plan shall be processed as a discretionary use.

In addition to the conditions listed in Section 2.8 and Section 2.9, the Development Authority may impose conditions relating to the implementation of the approved Remedial Action Plan or Risk Management Plan.

###### **(4) Regulations Specific to Lot 9, Block 2, Plan 012 3256**

- a) No private water well or private sewage system shall be used on the site. All development on the site shall be connected to the Town's municipal water and sanitary sewer systems.
- b) For buildings constructed or placed on the site, no foundation that incorporates a full basement shall be allowed.
- c) No development or changes to the site that would interfere with or prevent the implementation of the monitoring program prescribed in the Risk Management Plan, as amended from time to time, shall be allowed.
- d) All development on the site, including but not limited to excavation, shall be undertaken in a manner consistent with the recommendations and directions set

out in the Risk Management Plan, as amended from time to time.

**(5) Regulations Specific to Lot D, Plan 5983 NY**

- a) No private water well or private sewage system shall be used on the site. All development on the site shall be connected to the Town's municipal water and sanitary sewer systems.
- b) For buildings constructed or placed on the site, no foundation that incorporates a full basement or crawlspace shall be allowed.
- c) No development or changes to the site that would interfere with or prevent the implementation of the monitoring program prescribed in the Risk Management Plan, as amended from time to time, shall be allowed.
- d) All development on the site, including but not limited to excavation, shall be undertaken in a manner consistent with the recommendations and directions set out in the Risk Management Plan, as amended from time to time.
- e) That the site can only be zoned for Commercial and/or Industrial uses. The Town of Rocky Mountain House will not entertain re-zoning applications for Residential, or Public zone districts.

#### **4.18 DIRECT CONTROL DISTRICT 1 (DC-1)**

##### **General Purpose**

To provide for an Open Storage Yard, being only for the storage and use of Sea Cans to accommodate the expansion of the adjacent Sea Can sales and rental business and the integrated operation of the two sites.

##### **Area of Application**

4611 - 44 Avenue (Lot 4; Block 42; Plan 0324693)

4615 - 44 Avenue (Lot 5; Block 42; Plan 0324693)

##### **Development Authority**

The Development Authority

##### **Permitted Uses**

Open Storage Yard (only for the storage, sale and rental of Sea Cans)

##### **Discretionary Uses**

None

##### **Minimum Parcel Area**

All the land contained in the existing two Certificates of Titles.

##### **Development Standards**

Access: through 4326 - 46 Street (C.N. Plan 475 C.L.)

Minimum Front Yard: 3 m (9.85 ft.)

Minimum Rear Yard: Nil.

Minimum Side Yard: East - 3 m (9.85 ft.)  
West - Nil.

Maximum container height: 8 ft.

Maximum site coverage: 85% including container and vehicle maneuvering areas.

Fencing and Screening:

Front yard: at the front setback line, a 2.00 m (6.56 ft.) fence with visual screening to the satisfaction of the Development Authority

East side yard: along the property line, a 2.00 m (6.56 ft.) fence with visual screening to the satisfaction of the Development Authority

West side yard: a security fence to the satisfaction of the Development Authority.

**Landscaping:**

Front yard: between the property line and the setback line, appropriate bushes and/or trees that will grow to at least 2.43 m (8 ft.) to the satisfaction of the Development Authority.

East side yard: a minimum overall density of one tree per 40 m<sup>2</sup> (430.6 sq. ft.) of the required landscaped area to the satisfaction of the Development Authority.

**Signage:**

No signs permitted.

**Parking:**

Any space to accommodate the maneuvering of vehicles to load and unload containers may be used for parking space.

**Other development requirements:**

- a) Adequate space for the maneuvering of vehicles to load and unload containers
- b) Access over Lot 1 PUL to provide vehicle movement between the DC 1 properties and the parcel at 4326 - 46 Street (C.N. Plan 475 C.L.) to the satisfaction of the Director of Engineering and Operations
- c) The passage of stormwater through Lot 1 PUL to the satisfaction of the Director of Engineering and Operations
- d) A stormwater drainage plan to the satisfaction of the Director of Engineering and Operations
- e) Protection of Lot 1 PUL by a fence, or other form of barricade, to the satisfaction of the Development Authority along the south property line of 4611 - 44 Avenue (Lot 4; Block

42; Plan 0324693) and 4615 - 44 Avenue (Lot 5; Block 42; Plan 0324693) and the north boundary of 4326 - 46 Street (C.N. Plan 475 C.L.) except where vehicle access over the PUL is approved.

### **Supplementary Regulations**

Cessation of the Sea Can sales and rental business: if the adjacent container sales and rental business on C.N. Plan 475 C.L. ceases to operate, the operation of container sales and rental on the DC1 properties shall cease.

All development must also comply with the regulations in Part 3: General Regulations unless a conflict arises between Part 3 and the regulations for this district, in which case the latter shall prevail.

**SCHEDULE "B"**

**SMALL QUANTITY EXEMPTIONS  
FOR  
DANGEROUS GOODS**

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

Class	Dangerous Goods	Maximum Exempt Amount
1	Explosives	0
2	Gasses:  Div.1 Flammable Div.2 Non-flammable Div.3 Poisonous Div.4 Corrosive	  25kg 150kg 0kg 0kg
3	Flammable Liquids and Combustible <sup>(1)</sup> Liquids	0
4	Flammable Solids:  Div.1 Flammable Solids Div.2 Subject to Spontaneous Ignition Div.3 Reactive with Water	  100kg 50kg  50kg
5	Oxidizing Substances  Div.1 Oxidizers Div.2 Organic Peroxides	  250 kg or 250 l 100kg or 100 l
6	Poisonous and Infectious Substances  Div.1 Poisonous Substances Packing Group 1 <sup>(3)</sup> Packing Group II Packing Group III Div. 2 Infectious Substances	  0 100kg or 100 l 1000kg or 1000 l 0
7	Radioactive Materials	0
8	Corrosives <sup>(4)</sup>  Packing Group I Packing Group II Packing Group III	  500 kg or 500 l 1000 kg or 1000 l 2000 kg or 2000 l
9	Miscellaneous: Div.1 Miscellaneous Div. 2 Environmental Div.3 Specific Wastes	 0 0 0

**Notes to Table:**

- (1) The Transportation of Dangerous Goods Regulations define “flammable liquids” as liquids having a flash point of 61° or below. The National fire Code (NFC) defines “combustible liquids” as liquids having a flash point between 37.5° C and 93.3° C.
- (2) See Article 5.3.1.2 Alberta Fire Code
- (3) The Transportation of Dangerous Goods Act defines “packing group” as “a level of hazard inherent to dangerous goods”. Packing Group I products are more hazardous than Packing Group III products.
- (4) The Transportation of Dangerous Goods uses the expression “corrosives” rather than corrosive substances.