



**DRAYTON VALLEY**

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*'Pulling Together'*

# LAND USE BYLAW 2007/24/D

CONSOLIDATED JANUARY 2019



# DRAYTON VALLEY

*'Pulling Together'*

## **BYLAW NO. 2007/24/D**

BYLAW TO REGULATE THE DEVELOPMENT AND USE OF LAND AND BUILDINGS WITHIN THE TOWN OF DRAYTON VALLEY

WHEREAS and pursuant to Part 17, Division 5 of the *Municipal Government Act* 2000 being Chapter M 26 of the Revised Statutes of Alberta, the Council of a municipality must pass a Land Use Bylaw;

AND WHEREAS Section 692 of the *Municipal Government Act*, being Chapter M. 26.1 of the Revised Statutes of Alberta, requires the Council of a municipality to hold a public hearing and advertise such a Bylaw in accordance with Sections 203 and 606 of the Act respectively;

AND WHEREAS Council deems it appropriate that the current Land Use Bylaw 96-24 should be updated and amended as required;

NOW THEREFORE, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

### **1. TITLE**

This bylaw may be cited as the Land Use Bylaw of the Town of Drayton Valley.

### **2. PURPOSE**

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

to divide the municipality into districts;

to prescribe and regulate for each district the purposes for which land and buildings may be used;

to establish the office of Development Authority;

to establish a method of making decisions on applications for development permits including the issuing of development permits;

to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit; and

to establish a procedure for appeals against the decisions of the Development Authority.

### 3. DEFINITIONS

In this bylaw:

*Abut or abutting* means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line.

*Accessory building* means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. An accessory building attached to a main building, and a deck higher than 0.3 metres above ground level, are deemed to be part of the main building. Accessory buildings include garages, carports, sheds, storage buildings, permanently installed private swimming pools and hot tubs, radio antennas, poles, satellite dishes and towers.

*Accessory use* means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

*Act* means the Municipal Government Act and the regulations pursuant thereto.

*Act* means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto. [added by Bylaw 2012/20/D]

*Adjacent land(s)* means land that is contiguous to the parcel of land that is subject of an application and includes land(s) that would be contiguous if not for highway, road, river or stream and, in the opinion of the Development Authority, any other land. [added by Bylaw 2012/20/D]

*Adult Business* means any establishment or operation to which persons under the age of eighteen (18) years are not admitted or to whom goods or services are not provided, but excludes Retail Liquor Stores (as defined below), and places or operations where in the opinion of the Municipal Planning Commission the adult part of the total activity is not the primary function of the business. Examples of 'Adult Businesses' include but are not limited to:

- (a) strip clubs or live performance(s) which have nudity, or partial nudity, of any person and;
- (b) escort or dating services; [amended by Bylaw 2018/17/D]

This does not include a medical marijuana dispensary(ies), cannabis counselling business(es) or cannabis retail store(s), or a business selling cannabis accessories; nor does this include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Adult entertainment* means any live or cinematic performances held, or reproductions and records are shown or displayed, the central feature of which is any sexual or sexually explicit act or display of nudity. Such activities may include adult mini-theatres and erotic dance.

*Agriculture* means all forms of farming except for intensive livestock facilities. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Agricultural, retail* means a commercial agricultural operation that includes retail sales to the public including market gardens and u-picks. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Agricultural, support service* means a use, which provides non-industrial, agriculturally oriented goods and services to the community. This must include the retailing, servicing, sales and/or repairing of agricultural implements and goods such as farm machinery dealers, grain elevators and fertilizer sales. [added by Bylaw 2012/20/D]

*Amusement arcade* means an establishment or a place containing electronic or mechanical games that may be played by a customer for a fee.

*Animal care/service facilities* means development for the purposes of treatment, boarding or grooming of animals and includes retail sales of associated products. This may include those uses defined within this Bylaw as

veterinary clinic, as well as grooming services, boarding and breeding kennels, impounding and quarantine facilities and animal shelters, but does not include the sale of animals. [added by Bylaw 2012/20/D]

*Apartment building* means a building containing at least three separate dwelling units which share a common entrance from outside the building.

*Applicant* means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit.

*Application* means an application for a development permit made under section 10 of this bylaw.

*Area Structure Plan* means a plan adopted by Council under section 633 of the Act.

*Athletic and/or sporting facilities* means a building or open space designed for the purpose of playing sports or other recreational activities.

*Auction mart or auctioneering establishment* means a building or an inside or outside place where livestock or other items are bid on in competition on a regular basis.

*Automobile sales* means the use of a property for the sale of motor vehicles (including cars, trucks, vans, trailers, and recreational vehicles) and includes all associated activities and land uses including displays and the repair and maintenance of automobiles.

*Automobile service* means the maintenance and repair of motor vehicles but excludes body shops and paint shops.

*Automotive body shop or paint shop* means a building or place, either freestanding or part of a larger building or place, used for the repair or improvement of the bodywork of motor vehicles.

*Basement* means a portion of a residential building which is situated partly or completely below grade. [added by Bylaw 2012/20/D]

*Bed and breakfast establishment* means a business operated in an owner occupied detached house, in which up to three rooms are made available for rent to short-term paying guests.

*Billboard* means a freestanding sign attached permanently and securely to the ground, engineered and maintained to the satisfaction of the Development Authority.

*Boarder or lodger* means a person who is unrelated to the householder and who pays for accommodation, but who does not occupy a secondary suite or surveillance suite. This definition includes employees of a company which owns or rents a building or suite for the use of the employees.

*Boarding/Lodging facility* means a use consisting of sleeping facilities which may be in addition to the household accommodation and where cooking and/or sanitary facilities are not developed in addition to those in the dwelling unit containing the boarding facilities. No more than four (4) rooms may be used for the purpose of accommodating guests on site. [added by Bylaw 2012/20/D]

*Building permit* means a permit authorizing construction issued under the Safety Codes Act.

*Bulk and unattended fuel sales or bulk oil and chemical storage* means a development where refined or crude oil or liquid or solid chemical is stored outdoors or underground. Such chemicals may include fertilizer, gasoline, propane, petroleum products, flammable and/or combustible liquids or hydrocarbon products, whether manufactured or generated elsewhere through resource and/or other industry activities, including but not limited to water, salt water or any other liquid stored for oilfield consumption. [added by Bylaw 2012/20/D]

*Bylaw Violation Tag* means a tag or similar document issued by the Town pursuant to the *Municipal Government Act R.S.A. 2000 c M-26* as amended or repealed and replaced from time to time. [added by Bylaw 2013/12/D]

*cannabis*: [added by Bylaw 2018/09/D]

- i. means any part of the cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
- ii. including edible products that contain cannabis in any of its forms;
- iii. means the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- iv. includes any substance that is identical to any phytocannabinoid produced by, or found in, such plant, regardless of how the substance was obtained;
- v. but does not mean:
  - a) a non-viable seed of a cannabis plant;
  - b) a mature stalk, without any leaf flower, seed or branch, of such a plant;
  - c) fibre derived from a stalk; or
  - d) the root or any part of the root of such a plant;

*cannabis accessory(ies)* means, as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time: [added by Bylaw 2018/09/D]

- i. a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis; or
- ii. a thing that is deemed under subsection (3) to be represented to be used in the consumption or production of cannabis;

*cannabis counselling business* means a use: [added by Bylaw 2018/09/D]

- iii. where counselling on cannabis is provided by persons who are not medical professionals;
- iv. where consumption of cannabis is not permitted;
- v. where the sale of cannabis is not permitted; and
- vi. that may include the ancillary retail sale or rental of cannabis accessories;

*Cannabis Production and Distribution Facility* means an enclosed building authorized by the appropriate Federal department or agency for one or more of the following activities as it relates to one or more of the following activities as it relates to cannabis:

- i. The production, manufacturing, cultivation and growth of Cannabis;
- ii. The processing of raw materials;
- iii. The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- iv. The storage or trans-shipping of materials, goods and products; or
- v. The distribution and sale of materials, goods and products; or
- vi. The distribution and sale of materials, goods and products to Cannabis Retail Stores or to individual customers for medicinal purposes in accordance with all Federal and Provincial regulations [added by Bylaw 2018/16/D]

*Cannabis Retail Store(s)* means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises, but does not include a cannabis production and distribution facility, a medical marijuana dispensary or a business which allows the consumption of cannabis on-site, such as a cannabis lounge. [added by Bylaw 2018/09/D]

*Campground or campsite* means an area designated for temporary overnight lodging in tents, travel trailers, or recreational vehicles.

*Cemetery* means an area containing graves, tombs, or funeral urns.

*Clubs and associations* mean a group of persons organized to meet for social, literary, athletic, political, or other purposes, whether public or private in nature. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

*Commercial* means a land use except residential, institutional or industrial.

*Commercial tourist development* means a building or facility whereby attractions, exhibits, goods and merchandise and/or recreational facilities are individually or collectively provided to the tourist market on a commercial basis. [added by Bylaw 2012/20/D]

*Complete application* means that all information required under this Bylaw has been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is adequate to properly evaluate the application or a decision can be made without all of the information required under this Bylaw. [added by Bylaw 2012/20/D]

*Convenience store* means a small retail establishment with extended hours which commonly sells groceries, confectionary, tobacco, newspapers, and personal care items. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Convention centre* means a building used for meetings or formal assemblies or representatives or delegates to discuss matters of common concern.

*Conventional construction* means on-site construction, although some pre-built components such as roof trusses, engineered beams, and wall sections may be used.

*Council* means the Council of the Town of Drayton Valley.

*Crematorium* means an establishment which contains a furnace for cremating or retorting human remains.

*Curb cut* means a place where vehicles cross a curb, even if there is no built curb.

*Day care facility* means an establishment which provides care, maintenance, and supervision for four or more children, by a person not related to the children by blood or marriage, for periods of less than 24 consecutive hours.

*Demolition* means the pulling down or destruction or removal of a structure.

*Density* is a measure of the intensity of use of a Lot, measured as the number of persons, buildings, dwelling units, or floor area of buildings per unit of Lot area.

*Detached house* means a building which contains one dwelling unit and which may also contain one suite.

*Developer* means a person, agent, firm, or company required to obtain or having obtained a development permit.

*Development* has the meaning set out in the Act, and is to be interpreted as including

- Demolishing a building,
- Moving a building from one place to another,
- Grading, excavating, clearing, filling, or removing large numbers of trees from land, for the purpose of erecting building(s)
- Operating a home office or home business,
- Occupying a motor home or recreational vehicle for longer than five days .

*Development permit* means a document authorizing development issued under this bylaw.

*Director of Emergency Management (also referred to as "DEM")* means the person appointed by Council resolution as the Director of the Municipal Emergency Management Agency. [added by Bylaw 2012/20/D]

*Discretionary use* means the use of land or a building provided for in this bylaw for which a development permit may be issued upon an application having been made.

*Double fronting* means adjacent to two streets (but not lanes).

*Drive-in or drive-through business* means a motion picture theatre, food service establishment, bank, or other facility in which patrons are served while in automobiles. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Driveway* means a hard-surfaced area used for parking vehicles on private property, often connecting a house or garage with a public road. Driveways must be constructed of asphalt, concrete, paving stones, or compacted gravel. [added by Bylaw 2012/20/D]

*Drug paraphernalia* means any product, equipment, thing or material used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body, or to disguise or hide the presence of, a controlled substance as defined in the *Controlled Drugs and Substances Act*, R.S.C.;

*Duplex* means a building containing two dwelling units, sharing a common wall, with separate outside entrances for each dwelling unit.

*Dwelling unit* means a self-contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use by one or more individuals, and (unless more closely defined for the purposes of one section of the bylaw) includes manufactured and modular homes. Attached decks, sun decks, patios, porches and balconies are deemed to be a part of a Dwelling Unit.

*Easement* means a right to use land, generally for access to other property, or as a right-of-way for a public utility.

*Emergency Management Plan* means a detailed set of steps and procedures that the operator of a commercial or industrial business shall follow in the event that an emergency originates from the business. This shall include any spills, fires, unauthorized mixtures, environmental contamination or other event deemed to be an emergency by the DEM. [added by Bylaw 2012/20/D]

*Environmentally significant area* means an area of land which is vital to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes at multiple spatial scales. The recognition of ESAs is essential to help identify and prioritize areas that may be important to conserve, or that require special management consideration, or because of its bio-physical features such as steep slopes, unstable soil structure, distinct wildlife habitat, and wetlands, cannot support intensive land uses. For example, areas of environmental importance may represent under-protected or vulnerable resources such as forests, riparian areas, lakes, creeks and coulees. [added by Bylaw 2012/20/D]

*Excavation* means any breaking of ground except for gardening and ground care.

*Extensive agriculture* means the use of land or buildings for the purpose of planting, raising, growing, production and sale of crops, livestock, poultry, wildlife, game, honey, dairy and eggs, but does not include game farming, game ranching for viewing tourism or recreational purposes, market gardening or sod production. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Extensive recreation* means uses which capitalize on natural physical features to provide for outdoor recreational activities. [added by Bylaw 2012/20/D]

*Family care unit* means a dwelling unit used to accommodate person(s) who reside in another dwelling unit on the same parcel, and who would provide personal care to or require personal care from that resident(s), provided that such care is necessary due to age, physical and/or mental disability. The dwelling unit must be a unit or structure, which may include a manufactured home or modular home and is capable of being removed or

decommissioned from the parcel when the personal care is no longer required, and may be contained within a principal or accessory building, pursuant to Alberta Building Code requirements. [added by Bylaw 2012/20/D]

*Farmstead* means the original residential site with other improvements used in connection with the raising or production of crops, livestock, poultry and other agricultural pursuits. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Fence* includes wall.

*Finishes (a building)* means the exterior of a building (whether principal or accessory) must be covered with a suitable material designed for that purpose and includes, but is not limited to stucco, brick, and/or plastic, cedar or aluminum siding. A suitable exterior material does not include OSB, plywood, unfinished concrete, tar paper or vapour barrier. Wood, other than cedar, must be stained, painted or treated with a clear coat. [added by Bylaw 2012/20/D]

[*Fire pit* definition deleted by Bylaw 2013/12/D]

*Flanking street* means a street adjacent to the side of a lot.

*Flanking yard* means the portion of a site extending from the side wall of the main building to a flanking street, measured at right angles to the side property boundary.

*Flood plain* means the area of land bordering a watercourse or water body that is subject to periodic inundation. The current design standard in Alberta is the 1-in-100-year flood, defined as a flood whose magnitude has a one (1%) per cent chance of being equalled or exceeded in any year. The 1-in-100-year floodplain of a watercourse is part of a water body, and the 100 metre setback distance for development is established from the outer edge of the floodplain, or as determined by Alberta Environment. [added by Bylaw 2012/20/D]

*Floor area* of a building means the aggregate area of all finished floors on all levels.

*Foundation* means the portion of a building constructed below ground level which bears the weight of the building and transmits it to the underlying ground.

*Fourplex* means a building containing four dwelling units, sharing common walls, each with its own outside entrance.

*Fragmented parcel* means a parcel that is separated from the balance of a quarter section by a natural barrier such as a river or coulee, or by a physical barrier such as a roadway, highway or a drainage course that has been registered by plan of survey. [added by Bylaw 2012/20/D]

*Front* means, in the case of a corner lot, the shorter side.

*Front yard* means that portion of the site extending across the full width of the lot from the front property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the front property boundary. Where a lot abuts two or more streets, the narrowest frontage is deemed to be the front of the lot.

*Garage* means an accessory building or part of a main building intended for the storage of motor vehicles.

*Gas bar associated with retail sales* means an establishment selling retail motor fuels in connection with a convenience store. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Gasoline and other fuel sales* means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile supply or service business, but does not include key lock or bulk fuel sales. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]



*Golf course* includes driving ranges, putting greens, club houses, and facilities for the maintenance of a golf course.

*Government office* means any building used for the operation of federal, provincial, or municipal government, including courthouses and the administrative functions of a school board.

*Grade* (of a lot) means the elevation of the existing ground in an undisturbed natural state or an approved design grade as described in a comprehensive grading plan approved by lot the Town Engineer.

*Green space* means multi-functional spaces for gardening, recreation, and leisure which provide social, economic, and environmental benefits to urban residents. [added by Bylaw 2012/20/D]

*Group care facility* means a facility which provides residential services to seven or more individuals of whom one or more are unrelated and who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times.

*Group home* means group care facility which provides accommodation for less than 7 people, but does not include

- o a foster home or a day care service where the occupant cares for no more than three children in addition to the occupant's own family,
- o a psychiatric care facility, or
- o a half-way house or an open care facility associated with the justice system.

*Guest ranch* means a development of a private owner-occupied ranch house which includes sleeping facilities that are rented on a daily basis to registered guests and meals are prepared in the residential kitchen. [added by Bylaw 2012/20/D]

*Hall or Auditorium* means a large room or building used for meetings, concerts, or similar public events.

*Handicapped parking stall* means a hard-surfaced area at least 6 metres in length and 3.9 metres in width, reserved for the parking of motor vehicles bearing a handicap tag.

*Hazardous area* means an area which, in the opinion of the Development Authority, is unstable. This may include lands prone to flooding, shoreline erosion or slope instability vulnerability or any aspect that may result in loss of life or injury, property damage, social or economic disruption or environmental degradation. Examples include but are not limited to floodplain, floodway, lands in proximity to water bodies and water courses with slopes greater than ten (10%) per cent. [added by Bylaw 2012/20/D]

*Height* (of a building) means the vertical distance from grade level to the highest point on the roof of the building, but excluding chimneys and aerials.

*Home business* means a business, trade, craft occupation, storage activity, or other commercial operation in a residential building on a scale greater than a home office. This does not include a cannabis production and distribution facility(ies). This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Home office* means an office in a dwelling which is not visited by a significant number of clients, does not change the external appearance or residential character of the dwelling, and is carried on only by the residents of that dwelling. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Hospice* means an establishment providing accommodation and palliative care for seriously or terminally ill people.

*Hotel or motel* means an establishment other than a Bed and Breakfast establishment, providing commercial lodging to travellers or long term visitors, and usually having restaurants and/or meeting rooms which may be open to the general public.

*Health care facilities and hospitals* mean institutions providing medical and surgical treatment and nursing care to sick or injured people.

*House or housing* means a place for human habitation.

*Industrial, light* means those industrial uses which do not create a significant adverse impact or nuisance beyond the boundaries of the site and may include indoor display, office, technical or administrative support, or sales operation accessory to the light industrial use. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D] Light industrial uses include the following:

- (a) the manufacturing or assembly of goods, products or equipment;
- (b) the cleaning, servicing, repairing or testing of materials, goods and equipment associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use;
- (c) the storage or shipping of materials, goods and equipment, including petro-chemical products and supplies; or
- (d) the training of personnel in light industrial operations.

*Industrial, heavy* means those industrial uses which require large tracts of land and may have a significant detrimental effect on adjacent or nearby sites as a result of its normal operations by way of noise, vibration, smoke, emissions, odour or other element. This category includes, but is not limited to, large scale manufacturing or processing of raw or finished materials including pulp and paper mills, asphalt or gravel crushing plants, oil refineries, and industrial waster recycling. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Intensive agriculture* means a commercial agricultural operation, not including confined feeding operations, which may require smaller tracts of land due to the intensive nature of the operation including, but not limited to, nurseries, greenhouses, market gardens, tree farms, specialty crops and apiaries. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Internal road* means a road which is unregistered and is maintained by a private landowner. [added by Bylaw 2012/20/D]

*Kenel* means a commercial operation in which three (3) or more dogs over six (6) months of age are maintained, boarded, bred, trained or cared for or kept for purposes of sale or services. [added by Bylaw 2012/20/D]

*Land farm* means a site used for the treatment of soil contaminated by hydrocarbons and non-hazardous organic oilfield waste, whereby the soil in question is safely remedied through aeration or cultivation. [added by Bylaw 2012/20/D]

*Landfill* means the Sanitary Landfill owned and operated by the Town of Drayton Valley at SE ¼ 20-49-7-W5M. [added by Bylaw 2012/20/D]

*Landscaping* means the installation and maintenance of lawns, trees, plants and other ground cover. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Lane* means a public thoroughfare shown on a registered plan which provides a secondary means of access to a lot.

*Liquor store* means an establishment licensed by the Alberta government where alcoholic beverages are sold for consumption off the premises. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Live entertainment* means a variety of acts, often including music and comedy skits or related entertainment (i.e. Comedians, Hypnotists, Live Bands, Tribute Bands etc). This definition does not include those uses or items as defined under the “Adult entertainment” definition. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

*Livestock* means horses, cattle, sheep, or any other animal normally kept on a farm or ranch, and excludes domestic pets.

*Loading space* means a space used for the loading or unloading of vehicles and not situated on a road or lane.

*Lodge* means the meeting place of a fraternal or similar organization.

*Long term care facility* means an institution providing medical treatment and nursing care for an extended period of time.

*Lot* means an individual lot or parcel (including a condominium lot) for which a title has been issued under the Land Titles Act, or, where two or more lots are “tied” for assessment purposes, or are included in a single title, the area encompassed by the two or more lots. Where the context requires (for example when determining parking requirements), *lot* includes a condominium unit.

*Lot depth* means the distance between the front and rear of a lot, where the front is the side of the lot adjacent to a public road. Where a lot is adjacent to two roads, the depth shall be defined by the Development Authority.

*Lot width* means the width of a lot on that part of the lot at the front of the main building.

*Main building* means a building in which is conducted the main or principal use of the lot on which it is erected.

*Manufactured home, house or housing* means a residential building containing one dwelling unit, built in a factory and transported in one or two sections to a suitable site. Manufactured homes are typically long and narrow, with a simple rectangular footprint, low-pitched roofs, and narrow eaves. Manufactured homes were at one time called mobile homes.

*Manufacturing industry* means the production, assembling, finishing or packaging of goods intended for sale and may include indoor and/or outdoor storage of materials and products. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Manufacturing, processing, and fabrication* describe the process of making goods on a large or commercial scale. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Meat processing plant* means an establishment where animals which have been killed at another location are butchered for food.

*Minor day care operation* means the care of up to three children in a private home, for less than 24 consecutive hours per day, where those children are not related by blood or marriage to the householder.

*Modular home, house, housing, or residence* means a house which is built off site, either entirely or in parts, and which when completed appears indistinguishable design, quality and finish from a site-built house, and includes an RTM (Ready-to-Move) house.

*Moved-in building* means a building which was previously in use at another location and which is moved to a new location, but does not include manufactured or modular housing.

*Municipal Development Plan* means a plan adopted under section 632 of the Act.

*Municipal Planning Commission* means the body appointed under Bylaw 2006/14/D.

*Municipality* means the Town of Drayton Valley.

*Museum* means a building or place where works of art, historical artefacts, scientific specimens, or other objects of permanent value are kept or displayed.

*Nursing home* means an institution where aged or chronically ill people are cared for.

*Off street parking* means parking constructed entirely off any road or lane.

*Oilfield support services* means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage or shipping of such materials, goods and equipment, including petro-chemical products and supplies provided such storage is in accordance with all applicable provincial and federal statutes. This definition applies to oil and gas industry support operations and includes, but is not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations, but excludes bulk oil and chemical storage. [added by Bylaw 2012/20/D]

*Owner* means, in addition to the meanings set out in the Act, a purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title of the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title.

*Park* means an area of land, whether in a manicured or natural state, for the enjoyment of the public, having facilities for rest and/or recreation, which is owned and maintained by the Town; [added by Bylaw 2012/25/D]

*Parking stall* means an area set aside exclusively for the parking of a motor vehicle.

*Panhandle/flag lot* means any parcel which gains road frontage through the use of a narrow strip of land which is an integral part of the parcel. The strip of land providing access must not be included when determining site area. [added by Bylaw 2012/20/D]

*Patio* means a paved area constructed at ground level in the yard of a dwelling unit.

*Pawn shop* means an establishment offering money to people on security of articles of value which are normally held on the premises. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw. [added by Bylaw 2018/09/D]

*Permitted use* means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit *shall* be issued with or without conditions as provided for in this bylaw.

*Personal service establishment* means a business which provides services to individuals, including but not limited to hairdressing, fitness training, shoe repair, tailoring, cannabis counselling business [added by Bylaw 2018/09/D] and dry cleaning. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

*Place of worship* means a building and grounds used for religious ceremonies.

*Playground* means an area used for outdoor play or recreation, especially by children, and containing recreational equipment such as slides and swings. [added by Bylaw 2012/25/D]

*Principal building* means a building which, in the opinion of the Development Authority: [added by Bylaw 2012/20/D]

- (a) is the primary or main building among one or more buildings situated on the site;
- (b) constitutes, by reason of its use, the primary purpose for which the site is zoned; or
- (c) occupies the majority area of the site.

*Principal use* means the primary purpose, in the opinion of the Development Authority, for which the building or site is used. No more than one (1) principal use must be located upon a site unless specifically permitted otherwise in this Bylaw. [added by Bylaw 2012/20/D]

*Private lodge/club* means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

*Professional services* mean services provided to individuals or businesses by doctors, lawyers, accountants, chiropractors, or members of any other self-regulating profession, but excludes veterinary services.

*Project accommodation* means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities. The units may be dismantled and removed from the site from time to time. [added by Bylaw 2012/20/D]

*PTMAA* means the Petroleum Tank Management Association of Alberta. [added by Bylaw 2012/20/D]

*Public parks and recreation areas* means land owned or managed by a government or municipality and used by the public for athletics, recreation and entertainment.

*Public road* means a road which is registered or which is maintained by the Town. [added by Bylaw 2012/20/D]

*Public use* means the use of land or a building by a government agency, school board, or regional health authority.

*Public utility building* means a building used by a public utility as defined in the Act.

*Rear yard* means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line.

*Recycling depot* means a development used for the purchase and temporary storage of recyclable materials, where all storage is contained within an enclosed building. [added by Bylaw 2012/20/D]

*Registered owner* of a property means the owner as defined in the Act.

*Residential sales centre* means development of a show home or temporary building used for a limited period of time for the purpose of marketing residential land and buildings. [added by Bylaw 2012/20/D]

*Restaurant* means an establishment where meals are served to customers.

*Retail* means the sale of goods to the public, but excluding the sale of motor vehicles or gasoline. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Retail Liquor Store* means development used for the provincially licensed retail sale of any and all types of alcoholic beverages to the public for consumption off the premises. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Road* means the entire width of the right-of-way of a road or lane shown on a township plan, road plan, or plan of subdivision, and not only the built travelling surface.

*Row housing* means a residential building containing at least 3 dwelling units, each with direct outside access at ground level, and may also be referred to as *town housing*.

*Salvage business* means a scrap metal merchant, paper recycler, battery recycler, or any other business which recovers useful or valuable material from waste.

*Sea-Can Units* [deleted by Bylaw 2008/16/D]

*Secondary suite* means a second self-contained dwelling unit that is located within the primary dwelling unit, where both dwelling units are registered under the same land title. Secondary suites do not include garden suites, which are not allowed in this bylaw.

*Second-hand store* means a business which sells used articles to the public, but does not include a salvage business. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Service station* means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile supply or repair business, but does not include bulk fuel sales, or unattended fuel sales such as key or card lock operations. This does not include a medical marijuana dispensary(ies) or cannabis retail store(s). [added by Bylaw 2018/09/D]

*Setback* means the distance between the closest part of the footings of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.

*School* means an establishment where children from kindergarten to grade 12 are educated, and includes both tax-supported and independent schools.

*Shoreline* means the line or contour depicting the mean high water mark of a permanent watercourse or water body. [added by Bylaw 2012/20/D]

*Side yard* means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the footings of the building, measured at right angles to the side property boundary. See also flanking yard.

*Sign* means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

*Site* means one or more lots for which a single development permit is made, and may include streets, lanes, walkways, and other land on which development is proposed.

*Site built house or home* means a dwelling which is constructed on site, but which may include some pre-fabricated components such as roof trusses or wall sections.

*Site coverage* means the percentage of the site covered by buildings, but despite the definition of "building" in the Act, driveways, parking pads, ground level patios, and other hard surfaces at ground level are not included in the calculation of site coverage.

*Slaughterhouse* means a place where animals are killed before being butchered for food.

*Stacked Town House* means development consisting of row housing, except that dwelling units may be arranged two deep, either vertically so that dwelling units may be placed above others, or horizontally so that the dwellings may be attached at the rear as well as the side. Each dwelling units shall have separate and individual access, not necessarily directly to ground level, and such access shall not be located more than 5.5 metres above ground level. This use class includes duplex housing and row housing.

*Social care facility* means development of a detached dwelling as a facility which is authorized, licensed or certified by a Provincial authority to provide room and board for foster children or physically, mentally, socially, developmentally or behaviourally challenged persons, or for the rehabilitation of its residents either through independent or professional care, guidance and supervision. The residential character of the development must be maintained. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

*Spectator sport facility* means development providing facilities intended for sports and athletic events, which are held primarily for public entertainment, where patrons attend on a recurring basis. [added by Bylaw 2012/20/D]

*sports field(s)* means land owned or operated by a government or municipality and used by the public for athletics, recreation and entertainment. [added by Bylaw 2018/09/D]

*Staff housing* means living quarters for the accommodation of employees working on site.

*Stall* means, when used in the context of a manufactured housing park, the area allotted to an individual renter and his unit.

*Storage Shed* means any metal or wood prefabricated or site built structure used for the storage of commercial or industrial goods, to be installed accessory to a commercial or industrial business. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Storey* means the habitable space between the upper face of one floor and the lower face of the next higher floor. A basement shall be considered a storey if the upper face of the floor above it is more than 1.8 metres above ground level.

*Tank farm* means a storage facility consisting of one or more storage tanks for bulk or large amounts of oil, chemicals or other substances. [added by Bylaw 2012/20/D]

*Temporary building* means a building which will be on site for no more than six months, or such longer time as may be written in a development permit issued by the Municipal Planning Commission. Note: a canvas covered frame or similar building is not a temporary building if it remains on site for more than six months. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Top of bank* means the upper break of the bank defining the most distinct ridge of topographic discontinuity in slope between the upper plateau and the valley wall. [added by Bylaw 2012/20/D]

*Trade workshop* means a building where a plumber, electrician, or other tradesmen carries on his business and stores his supplies. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Triplex* means a building containing three dwelling units, sharing common walls, each with its own outside entrance.

*Use* means a use of land or a building as determined by the Development Authority, or on appeal by the Subdivision and Development Appeal Board.

*Utility building* means a building in which the proprietor of a utility company maintains his office(s) and/or maintains or houses any equipment used in connection with the utility.

*Veterinary clinic* means an establishment providing medical and surgical treatment to animals.

*Violation Ticket* means a ticket issued pursuant to Part II of the *Provincial Procedures Act S.A. 1988 c P-21.5* as amended or repealed and replaced from time to time (hereinafter the POPA) and regulations thereunder. [added by Bylaw 2013/12/D]

*Warehouse or warehousing* means a building or part of a building used for storage of goods, but excludes small scale storage on the site of a retail or service business. This does not include a cannabis production and distribution facility(ies). [added by Bylaw 2018/09/D]

*Wholesaling* means the sale of goods in quantity to retailers.

*Yard* means the open space between the outside footings or ground level wall of the main building on a lot, and the boundaries of that lot.

All other words have the meanings assigned to them by sections 1 and 616 of the Act, or common dictionary definitions.

**4. INTERPRETATION**

- 4.1. Any doubt as to the meaning of a word, or the boundaries of a land use district shown on Schedule C shall be settled by a resolution of Council.
- 4.2. Where a property boundary is adjusted by subdivision, or by the inclusion of closed road or other land not previously assigned a land use class, the land use district boundary follows the new property boundary.
- 4.3. Where this bylaw allows the exercise of discretion, or requires interpretation, that discretion or interpretation shall be exercised by the Development Authority.
- 4.4. In accordance with Alberta Land Titles procedures, all measurements in this bylaw are metric, and where an imperial measurement is also give it is for convenience only, and has no legal status.
- 4.5. **In the case where this bylaw conflicts with the Alberta Building Code, the Alberta Building Code shall prevail.**
- 4.6. All development within the Town of Drayton Valley municipal boundaries, which is not subject to the terms of annexation, must comply with this Bylaw. [added by Bylaw 2012/22/D]
- 4.7. Compliance with this Bylaw does not exempt any person undertaking development from complying with all applicable municipal, provincial and federal laws, and respecting any easements, covenants, agreements or other contracts affecting the land or development. [added by Bylaw 2012/22/D]
- 4.8. If any part of this Bylaw is held to be invalid by a decision of a Court of competent jurisdiction, that decision will not affect the validity of the remaining parts of this Bylaw. [added by Bylaw 2012/22/D]
- 4.9. Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
  - 4.9.1 “shall” means mandatory compliance’
  - 4.9.2 “should” means compliance in principle, but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of relevant planning principles or circumstances unique to a specific application;
  - 4.9.3 “may” means discretionary compliance or a choice in applying policy. [added by Bylaw 2012/22/D]



- 4.10 Where a regulation involves two (2) or more conditions, provisions or events connected by a conjunction, the following shall apply:
  - 4.10.1 “and” means all the connected items shall apply in combination;
  - 4.10.2 “or” indicates that the connected items may apply singly or in combination;
  - 4.10.3 “and/or” indicates the items shall apply singly or in combination, at the discretion of the Development Authority. [added by Bylaw 2012/22/D]
- 4.11 Words used in the singular include the plural and vice-versa. [added by Bylaw 2012/22/D]
- 4.12 When a word is used in the masculine it will refer to either gender. [added by Bylaw 2012/22/D]
- 4.13 Words used in the present tense include the other tenses and derivative forms. [added by Bylaw 2012/22/D]
- 4.14 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern. [added by Bylaw 2012/22/D]

## **5. DEVELOPMENT AUTHORITY**

- 5.1. The Development Authority is hereby established and shall be:
  - 5.1.1 the Chief Administrative Officer or one or more persons designated by him and who may be referred to as the Development Officer; and
  - 5.1.2 the Municipal Planning Commission.
- 5.2. The Development Officer shall:
  - 5.2.1 maintain a copy of this bylaw as amended, and make it available to any person at a nominal price,
  - 5.2.2 maintain a register of all applications, the decisions made on them, and the reasons for those decisions, and make it available to any person at no charge,
  - 5.2.3 except otherwise provided in this bylaw, review and process all applications for a development permit, and make and issue a decision in accordance with this bylaw,
  - 5.2.4 issue letters certifying whether or not a building or land use complies with this bylaw,
  - 5.2.5 enforce this bylaw in conformance with the Act, including issue of Stop Orders, and
  - 5.2.6 carry out the other duties imposed on him by this bylaw and the Act.
- 5.3. For the purposes of section 210 of the Act, the Development Officer is a Designated Officer of the municipality.
- 5.4. For the purposes of section 542 of the Act, the Development Officer is an authorized person of the municipality.
- 5.5. The functions of Development Authority, pursuant to s. 5.2.3, shall be exercised by the Municipal Planning Commission:
  - 5.5.1 where the bylaw requires that a decision be made by the Municipal Planning Commission, or
  - 5.5.2 where it is necessary to exercise discretion or to grant a variance of the bylaw, or

5.5.3 where the Development Officer elects to refer a matter to the Municipal Planning Commission for a decision.

**6. SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

The Subdivision and Development Appeal Board established by Bylaw shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority.

## **7. CONTROL OF DEVELOPMENT**

No development other than that listed in section 8 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

Attention is drawn to the definition of Development in section 3 of the bylaw.

## **8. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

Ordinarily, the following types of development shall not require a development permit:

- 8.1 any use of land or a building which is exempt under sections 618 of the Act or under any other federal or provincial legislation,
- 8.2 the completion and use of a building which was lawfully under construction or for which a development permit had been issued and was still valid at the date of adoption of this bylaw,
- 8.3 an existing use of land which was authorized under a previous bylaw,
- 8.4 maintenance of or repair to any building, provided that such works do not include structural alterations, and such work which does not impact exits and/or fire separations,
- 8.5 internal renovations or alterations to a building, provided that these alterations do not result in a change of use or intensity of use (but note that a permit may still be required under the Safety Codes Act),
- 8.6 landscaping and paving, provided that grades and overland water flows are not substantially altered,
- 8.7 the construction or maintenance of any utility, work, or improvement undertaken by the municipality or a utility in a street or utility lot,
- 8.8 a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this bylaw,
- 8.9 new single storey buildings accessory to a residential use and complying with all yard and setback rules, provided they are not on permanent foundation, do not encroach on any easement, and are under 10.25 square metres in (110 square feet) size,
- 8.10 public roads and associated improvements, provided that authorization is given by the Town Engineer or his designate,
- 8.11 uncovered decks, where the walking surface is less than 0.3 metres above ground level (covered decks and those with a higher walking surface require development and building permits), and
- 8.12 the occupation of a motor home, travel trailer, or recreational vehicle on private property for a period of less than five days, and
- 8.13 the construction or installation of a fire pit, which shall be in compliance with Drayton Valley/Brazeau Fire Services Bylaw 2013/08/P and amendments thereto, [amended by Bylaw 2013/12/D]

## **9. NON-CONFORMING BUILDINGS AND USES**

If a building or land use is not allowed in this bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming use and be maintained, pursuant to section 643 of the Act, but it may not be enlarged or replaced except pursuant to section 13.6 of this bylaw.

## **10. APPLICATION FOR A DEVELOPMENT PERMIT**

- 10.1 An application for a development permit shall be made to the Development Authority in writing on the appropriate form, signed by the owner or his authorized agent, and shall be accompanied by:
- 10.1.1 the legal description and municipal address of the property,
  - 10.1.2 a current copy of the land title,
  - 10.1.3 a statement of the former, present, and proposed use of the lot and any buildings on it,
  - 10.1.4 a site plan or plans drawn to scale and showing:
    - the boundaries of the lot,
    - the adjacent streets and their names,
    - the locations of existing and proposed buildings and roof overhangs,
    - any front, rear, and side yards,
    - provision for off-street loading and vehicle parking, and
    - access and egress points to the site,
    - easements and utilities, and the proposed connections to utilities,
    - existing and proposed fire hydrants,
    - the existing and proposed site grading and drainage,
    - proposed landscaping,
    - any oil or gas wells or pipelines within 100 metres,
  - 10.1.5 the estimated commencement and completion dates of any construction,
  - 10.1.6 in the case of a manufactured home, its CSA number or other unique identifier,
  - 10.1.7 the estimated cost of the project or contract price,
  - 10.1.8 permission for the Development Authority to enter the site, and
  - 10.1.9 the appropriate fee.
- 10.2. The Development Authority may also require
- 10.2.1 drawings or renderings of any proposed building with details of the finish of the building and the landscaping of the lot,
  - 10.2.2 a real property report drawn by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the lot,
  - 10.2.3 engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination,
  - 10.2.4 a traffic impact assessment, and
  - 10.2.5 any other information which he deems necessary to make an informed decision on the proposed development.
- 10.3 Pursuant to section 640(5) of the Act, when an application for a development permit or change of land use designation has been refused, the Development Authority may refuse to accept another application on the same property and for the same or similar use of the land by the same or any other applicant for six months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.

## **11. DIRECT CONTROL DISTRICTS**

- 11.1. Council may by resolution delegate to the Development Authority the power to decide applications for development permits in the Direct Control district, with directions which it considers appropriate.
- 11.2. Where no such resolution has been passed, the authority to decide on applications in the Direct Control district remains with council.

## **12. PUBLIC CONSULTATION PRIOR TO DECISION**

- 12.1 Before deciding on an application for a development permit for a discretionary use, or before relaxing or waiving any part of the bylaw beyond the amount allowed by section 13.7.1, the Development Authority may consult the owners of land within 60 metres by mail, or by advertising in the local newspaper, and if the neighbouring landowners reply within 14 days of the date of the notice, the Development Authority shall consider their comments and recommendations before issuing a development permit.

## **13. DECISION BY THE DEVELOPMENT AUTHORITY**

- 13.1 Except as provided in section 11, the Development Authority shall decide on all applications for a development permit.
- 13.2 The Development Authority shall issue a decision within 40 days of receiving a complete application.
- 13.3 An applicant for a development permit may authorize the Development Authority, in writing, to take a longer period of time to issue a decision.
- 13.4 An application for a development permit may, at the option of the applicant, be deemed to be refused when a decision is not issued by the Development Authority within 40 days after receipt of the complete application by the Development Authority, and the applicant may appeal as if the application had been refused.
- 13.5 In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a use prescribed for that district in Schedule B, and approve it as a discretionary use.
- 13.6 Consistent with section 640(6) of the Act, the Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this bylaw, if, in his opinion,
  - 13.6.1 the proposed development would not
    - 13.6.1.1 unduly interfere with the amenities of the neighbourhood, or
    - 13.6.1.2 materially interfere with or affect the use, enjoyment, or value of neighbouring Lots , and
  - 13.6.2 the proposed development conforms with the use prescribed for the land or building in this bylaw,and this power extends to non-conforming buildings pursuant to section 643(5)(c) of the Act.
- 13.7 The Development Authority may at his discretion relax any required setback by up to 30%.

- 13.7.1 If the amount of the relaxation is not more than 10%, the relaxed dimension is deemed to meet the requirements of this bylaw, and despite section 17 the relaxation need not be advertised.
  - 13.7.2 If the amount of the relaxation is more than 10%, the relaxation is deemed to be an exercise of discretion and must be advertised under section 17.
  - 13.7. In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, or for a limited period of time, or refuse the application.
  - 13.8. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
  - 13.9 For a discretionary or permitted use requiring a variance in excess of the Development Authority's power as established within this Bylaw, Town Council may either refuse or approve an application for a development permit. Approval may be subject to:
    - 13.9.1 Any of those conditions listed in subsection 14; and
    - 13.9.2 Any conditions that Town Council may deem appropriate to ensure compatibility with the amenities of the surrounding 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 of any other nuisances that may be generated by the proposed development;
      - (iv) the location, character and appearances of buildings;
      - (v) the grading of the site or other matters as are necessary to protect other developments from the site;
      - (vi) establishing the period of time during which a development may continue
- [added by Bylaw 2012/22/D]

#### **14. CONDITIONS ATTACHED TO DEVELOPMENT PERMITS**

The Development Authority may issue a development permit subject to the condition that the applicant:

- 14.1 amends the proposal to conform with this or other bylaws, or with any easement, caveat, covenant, or other instrument registered on the title to the land, including changes necessary to make the design and appearance of the development compatible with nearby land uses,
- 14.2 pays an off-site levy or redevelopment levy imposed by bylaw,
- 14.3 enters into an agreement pursuant to the Act concerning servicing of the site,
- 14.4 registers an easement to protect a utility line,
- 14.5 fences a site during construction,
- 14.6 repairs any municipal improvements that may be damaged as a result of the development,
- 14.7 submits a real property report when the footings have been poured, but before starting work on the building aboveground level,
- 14.8 finishes a building,
- 14.9 grades a lot,

- 14.10 landscapes or paves a lot,
- 14.11 provides parking to meet the requirements of the bylaw,
- 14.12 registers a restrictive covenant concerning architectural controls and/or landscaping,
- 14.13 enters into an agreement to remediate the site when the use comes to an end,
- 14.14 consents to a naming and number scheme acceptable to the municipality, and, during construction, posts the municipal address of the site and, where applicable, the name of the development,
- 14.15 deposits a letter of credit or cash guaranteeing that any of the above conditions are met,
- 14.16 requiring the restoring or decontaminating a site after the proposed use comes to an end,
- 14.17 obtains approvals under the Safety Codes Act and other legislation,
- 14.18 meets other requirements of this bylaw and other municipal bylaws and policies and/or
- 14.19 comply with such other requirements as are necessary to make the proposed use suitable for the lands.

**15. ISSUANCE OF DEVELOPMENT PERMITS**

- 15.1 A development permit does not come into effect until 14 days after the date of issue.
- 15.2 If a valid appeal is made pursuant to this bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- 15.3. 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 and to any person who has expressed an interest in the matter.

**16. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT**

- 16.1 If the development authorized by a permit is not commenced within 90 days from the date of issuance of the development permit, or carried out with reasonable diligence, the permit is void, unless an extension has previously been granted by the Development Authority.
- 16.2 If a development permit was issued in error or was obtained through misrepresentation, the Development Authority may revoke it by sending a notice to the applicant by registered mail or by hand delivery.

**17. NOTICE OF EXERCISE OF DISCRETION**

- When a permit has been granted for a discretionary use, or pursuant to sections 13.5, 13.6, or 13.7.2, the Development Authority
- 17.1 may [amended by Bylaw 2008/11/D] immediately mail a notice in writing to;
    - 17.1.1 the registered owners of all land within 60 metres of the proposed development, or such greater distance as the Municipal Planning commission may require,
    - 17.1.2 any person or authority who has the right to be informed under an inter-municipal agreement, and
    - 17.1.3 any other person who may, in the opinion of the Development Authority, be affected, and

- 17.2 shall [amended by Bylaw 2008/11/D] immediately publish in a newspaper circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and
- 17.3 may post a notice of the decision conspicuously on the property for which the application has been made,
- and the notice shall set out the rights of persons to appeal against the issuance of the development permit.
- 17.4 The Development Authority, in considering applications for secondary suites, shall not be required to refer applications for existing secondary suites, but shall refer the application for new secondary suites to the adjacent landowners within a 60 metre radius of the subject parcel.[added by Bylaw 2008/11/D]

## **18. APPEAL PROCEDURE**

- 18.1 An appeal against a decision of the Development Authority shall be launched by filing notice, with the appropriate fee, with the Secretary of the Subdivision and Development Appeal Board.
- 18.2 Upon receipt of an appeal, the secretary shall immediately advise the developer that all construction must cease until a decision has been made by the Board.
- 18.3 The procedure for hearing and determining appeals against a decision of the Development Authority is set out in sections 684 to 687 of the Act.
- 18.4 No appeal lies against a development permit for a permitted use unless the bylaw was relaxed, varied, or misinterpreted.
- 18.5 In making its decision, the Development Appeal Board *is bound* by the uses of land set out in this bylaw, and *shall have regard for* all other parts of this bylaw and all statutory plans.

## **19. JUDICIAL REVIEW**

A decision of the Subdivision and Development Appeal Board is final and binding subject only to an appeal upon a question of law or jurisdiction pursuant to section 688 of the Act.

## **20. CONTRAVENTION**

- 20.1 If the Development Authority finds that a development or use of land or buildings is not in accordance with:
- 20.1.1 the Act or Regulations, or
  - 20.1.2 a development permit or subdivision approval, or development agreement
  - 20.1.3 this bylaw,
- he/she may proceed under sections 541 to 556 and/or sections 645 and 646 of the Act.
- 20.2 If a person, who requires a development permit, starts construction before obtaining such a permit, the fee for the development permit shall be doubled.



- 20.3 Contravention of this bylaw is an offence and is subject to a fine not more than \$10 000.00
- 20.4 A person who is guilty of an offence is liable to a fine in an amount not less than that established in this bylaw, and not exceeding \$10 000.00, and to imprisonment for not more than six months for non-payment of a fine.
- 20.5 Without restricting the generality of subsection (20.4) the following fine amounts are established for use on bylaw violation tags and violation tickets if a voluntary payment option is offered:
- 20.5.1 Up to \$10 000.00 for any offence for which a fine is not otherwise established in this section
- 20.5.2 \$100.00 for a first time offence under Section A19, A25, A28, A29 and A34
- 20.5.3 \$250.00 for a second time offence under Section A19, A25, A28, A29 and A34
- 20.5.4 \$500.00 for a third and any subsequent offence under Section A19, A25, A28, A29 and A34
- 20.6 If a bylaw violation tag is issued in respect of an offence the bylaw violation tag must specify the fine amount established by this bylaw for the offence.
- 20.7 A person who commits an offence may, if a bylaw violation tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- 20.8 If a violation ticket is issued in respect of an offence, the violation ticket may:
- 20.8.1 specify the fine amount established by this bylaw for an offence; or
- 20.8.2 require a person to appear in court without the alternative of making a voluntary payment
- 20.9 A person who commits an offence may:
- 20.9.1 if a violation ticket is issued in respect of an offence; and
- 20.9.2 if the violation ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment equal to the specified fine.
- 20.10 If the Town Manager, or his delegate, believes, on reasonable grounds that a person is contravening any provision of this bylaw, the Town Manager, or his delegate, may, by written order, require any person responsible for the contravention to remedy it and the order may:
- 20.10.1 direct a person to stop doing something, or change the way in which the person is doing it;
- 20.10.2 direct a person to take any action or measures necessary to remedy the contravention of the bylaw, if necessary, to prevent a re-occurrence of the contravention;
- 20.10.3 state a time within which the person must comply with the directions;
- 20.10.4 state that if person does not comply with the directions within specified time, the Town will take the action or measure.
- 20.11 A person named in and served with an order issued pursuant to section 20.10 shall comply with any action or measure required to be taken within the time specified.

20.12 An order issued pursuant to section 20.10 may be served:

(a) In the case of an individual:

- (1) By delivering it personally to the individual
- (2) By leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
- (3) By mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry;

(b) In the case of a corporation:

- (1) By delivering personally to any director or officer of the corporation
- (2) By delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
- (3) By mail addressed to the registered office of the corporation

[amended by Bylaw 2013/12/D]

## **21. AMENDMENT**

- 21.1 A person may apply to have this bylaw amended, by applying to the Development Officer in writing, giving reasons in support of the application, and paying the appropriate fee.
- 21.2 An application to change the district of any land may be initiated only by the owner of that land, or by the municipality.
- 21.3 An amendment to this bylaw must be consistent with the Act and Regulations, the Municipal Development Plan, and any area structure plan that has been adopted by bylaw.
- 21.4 A proposal to amend the bylaw must be advertised in accordance with s. 606 of the *Municipal Government Act*.

## **22. FORMS AND FEES**

- 22.1 Notwithstanding the repeal of Bylaw 96-24, forms and fees established under the former bylaw 96-24 continue to apply until new forms and fees are adopted by bylaw of council.

## **23. CONTINUATION OF CONTROLS**

- 23.1 A condition attached to a development permit issued under a former bylaw continues under this bylaw.

## **24. REQUIREMENTS OF OTHER AUTHORITIES**

- 24.1 A development authorized under this bylaw is subject to
- 24.1.1 federal and provincial law (including orders by the Municipal Government Board),
  - 24.1.2 other bylaws, statutory plans, inter-municipal agreements, and

24.1.3 any easements, caveats, covenants, and other encumbrances on the title to the land in question,

whether or not the development permit refers to these other requirements.

24.2 Nothing in this bylaw removes the obligation of a person to obtain other permits, licences, or approvals under other legislation.

## **25. LAND USE DISTRICTS AND REGULATIONS**

25.1 All development is regulated as set out in Schedule A, Regulations for All Districts.

25.2 For the purposes of this bylaw the municipality is divided into districts set out in Schedule B, Land Use District Regulations.

25.3 Within individual districts, development is regulated as set out in Schedule B.

25.4 The boundaries of land use districts are as set out on the map which forms Schedule C.

25.5 Schedules A, B, and C form part of and have full force in this bylaw.

25.6 Roads and lanes are not included in any land use district.

## **26. ANNEXED LANDS**

26.1 As set out in section 135(1)(d) of the Act, land annexed to the municipality continues to be governed by the land use bylaw in effect in the former municipality on the date of annexation, and that continues until this bylaw is amended to change the rules applying to the annexed land. Attention is drawn to order-in-council 533/2002 which limits the authority of the municipality in this regard until 31 December 2010.

## **27. REPEAL OF PREVIOUS BYLAWS**

27.1 Bylaw 96-24 and all bylaws amending that bylaw are repealed.

## **28. COMING INTO EFFECT**

28.1 This bylaw comes into effect on the date of third reading.

**SCHEDULE A  
REGULATIONS FOR ALL DISTRICTS**

**A1 ACCESS TO MAJOR ROADS**

1. On a Lot adjacent to an arterial or collector road (as identified in a Municipal Development Plan, Master Transportation Plan, or Area Structure Plan adopted by bylaw), the Development Authority may refuse to issue a permit for a building or use which will result in
- 1.1 vehicles backing in to the road, or
  - 1.2 an excessive number of curb cuts or access points, or
  - 1.3 any situation which in his opinion may be dangerous to traffic safety.

**A2 ADULT BUSINESSES AND ADULT ENTERTAINMENT [amended by Bylaw 2012/25/D]**

- 2.1 No adult business or adult entertainment operation shall be located within:
- 2.1.1 400 metres of the boundary of any existing or intended:
    - (a) school or school reserve lands;
    - (b) park or playground;
    - (c) residentially-zoned lands;
    - (d) place of worship;
    - (e) day care facility; or
    - (f) hall.

**RETAIL LIQUOR STORE**

- 2.2 A retail liquor store shall:
- 2.2.1 at the discretion of the Development Authority, require lighting, signage or screening measures that make the proposed development compatible with adjacent or nearby residential, mixed use or commercial development; and
  - 2.2.2 not be fronting any boundary of a
    - (a) school or school reserve lands;
    - (b) playground; or
    - (c) day care facility;however, sites which are greater than 4 acres in size and which are zoned C2, M or RI are exempted from this restriction.
  - 2.2.3 if fronting any of the above, not be located closer than 150 metres from the boundary of any:
    - (a) school or school reserve lands;
    - (b) playground; or
    - (c) day care facility;however, sites which are greater than 4 acres in size and which are zoned C2, M or RI are exempted from this restriction.

## **CANNABIS RETAIL STORE(S) [added by Bylaw 2018/09/D]**

- 2.3 Any cannabis retail store requires a Development Permit approved by the Town of Drayton Valley, and shall meet all applicable requirements of the respective district in which it is located.
- 2.4 A cannabis retail store shall:
- 2.4.1 not be located within 100 metres of the boundary of any existing or proposed hospital;
  - 2.4.2 if fronting any of the foregoing, not be located closer than 150 metres from the boundary of any:
    - a. school or school reserve lands;
    - b. playground; or
    - c. sports field.
- 2.5 An applicant that applies for a Development Permit for a cannabis retail store shall be required to:
- 2.5.1 produce evidence that the location meets the provincial requirements for minimum separation distances from:
    - a. schools;
    - b. municipal school reserve parcels;
    - c. school reserve parcels; and
    - d. provincial health care facilities;
  - 2.5.2 produce evidence that the location meets the municipally required setbacks noted in foregoing section 2.4;
  - 2.5.3 obtain the prerequisite provincial license prior to occupancy;
  - 2.5.4 maintain the provincial license in good standing; and
  - 2.5.5 comply with all provincial requirements.
- 2.6 The conditions of a Development Permit approved for the development of a cannabis retail store, in addition to those listed in Section 14, include:
- 2.6.1 a copy of the retail cannabis license issued by Alberta Gaming and Liquor Commission shall be provided to the Town prior to occupancy;
  - 2.6.2 occupancy shall not occur until authorized by and compliant with all federal or provincial legislation;
  - 2.6.3 the maximum operating hours of a cannabis retail store shall be ten o'clock in the morning (10:00 am) to ten o'clock in the evening (10:00 pm), seven (7) days per week, excluding those dates of closure mandated by the Province of Alberta;
  - 2.6.4 advertising and goods inside the premises of a cannabis retail store shall not be visible from the outside;
  - 2.6.5 use of banner signs and inflatable advertising shall be prohibited;
  - 2.6.6 a cannabis retail store may be established within a multi-tenant building

- 2.6.7 the public entrance to the cannabis retail store must be direct to the outdoors and customer access to the premises is limited to a store-front that is visible from the street;
- 2.6.8 customer access to the cannabis retail store from any lane or alley is strictly prohibited;
- 2.6.9 the site requires lighting, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby uses and comply with Crime Prevention Through Environmental Design measures;
- 2.6.10 parking shall be provided in accordance with the parking requirements for a retail store and the parking requirements for the district in which it is located;
- 2.6.11 no customer parking shall be located at the rear of the cannabis retail store premises;
- 2.6.12 no outdoor storage of cannabis goods, materials, or supplies shall be allowed on the site;
- 2.6.13 the use shall not emit nuisances including, but not limited to, odour, noise or light, which may have a negative impact to adjacent sites or the surrounding area;
- 2.7 Notwithstanding the authorities granted under Section 13.7 of this Bylaw, no variance for the proposed development of a cannabis retail store shall be granted by the Development Authority. Any proposed variance shall require approval of Town Council.
- 2.8 The separation distance between cannabis retail stores and those land uses described in Section 2.4 shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed cannabis retail store is to be located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of any building.
- 2.9 Any Cannabis Production/Distribution Facility requires a Development Permit approved by the Town of Drayton Valley, and shall meet all applicable requirements of the respective district in which it is located.
- 2.10 In addition to Section 2.9 above, a Cannabis Production and Distribution Facility shall:
  - 2.10.1 not be located within 150 meters of the boundary of any existing property containing the following:
    - i. Hospital or proposed Hospital;
    - ii. School or School Reserve lands;
    - iii. Playground;
    - iv. Sports Field
- 2.11 An applicant that applies for a Development Permit for a Cannabis Production and Distribution Facility shall be required to:
  - 2.11.1 produce evidence that the location meets the requirements for minimum separation distances provided in Section 2.10.1 from the following:
    - a. Hospital or proposed Hospital;
    - b. School or School Reserve lands;
    - c. Playground;
    - d. Sports Field
  - 2.11.2 obtain the prerequisite Federal license and any applicable Federal authorization prior to occupancy;

- 2.11.3 maintain the Federal license and any applicable Provincial authorization in good standing; and
  - 2.11.4 comply with all applicable Federal and Provincial requirements.
- 2.12 The conditions of a Development Permit for the development of a Cannabis Production and Distribution Facility, in addition to those listed in Section 14 shall include:
- 2.12.1 a copy of the Cannabis Production and Distribution License issued by Health Canada and any other applicable authorizations from the Federal or Provincial governments shall be provided to the Town prior to occupancy;
  - 2.12.2 occupancy shall not occur until authorized and compliant with all applicable Federal and Provincial legislation
  - 2.12.3 use of banner signs and inflatable advertising shall be prohibited
  - 2.12.4 the site requires lighting, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby uses and comply with Crime Prevention Through Environmental Design (CPTED) measures;
  - 2.12.5 parking shall be provided in accordance with the parking requirements for an Industrial Plant, as stated in Section A32.1 and parking requirements for the district in which it is located;
  - 2.12.6 no employee parking shall be located at the rear of the Cannabis Production and Distribution Facility;
  - 2.12.7 no outdoor storage of Cannabis goods, materials, or supplies shall be allowed on the site;
  - 2.12.8 the use shall not emit nuisances including, but not limited to odour, noise or light, which may have an impact to adjacent sites or the surrounding area;
  - 2.12.9 In addition to Section 2.12.8 above, a Cannabis Production and Distribution Facility must include an air filtration system to remove odours as an extra protection to ensure the use does not create odour impact to adjacent properties.
- 2.13 Notwithstanding the authorities granted under Section 13.7 of this Bylaw, no variance for the proposed development of a Cannabis Production and Distribution Facility shall be granted by the Development Authority. Any proposed Variance shall require approval of Town Council.
- 2.14 The separation distance between a Cannabis Production and Distribution Facility and those land uses described in Section 2.10.1 shall be determined by measuring a straight line from the closest point on the lot line on which the proposed Cannabis Production and Distribution Facility is to be located to the closest point of the lot on which the other specified use is located.

### **A3 BOARDERS AND LODGERS**

- 3.1 Boarders and lodgers are not a permitted use in any dwelling unit which includes a secondary suite.
- 3.2 Subject to the above, up to two boarders or lodgers may be accommodated in any dwelling unit without a development permit, but any larger number requires a permit as a discretionary use.

(See also Schedule A regarding parking)

#### **A4 CONDOMINIUMS**

4. In this bylaw, no distinction is made between rental units and condominiums. Control is over types of building, not types of ownership.

#### **A5 CONTAMINATED AND HAZARDOUS SITES**

5. If it appears to the Development Authority that the site may be contaminated as a result of a former use, the applicant shall supply evidence that the site is free of contamination and suitable for the proposed use, and lacking such evidence, the Development Authority may refuse the application.

#### **A6 DESIGN GUIDELINES**

- 6.1 Council may, by resolution, adopt architectural design guidelines for all or any part of the municipality.
- 6.2 The Development Authority shall follow the architectural design guidelines when deciding on an application for a development permit.
- 6.3 Council may, by resolution, appoint a design committee to advise the Development Authority in the interpretation of the architectural design guidelines.

#### **A7 DESIGN, CONSTRUCTION, AND TREATMENT OF STRUCTURES**

7. As a condition of issuing a development permit, the Development Authority may require changes to a proposed building or structure if in his opinion the design, construction, or treatment is incompatible with the neighbouring buildings, even if the building in question is a permitted use under Schedule B of the bylaw.

#### **A8 DEVELOPMENT ON OR NEAR SLOPES**

8. Except as provided below, no buildings shall be constructed on any land with a slope of 15% or greater, or on land within 10 metres of such a slope, unless the plans for the building have been prepared or reviewed by a professional engineer and are specific to the site in question.

#### **GREEN SPACE IN HIGH DENSITY RESIDENTIAL AREAS**

- 8.17 Every high density residential development of ten (10) or more residential units on a lot or site shall provide its own dedicated green space which may include a playground and/or a play structure. The green space shall be a minimum of one (1) metre square for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The green space and all associated amenities shall be maintained by the landowner(s). Any play structure shall conform to CSA standards. [added by Bylaw 2012/22/D]

#### **A9 DOUBLE FRONTING AND CORNER LOTS**

9. The front yard setbacks set out in Schedule B apply to all sides of a lot which are adjacent to a road, but the Development Authority may relax the required setbacks on flanking streets to the extent necessary to allow development which in his opinion is compatible with that on adjacent lots, and, despite section 5.5, such relaxation need not be referred to the Municipal Planning Commission for a decision.

#### **A10 DRIVE IN BUSINESSES**

- 10.1 *Location:* Despite their being listed as a permitted or discretionary use in a land use district, drive in businesses shall be permitted only where passing traffic will not be significantly impeded, and traffic entering or leaving the business will not endanger pedestrians.



- 10.2 *Vehicle access points:* vehicle access points shall be situated only at locations approved by the Development Authority, and no closer than 12 metres to the curb intersection of two streets.
- 10.3 *Hard surfacing:* All parts of the site to which vehicles have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
- 10.4 *Parking and stacking:* The lot shall be large enough to accommodate all necessary parking, and provide room for vehicles awaiting service so that they do not back up into the adjacent street, and each bay or service point shall have space for at least three vehicles awaiting service.

**A11 DRIVEWAY ACCESS TO ROADS**

- 11. Where a development requires access from a road, the Development Authority shall ensure that it is located in a safe location and that the loss of on-street parking is minimized.

**A12 EASEMENTS**

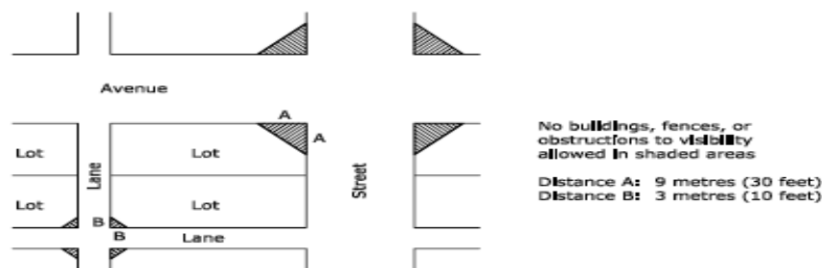
- 12. No permanent or temporary building shall be placed on land which is subject to an easement without the written consent of the easement holder.

**A13 EMERGENCY VEHICLE ACCESS**

- 13. The Development Authority shall ensure that Lots are designed and buildings are laid out to afford safe and unrestricted access for fire fighting vehicles and personnel in accordance with the requirements of municipal and provincial fire authorities.

**A14 FENCES IN RESIDENTIAL AREAS**

- 14.1 A fence requires a development permit, but no fee shall be charged.
- 14.2 No fence shall be higher than 1.8 metres in side and rear yards, and no higher than 1 metre in front yards.
- 14.3 The height limits for fences in front yards apply to any side of a lot facing or flanking a street.
- 14.4 The maximum fence height does not apply to swimming pools, which are governed by the Alberta Building Code.
- 14.5 In order to preserve safe sight lines for drivers, no fence, hedge, or other visual obstacle shall be permitted at near the intersection of two roads or two lanes in the area shown shaded on the accompanying drawing.



- 14.6 No barbed wire or electric fences are permitted.
- 14.7 Fences shall be of material and design acceptable to the Development Authority, and the provisions of Schedule A (Design and Appearance) apply to fences.

- 14.8 A development permit for a non-residential land use or an apartment, and adjacent to a single house or duplex, shall be issued subject to the condition that a fence at least 1.5 metres high be constructed between the two properties.

#### **A15 FENCES IN NON-RESIDENTIAL AREAS**

- 15.1 A fence requires a development permit, but no fee shall be charged.
- 15.2 Fences shall be of material and design acceptable to the Development Authority, and the provisions of Schedule A (Design and Appearance) apply to fences.
- 15.3 Barbed wire may be used only
- 15.3.1 for fences surrounding land on which the grazing of livestock is a permitted or discretionary use, and
- 15.3.2 as the top strand of a fence in a commercial or industrial district, and where the top strand is at least 2.0 metres above ground level.
- 15.4 No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is a permitted or discretionary use.

#### **A16 FUEL SALES**

- 16.1 An application for a development permit for motor fuel sales or storage shall be referred to the Fire Chief, and the Development Authority shall be guided by his recommendations when making a decision on the permit.
- 16.2 If the Fire Chief believes that the location is unsafe, or the site layout conflicts with the Safety Codes Act or other safety legislation, the Development Authority shall not issue a development permit, even if the use of land is permitted or discretionary for that land use district.
- 16.2 A lot on which motor fuel is sold shall have a road frontage of at least 30 metres.
- 16.4 Fuel pumps and above-ground fuel storage tanks shall be set back at least 12 metres from the property line and at least 6 metres from the side and rear property lines.
- 16.5 A development permit for a service station or other motor fuel sales does not allow auto body work, auto wrecking, or the sale of vehicles, unless this is specifically written in the development permit.
- 16.6 The requirements of Schedule A, Drive-in Businesses, also apply to motor fuel sales.

#### **A17 GARAGE LOCATION**

- 17.1 In residential districts, garages shall be located so that there is a 6.5 metre clear space between the garage door and any built or planned sidewalk, lane or curb so that vehicles can be parked in front of the garage doors without overhanging a pedestrian or vehicle travel surface.
- 17.2 Despite the foregoing, garages in the R1N and R1Z districts may be located with a clear space of between 1 and 3 metres between the garage doors and the lane.

## **A18 GARBAGE CONTROL**

18. In all districts, garbage shall be stored in weather-proof containers, screened from adjacent Lots and public thoroughfares, and in a location easily accessible for pickup without disrupting the flow of traffic on adjacent roads and lanes.

## **A19 GRADING AND DRAINAGE OF LOTS**

- 19.1 Water originating on one lot shall not be allowed to flow on to another lot without the written consent of the owner of the receiving lot.
- 19.2 In new subdivisions, lots shall be graded so that water flows on to the adjacent road or lane, and not on to an adjacent lot.
- 19.3 In residential areas where there is no lane, a swale shall be constructed along the rear of all lots to carry water to a road or drainage course, and the swale shall be protected by an easement in favour of the town.
- 19.4 The Development Authority may require, as a condition of a Development Permit, that a Developer submit a lot grading plan to the Town for approval. [added by Bylaw 2012/22/D]
- 19.5 Grading of a lot associated with an approved development shall conform to the lot grading plan approved by the Town. [added by Bylaw 2012/22/D]
- 19.6 If a person alters the approved lot drainage on/from a site so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighbouring properties. [added by Bylaw 2012/22/D]
- 19.7 Any retaining wall over 1 metre in height must be designed and inspected after construction by a professional engineer. The landowner shall provide to the Town the design and inspection report, both bearing the seal and signature of a professional engineer, within thirty (30) days of construction of the retaining wall. [added by Bylaw 2012/22/D]

## **A20 HIGH BUILDINGS**

20. Where a building is being replaced by a new building which is significantly higher than either the building which it replaces, or than the neighbouring residential buildings, the Development Authority may require that it be set back from property lines by more than the distances set out in Schedule B.

## **A21 NUMBERING OF HOUSES AND BUSINESS PREMISES**

21. The civic address assigned under Bylaw 97-07 shall be clearly displayed on all houses and business premises, and this requirement applies during construction as well as after completion.

## **A22 LANDSCAPING OF NEW DEVELOPMENT**

- 22.1 Landscaping to the satisfaction of the Development Authority shall be provided to separate residential land uses from industrial and commercial land uses.
- 22.2 Landscaped areas shall have at least 7.5 cm of topsoil.
- 22.3 In commercial land use districts, off-street parking lots shall be landscaped by the planting of at least one tree or shrub for every 185 m<sup>2</sup> of parking lot area. Trees and shrubs shall be of a size and type

satisfactory to the Development Authority, and shall not impede movement or visibility of pedestrians and traffic.

- 22.4 Landscaping will be required to the satisfaction of the Development Authority having regard to adjacent land uses and may include solid screen fencing (chain link with privacy slats, wood, metal, etc.), the planting of trees, shrubs and/or other vegetation and the construction of a landscaped berm. [added by Bylaw 2012/22/D]

### **A23 LANDSCAPING OF EXISTING DEVELOPMENT**

- 23.1 Every developed lot shall be landscaped and maintained to a standard which in the opinion of the Development Authority is reasonably compatible with neighbouring properties.
- 23.2 Every undeveloped lot shall be maintained to a standard which in the opinion of the Development Authority is reasonably compatible with neighbouring properties.

### **A24 LIGHTING**

24. The Development Authority may require that the lighting of a commercial, industrial, or institutional site be designed and maintained so as avoid glare on adjacent residential sites.

### **A25 LIVESTOCK**

- 25.1 No animals other than domestic pets shall be kept in any district except UX.
- 25.2 The foregoing does not apply to
- 25.2.1 auction markets, veterinary clinics, or other businesses which normally work with animals,
  - 25.2.2 the use of grazing animals to control weeds on municipally owned land, or
  - 25.2.3 land annexed into the municipality where the previous zoning continues to apply, and that zoning allows livestock.

### **A26 LOADING**

- 26.1 Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets.
- 26.2 Access to a loading dock shall be lighted, drained, and hard surfaced and, where required by the Development Authority, screened from view.
- 26.3 No loading space is required if, in the opinion of the Development Authority, loading from the street or lane will not unreasonably disrupt traffic flow.

### **A27 MOVED IN BUILDINGS**

- 27.1 A person wishing to move an existing building on to a lot shall make an application for a development permit in the usual way and as part of the application shall also provide:
- 27.1.1 photographs showing all sides of the building,
  - 27.1.2 a statement of the type of construction, condition, and age of the building, and

- 27.1.3 a statement of proposed improvements with an estimate of costs.
- 27.2 The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.
- 27.3 The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.
- 27.4 The Development Authority may issue a development permit subject to such conditions, as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.
- 27.5 The Development Authority may require security to guarantee completion of any work required under this section.
- 27.6 This section does not apply to new storage sheds, or to temporary buildings authorized under section 8 of the bylaw, or to new manufactured homes being moved in to a district where they are a permitted or discretionary use.

#### **A28 OUTSIDE STORAGE IN RESIDENTIAL AREAS**

No person shall keep or store in any part of a yard in a residential land use district:

- 28.1 any dismantled or wrecked vehicle;
- 28.2 any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district;
- 28.3 any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
- 28.4 a loaded or unloaded commercial vehicle with a maximum weight in excess of 5500 kg.
- 28.5 No motor vehicle shall be parked in a front yard, except on an approved driveway. Any motor vehicle parked on an approved driveway shall be in a moveable condition. [added by Bylaw 2012/22/D]

#### **A29 OUTSIDE STORAGE IN NON-RESIDENTIAL AREAS**

29. The Development Authority shall regulate the outside storage and display of raw materials, components, unfinished goods and waste products so that they do not reduce the enjoyment or value of adjacent properties, and in order to do this, may require that goods and materials be fenced, screened, or stored in specific locations.

**A30 OVERHANGS AND ENCROACHMENTS WITHIN A LOT**

- 30.1 Balconies and bay windows may encroach up to 1.5 metres into front and rear yards but shall not encroach into the setbacks required in side yards.
- 30.2 Decks no higher than 0.3 metres above ground level are not subject to yard and setback regulations.
- 30.3 Other features attached to a building such as chimneys, eaves, open steps, and sills may encroach into the yards required by Schedule B by the following distances:
  - 30.2.1 0.6 metres into yards of 1.5 metres or more, and
  - 30.2.2 0.45 metres into yards of less than 1.5 metres.

**A31 OVERHANGS AND ENCROACHMENTS INTO ROADS**

- 31.1 No sign or building may encroach over or onto a road unless the person responsible for the encroaching object
  - 31.1.1 has signed an encroachment agreement with the municipality, and
  - 31.1.2 agrees in writing to accept any liability arising from the encroachment.
- 31.2 This section does not apply to fascia signs and canopies which are at least 4 metres above ground level and which encroach less than 0.3 metres over a road.

**A32 PARKING: NUMBER OF STALLS REQUIRED**

32.1 Parking shall be provided in the following amounts:

Type of development	Number of stalls required
<b><i>Residential</i></b>	
Detached houses and new duplexes plus per secondary suite or lodger or bed-and-breakfast room	3 per dwelling unit [amended by Bylaw 2010/09/D] 1
Triplex, fourplex, or row housing	2 per dwelling unit
One bedroom apartment	1.25 per suite
Other apartments	2 per suite
Manufactured house on subdivided lot	2 per dwelling
Manufactured house in unsubdivided park	2 per dwelling, but one of the stalls may be in a central parking lot
Home offices	0
Home businesses	One per employee living off site

A stall for residential use may be inside a garage, or outside the building but entirely on the lot, but does not include a driveway if the use of the driveway for parking would obstruct the vehicles entering or leaving a garage.

### **Non-residential**

The following shall have sufficient on-site parking for all employees at maximum shift, plus client / customer / visitor parking at the following rates

Retail stores	1 per 100 m2 GLA (but see notes)
Offices and financial institutions	1 per 100 m2 GLA (but see notes)
Hotels and motels	1 per room, plus stalls required for the entertainment component of the business at the bar rate
Restaurants, bars, and clubs	1 per 4 seats
Places of worship, halls, and theatres	1 per 5 seats
Industrial plants	0
Automotive businesses	1 per bay
Schools	1 per 10 students aged 16 or older
Hospitals	1 per 4 beds
Other	Sufficient that client parking does not congest nearby streets

- 32.2 Where required by the Building Code, the appropriate number of parking stalls shall be handicap accessible, and shall be clearly marked as being for the use of disabled people only.
- 32.3 Where a business is likely to attract a high volume of traffic with high turnover, the Development Authority may require more parking.
- 32.4 On-site parking requirements for non-residential uses, and for residential uses in commercial and industrial areas, may be relaxed where in the opinion of the Development Authority
- (a) sufficient on-street parking is available without causing congestion, or
  - (b) sufficient parking is available in public parking lots, or
  - (c) private parking can be shared because peak use times are different.
- 32.5 Where on-site parking is required in the C1 district, and the developer is unable to supply that parking, he may make application to Council to instead, provide payment to the municipality to cover the cost of providing municipally owned parking. Such amount shall be determined on a cost-recovery basis in the manner established by Council.

### **A33 PARKING LOT DESIGN**

- 33.1 Standard parking stalls shall be at least 6.1 metres (20 feet) in length and 3.05 metres (10 feet) in width.
- 33.2 Handicap parking stalls shall be at least 6.1 metres (20 feet) in length and at least 3.9 metres (12.8 feet) in width, and shall have a firm, level, non-slip surface.
- 33.3 Parking stalls and loading spaces shall be clearly marked and regularly maintained in the parking facility to the satisfaction of the Development Authority.
- 33.4 All off-street parking lots shall be separated from public streets by a landscaped area at least 1metre from the outside edge of the parking stall to the edge of the public street right-of-way.
- 33.5 Parking lots shall be designed such that no vehicle is required to back out directly onto a public road or lane.
- 33.6 Necessary curb cuts shall be located and designed to the satisfaction of the Development Authority.
- 33.7 Where the requirement for off-street parking exceeds two stalls, every off-street parking space provided and the access thereto shall be hard-surfaced if the access from a street or lane which is hard-surfaced,

using the same or similar material for the off-street parking space as is found in the hard-surfaced street or lane giving access.

- 33.8 Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent residential Lots and other Lots where in the opinion of the Development Authority it would have adverse effects.
- 33.9 Grades and drainage shall dispose of surface water to the satisfaction of the Development Authority. In no case shall grades be established that would permit surface drainage to cross any sidewalk or Lot boundary without the approval of the Development Authority.
- 33.10 The manoeuvring aisle between parking stalls shall be determined by the angle of the stall, as set out below:

Angle of stall In degrees	Width of aisle in metres
0 (parallel parking)	3.66
30	3.66
45	3.66
60	6.10
90	7.32

- 33.11 Solely for underground parking for residential condominiums, Administration may allow a variance of the required lot widths to not less than 8 feet, 6 inches. Said variance shall apply only to condominium developments, in which underground parking is provided for residents only. In the event that public parking is to be provided, standard stall dimensions shall be required. [added by Bylaw 2007/28/D]

**A34 RECREATIONAL VEHICLES, TRAVEL TRAILERS, AND MOTOR HOMES**

- 34.1 Except in a campsite, no person shall occupy a recreational vehicle, travel trailer, or motor home on a lot, whatever the zoning, for more than five consecutive days unless a development permit has been issued.
- 34.2 No recreational vehicle, travel trailer, or motor home shall be parked in a front yard of a house.
- 34.3 One recreational vehicle and one utility trailer may be may be kept on a residential lot, so long as the recreational vehicle or utility trailer, or both, are not permitted to encroach onto adjacent lands, including but not limited to municipal lands, such as lanes and rights-of-way. [amended by Bylaw 2013/12/D]
- 34.4 On a residential lot a recreational vehicle or utility trailer may be parked in the approved paved, concrete, asphalt or gravel driveway, or within a fenced or enclosed rear yard, as long as the following requirements are met:
  - 34.4.1 the most forward part of the body of the recreational vehicle or utility trailer shall be set back at least 1.5 metres from the interior edge of the sidewalk, or where no sidewalk exists, 1.5 metres from the interior edge of the curb or property line;
  - 34.4.2 the hitch of the recreational vehicle or utility trailer shall not encroach over the interior edge of the sidewalk, or where no sidewalk exists shall be set back at least 0.5 metres from the interior edge of the curb or the property line; or
  - 34.4.3 the recreational vehicle or utility trailer is set back at a distance satisfactory to the Development Authority. [added by Bylaw 2012/22/D]



### **A35 SECONDARY SUITES**

- 35.1 A secondary suite is deemed to be part of the main building for the purpose of calculating floor areas.
- 35.2 No more than one secondary suite shall be constructed or operated in any main building.
- 35.3 A secondary suite may be installed at the time of construction of the main building, or at a later date.

### **A36 SEQUENCE OF DEVELOPMENT**

The Development Authority may refuse to issue a development permit for an accessory use if there is no main building on a lot.

### **A37 STORAGE SHEDS**

- 37.1 Storage Sheds are accessory buildings only on those lands highlighted in yellow on the attached Schedule C and are prohibited on all other lands.
- 37.2 Storage Sheds used for the limited purpose of construction or seasonal commercial storage are subject to Temporary Development Permit approval. Though not required to pay a security deposit, the applicant shall be required to screen the Storage Shed to the satisfaction of the Development Officer.
- 37.3 All Storage Sheds, not used for the limited purpose of construction, shall adhere to the conditions contained within, or attached as a Schedule to the Development Permit issued by the Town. Said conditions may include, but shall not be limited to, the following:
  - 37.3.1 The Storage Shed must be placed in accordance with the approved site plan, showing the Storage Shed to be situated to restrict its visibility, and must meet all setbacks required under Land Use Bylaw 2007/24/D. (a copy of the site plan shall be attached). No Storage Shed shall be visible from public roads, and in particular, shall not be seen from Highway 22, 50<sup>th</sup> Avenue or 50<sup>th</sup> Street, or any arterial road.
  - 37.3.2 The Storage Shed must meet exterior finish and screening requirements to the satisfaction of the Development Authority. Exterior finish shall be limited to colour(s) compatible with the principal building, in a neutral colour, or in a mural format which is approved by the Development Authority. The Development Authority may also require screening, to its satisfaction. All exterior work must be completed within 45 days from the date of issuance of the Permit.
  - 37.3.3 Upon satisfactory exterior finishing of the Storage Shed, the Town shall issue the Developer a Town logo decal, which shall be displayed on the doors of the Storage Shed and shall indicate compliance with the Development Permit.
  - 37.3.4 The Developer shall not, during or after placement of the Storage Shed, impede, obstruct or change any existing drainage patterns outside of the subject property without prior approval of the Town Engineer.
  - 37.3.5 This permit is subject to any/all required Federal, Provincial or Municipal Permit approvals including, but not limited to, Health, Building and/or Safety Code Permits.
  - 37.3.6 Should the business relocate, or cease to operate, the Storage Shed must be removed immediately. Relocation of the Storage Shed shall be subject to Development Permit approval for any new site or new ownership. A Development Permit is required for a Storage Shed to remain on site following a change of business or land ownership, and shall be subject to the same conditions as indicated above and in this clause 37.3.6.

- 37.4 The Applicant for the Development Permit shall provide to the Town a security deposit of \$2,500.00 to be held pending completion of the above conditions. Said security shall be paid in addition to the standard Development Permit fee. Upon satisfactory completion of all conditions, to the satisfaction of the Development Officer, the security deposit (not the Development Permit fee) shall be repaid to the Applicant. No interest will be paid to the Applicant upon return of the security deposit.
- 37.5 The maintenance, upkeep and relocation or removal of the Storage Shed shall be at the sole cost of the landowner or applicant. Should the landowner or applicant refuse to maintain the Storage Shed to the Town's satisfaction, Administration of the Town of Drayton Valley may have the Storage Shed and any contents removed from the site; the cost of removal and any storage costs shall be borne by the landowner or applicant. Such cost may be added to the property tax roll, should that cost remain outstanding for a period of more than 30 days from the date of invoicing.
- 37.6 Should the landowner or applicant fail to remove the Storage Shed from the site, as per the Development Permit condition or pursuant to a direction from the Administration of the Town of Drayton Valley, Administration may have the Storage Shed removed from the site. The cost of the removal, relocation and/or disposal of the Storage Shed and any contents shall be borne by the landowner or applicant. Such cost may be added to the property tax roll, should that cost remain outstanding for a period of more than 30 days from the date of invoicing.
- 37.7 Storage Sheds are considered to be "accessory use buildings" within the highlighted commercial and industrial land use districts as shown on the attached Schedule "C". Applications, if consistent with the requirements of the Town's Land Use Bylaw, shall be reviewed and subject to approval or refusal by the Development Authority. [added by Bylaw 2008/16/D]

**A38 SWIMMING POOLS AND HOT TUBS**

- 38.1 Every private swimming pool and hot tub shall be secured against unauthorized entry by a fence or wall at least 1.7 metres above ground level , and of such a design that it will prevent children from climbing over or crawling through or under it to gain access.
- 38.2 Gates in the fences shall provide protection equivalent to the fence and shall be equipped with a self-latching device located on the inside of the gate.

**A39 SURVEILLANCE SUITES**

- 39.1 A surveillance suite is a single residential unit in an industrial area, secondary to the main industrial use, used to accommodate a guard or watchman.
- 39.2 A development permit for a surveillance suite will be issued only if it is clearly subordinate to and compatible with the main use of the land or building, and with nearby land uses.
- 39.3 The design, appearance, and location of the surveillance suite shall be as required by the Development Authority.
- 39.4 No more than one surveillance suite shall be located on a lot.
- 39.5 In addition to the number of parking stalls required for the principal use under section A32 of this Bylaw, two (2) additional parking stalls shall be provided for the surveillance suite. [added by Bylaw 2012/22/D]
- 39.6 A surveillance suite may be located in a manufactured or mobile home, but shall not be located in a recreational vehicle. [added by Bylaw 2012/22/D]

#### **A40 UTILITY BUILDINGS AND EQUIPMENT**

The Development Authority may waive or relax siting and yard regulations where this is necessary for the efficient operation of a public utility system, and this waiver or relaxation does not need to be advertised.

#### **A41 WELLS AND PIPELINES**

Despite any other provision of this bylaw, the development authority shall not issue a development permit for a building or structure closer to an oil or gas well or pipeline than the distance established by the Subdivision and Development Regulations and by the Alberta Energy and Utilities Board.

#### **A42 PROJECT ACCOMMODATION (ALSO KNOWN AS “WORK CAMPS”) [added by Bylaw 2012/22/D]**

- 42.1 All project accommodations require a Development Permit.
- 42.2 A Development Permit for a project accommodation shall be temporary and may be issued for up to one (1) year, after which a new Development Permit approval is required.
- 42.3 An application for a Development Permit for project accommodation must provide the following information:
  - 42.3.1 the location, type and purpose of the camp;
  - 42.3.2 adjacent land uses;
  - 42.3.3 the method of supplying water, sewer and waste disposal to the camp. The proposed method of providing such service must meet with the requirements of the Town, the Regional Health Authority and, if applicable, the Alberta Private Sewage Treatment and Disposal Regulation;
  - 42.3.4 the number of persons proposed to live in the camp;
  - 42.3.5 the start date for development, date of occupancy by residents, and the removal date for the camp; and
  - 42.3.6 reclamation measures once the camp is no longer needed, at the discretion of the Development Authority.
- 42.4 Project accommodation must be linked to a specific project for which a valid and current Development Permit has been issued and can only accommodate workers for this project.
- 42.5 Project accommodation must:
  - 42.5.1 provide adequate on-site parking for private vehicles to the same standards as a hotel (this parking shall be in addition to that require for the principal use of the land);
  - 42.5.2 be removed from site when the project is completed or when the Development Permit expires, whichever shall first occur;
  - 42.5.3 post security with the Town of Drayton Valley sufficient to remove and/or reclaim the site if the project accommodation remains on site after the Development Permit has expired, or project is either completed or if work has stopped to the extent that the Town no longer feels the project accommodation is necessary to the project, or to reclaim the site if needed after the project accommodation has been removed from the site;
  - 42.5.4 be separate from adjacent land uses; and

- 42.5.5 be inspected by and have approval from the Drayton Valley/Brazeau County Fire Chief or his designate, prior to occupancy.
- 42.6 Project accommodations must be secured by:
  - 42.6.1 the installation of appropriate fencing around the project accommodation; and
  - 42.6.2 on-site security staff.
- 42.7 Project accommodation using recreational vehicles as the residential complex is not permitted.
- 42.8 Project accommodation may be subject to inspections at the discretion of the Development Authority.
- 42.9 The Town of Drayton Valley reserves the right to monitor the occupancy of project accommodation and as such the owners shall provide the Town, upon request, verification of employment for all occupants within the project accommodation. Such requests may be made semi-annually, at the discretion of the Development Authority.
- 42.10 Water and sewer services are to be installed for each unit at the sole cost of the owner/applicant or contractor, including any changes in service location, capacity and pressure. The Town of Drayton Valley may charge the owner/applicant for any off-site levies for municipal services to the site and may further require security, in the form of an Irrevocable Letter of Credit, in an amount to be determined by the Town Engineer and to be held until the removal of the project accommodation is completed to the Town's satisfaction.

**A43 TANK FARMS**[added by Bylaw 2012/22/D]

- 43.1 New and existing tank farms located within the Town shall be required to meet the following standards:
  - 43.1.1 Industrial standards, including:
    - (i) containment areas (such as berms, dikes, retaining walls and the like) must meet the minimum setback requirements as set out within the specified land use zoning;
    - (ii) fire hydrants must be located within 45 metres of the proposed tank farm site. Any deviation from this required distance shall be subject to Fire Department review and approval;
    - (iii) prior to commencing operation of the tank farm the operator must obtain written approval from both the Drayton Valley-Brazeau County Fire Department and PTMAA;
  - 43.1.2 Energy Resources Conservation Board (ERBC) Storage Requirements for Upstream Petroleum Industry;
  - 43.1.3 Alberta Fire Code;
  - 43.1.4 Alberta Building Code;
  - 43.1.5 PTMAA; and
  - 43.1.6 any other existing and future legislation, codes or standards regarding bulk storage of oilfield or industrial generated fluids, either petroleum products, flammable and/or combustible liquids or hydrocarbon products, whether manufactured or generated elsewhere through resource and/or other industry activities, including but not limited to water, salt water or any other liquid stored for oilfield consumption.
- 43.2 All corporations, their management and employees or any other entities who are engaged in the bulk storage of fluids or solids are responsible for ensuring that the storage facilities conform within the rules, regulations, standards and laws which are required by current or future statute, codified law or Town Bylaw.

- 43.3 To ensure that local, provincial and federal requirements are met, the Town requires as follows:
- 43.3.1 Development Permit must be obtained from the Town for the proposed site location for a new tank farm, prior to any construction taking place;
  - 43.3.2 the proponent or developer must obtain all other necessary provincial and/or federal approvals or licenses for the tank farm;
  - 43.3.3 if a Development Permit is approved, construction of the facility must meet the requirements of all permits, approvals, applicable codes and licenses; and
  - 43.3.4 if a Development Permit is approved, prior to commencing operation of the tank farm the operator must provide two (2) copies of a detailed Emergency Response Plan to the DEM and the Fire Chief. If the Emergency Response Plan is unacceptable, the operator will be required to delay commencing operation until an acceptable plan is provided.
- 43.4 Where existing facilities do not meet current standards or requirements the tank farm will be considered for approval providing that the following conditions are met:
- 43.4.1 an application for acceptance of an existing tank farm is submitted to the Development Authority, accompanied by confirmation from PTMAA that the existing tanks are registered with their Association and are in satisfactory condition;
  - 43.4.2 test results of the soil around and immediately adjacent to the tank farm, showing base-level readings, must be completed within sixty (60) days of the review date for the tank farm;
  - 43.4.3 engineered drawings or plans of the existing site, including any dikes or berms, certified by a P.Eng., certifying the facility to be in compliance with relevant regulations and standards and in compliance with Town setback requirements;
  - 43.4.4 a detailed Emergency Response Plan, pursuant to section 42.3.4 above;
  - 43.4.5 a list of existing tanks and their manufacturers and applicable ULC and API standards, as well as a description of the contents stored within each tank;
  - 43.4.6 any and all other documentation and information required by the Town.
- 43.5 Existing tank farms which do not comply with existing legislation may be given time to comply, as determined on a case-by-case basis. Consideration of environmental risk and risk to adjacent properties shall be a determining factor.
- 43.6 Should an existing tank farm operation not comply within the given time, their Development Permit for the tank farm may be suspended or revoked, which may result in the levy of a fine, under the *Municipal Government Act*, or as determined by other applicable legislation. The fine shall be \$500.00 per day for every day the operation continues to violate this policy or any related legislation, code or industry regulation.

**SCHEDULE B  
REGULATIONS FOR LAND USE DISTRICTS**

**B1 R1A LOW DENSITY RESIDENTIAL DISTRICT**

1.1. Purpose

The purpose of the R1A district is to provide land for larger detached houses on individual lots.

1.2. Permitted Uses

The following uses are permitted:

- o new site-built detached houses
- o home offices
- o minor day care operations
- o public parks and recreation areas
- o secondary suites [amended by Bylaw 2013/06/D]
- o buildings and uses accessory to the above.

1.3. Discretionary Uses

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o modular home
- o home businesses
- o bed and breakfast establishments
- o day care facilities
- o group homes
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

1.4 Uses Not Allowed

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.
- o Manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

1.5 Number of Dwellings on a Lot

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within a main building.

1.6 Lot Size Requirements

*Lot width:* Residential corner lots shall have a width of at least 18 metres.

Other residential lots shall have a width of at least 16 metres.

Non-rectangular residential lots shall have a road frontage of at least 10 metres.

Where oversized lots are being re-subdivided, or lot lines adjusted, the required lot widths may be relaxed to accommodate existing buildings.

Lots for other uses shall have a width satisfactory to the Development Authority.

*Lot depth:* All lots shall have a depth of at least 35 metres.

## 1.7 Building Sizes

1.7.1 A dwelling shall have a finished floor area of at least 112 square metres aboveground level, excluding attached garages.

1.7.2 A dwelling shall not exceed two and a half storeys above ground level.

1.7.3 No accessory building shall have a wall height exceeding 3 metres.

## 1.8 Site Coverage

Buildings shall cover no more than 35% of the area of a residential lot.

## 1.9 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 5.5 metres from the front property line

*Flanking yard:* Buildings shall be set back at least 3 metres from the edge of the right-of-way of a flanking street.

*Rear Yard:* Buildings shall be set back at least 5.5 metres from the rear property line.

*Side yard:* Where a lot has vehicular access only from the front street, and where the house has no front garage or car port, one side yard shall be at least 3 metres wide to provide access to rear parking.

In all other cases, the side yard shall be at least 1.5 metres wide.

## 1.10 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street or lane.

*Flanking yard:* Buildings shall be set back at least 3 metres from the edge of the right-of-way of a flanking street.

*Rear yard* Accessory buildings shall be set back at least 1 metre from the rear property line.

## 1.11 Distances between Buildings

All main buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

## 1.2 Other Controls

The requirements of Schedule A apply in this district.

## **B2 R1B STANDARD RESIDENTIAL DISTRICT**

### **2.1 Purpose**

The purpose of the R1B district is to provide land for detached houses on individual lots.

### **2.2 Permitted Uses**

The following uses are permitted:

- o new site built detached houses
- o home offices
- o minor day care operations
- o public parks and recreation areas
- o secondary suites [amended by Bylaw 2013/06/D]
- o buildings and uses accessory to the above.

### **2.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o modular home
- o places of worship
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### **2.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.
- o Manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

### **2.5 Number of Dwellings on a Lot**

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within a main building.

### **2.6 Lot Size Requirements**

*Lot width:* Residential lots shall have a width of at least 11 metres, and 14 metres at the intersection of two roads.

Non-rectangular residential lots shall have a road frontage of at least 10 metres.

Where oversized lots are being re-subdivided, or lot lines adjusted, the required lot widths may be relaxed to accommodate existing buildings.

Lots for other uses shall have a width satisfactory to the Development Authority.



*Lot depth:* All lots shall have a depth of at least 33.5 metres.

## 2.7 Building Sizes

2.7.1 A dwelling shall not exceed two and a half storeys above ground level.

2.7.2 No accessory building shall have a wall height exceeding 3 metres.

## 2.8 Site Coverage

Buildings shall cover no more than 50% of the area of a residential lot.

## 2.9 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 5.5 metres from the front property line.

*Side yard:* Where a lot has vehicular access only from the front street, and where the house has no front garage or car port, one side yard shall be at least 3 metres wide to provide access to rear parking.

In all other cases, the side yard shall be at least 1.5 metres wide.

*Flanking yard:* Buildings shall be set back at least 3 metres from the edge of the right-of-way of a flanking street.

*Rear Yard:* Buildings shall be set back at least 5.5 metres from the rear property line.

## 2.10 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

*Flanking yard:* No accessory building shall be located in a flanking yard.

*Rear yard* Accessory buildings shall be set back at least 1 metre from the rear property line.

## 2.11 Distances Between Buildings

All main buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

## 2.12 Other Controls

The requirements of Schedule A apply in this district.

### **B3 R1N LOW DENSITY NARROW LOT RESIDENTIAL DISTRICT**

#### **3.1. Purpose**

The purpose of the R1N district is to provide land for houses made more affordable by reducing lot sizes while maintaining all other standards of single family houses. Lots may be developed with or without lanes.

#### **3.2 Permitted Uses**

The following uses are permitted:

- o new site built detached houses
- o modular home
- o home offices
- o minor day care operations
- o public parks and recreation areas
- o secondary suites [amended by Bylaw 2013/06/D]
- o buildings and uses accessory to the above.

#### **3.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o duplexes
- o places of worship
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above

#### **3.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.
- o Manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

#### **3.5 Number of Dwellings on a Lot**

Only one dwelling unit shall be constructed on a lot

#### **3.6 Lot Size Requirements**

Lot widths and depths shall be sufficient to accommodate the proposed house and accessory buildings with the yards and setbacks required by sections 3.9 and 3.10 below.

#### **3.7 Building Sizes**

- o No dwelling shall exceed two and a half storeys aboveground level.
- o No accessory building shall have a wall height exceeding 3 metres.

### 3.8 Site Coverage

Buildings shall cover no more than 60% of the area of a residential lot.

### 3.9 Yards and Setbacks: Main Buildings

*Front yard:* On a lot with a rear lane and no front attached garage, the front yard shall be at least 4.5 metres.

On a lot with a front attached garage, buildings shall be set back at least 5.5 metres from the front property line, and the front attached garage shall be located so that there is at least 6.5 metres between the garage door and any built or proposed sidewalk.

*Rear yard:* Buildings shall be set back at least 5.5 metres from the rear property line.

*Side yard:* Buildings shall be set back at least 1.2 metres from each side property line.

### 3.10 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

*Flanking yard:* No accessory building shall be located in a flanking yard.

*Rear yard:* Garages facing a lane may be set back between 1 and 2 metres from the lane, or at least 6 metres from the lane, but not between 2 and 6 metres from the lane.

Other accessory buildings shall be set back at least 1 metre from the rear property line.

### 3.11 Developed Parking Required

A house built without a front attached garage must have a garage or concrete parking pad in the rear yard accessed by a lane or flanking road, and this must be constructed at the same time as the main building.

### 3.12 Distances between buildings

All main buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

### 3.13 Other Controls

The requirements of Schedule A apply in this district.

## **B4 R1Z ZERO LOT LINE RESIDENTIAL DISTRICT**

### **4.1 Purpose**

The purpose of the R1Z district is to allow single detached houses to be built with no yard on one side of the main building. In all other ways the regulations for the R1B district apply.

### **4.2 Permitted Uses**

The following uses are permitted:

- o new site-built detached houses
- o modular home
- o home offices
- o minor day care facilities
- o public parks and recreation areas
- o secondary suites [amended by Bylaw 2013/06/D]
- o buildings and uses accessory to the above.

### **4.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o places of worship
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### **4.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.
- o Manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

### **4.5 Number of Dwellings on a Lot**

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within a main building.

### **4.6 Lot Size Requirements**

*Lot width:* Residential lots shall have a width of at least 11 metres.

Lots for other uses shall have a width satisfactory to the Development Authority.

*Lot depth:* All lots shall have a depth of at least 35 metres.

#### 4.7 Building Sizes

4.7.1 A dwelling shall not exceed two and a half storeys aboveground level.

4.7.2. No accessory building shall have a wall height exceeding 3 metres.

#### 4.8 Site Coverage

Buildings shall cover no more than 60% of the area of a residential lot.

#### 4.9 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 5.5 metres from the front property line.

*Rear Yard:* Buildings shall be set back at least 5.5 metres from the rear property line.

*Side yard:* Buildings shall have one side yard of at least 3 metres, and may have one zero side yard, provided that

A an easement is registered against the adjacent lot to allow access for maintenance on the zero yard side, and

B no zero side yard shall be permitted against a flanking street or lane.

#### 4.10 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings may be built

A with a zero side yard under the same terms as a main building, or

B with no easement and a one metre side yard.

*Rear yard* Accessory buildings, except garages, shall be set back at least 1 metre from the rear property line (but see Schedule A regarding garages).

#### 4.11 Distances Between Buildings

All main buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

#### 4.12 Subdivision design

All residential lots must have access to a back lane.

#### 4.13 Other Controls

The requirements of Schedule A apply in this district.

## **B5 R1E ESTATE RESIDENTIAL DISTRICT**

### **5.1 Purpose**

The purpose of the R1E district is to allow high quality residential development on large lots.

### **5.2 Permitted Uses**

The following uses are permitted:

- o new site-built detached houses
- o home offices
- o minor day care operations
- o public parks and recreation areas
- o secondary suites [amended by Bylaw 2013/06/D]
- o buildings and uses accessory to the above, but storage buildings larger than 60 m2 in area are discretionary

### **5.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o moved-in houses, but excluding manufactured and mobile homes
- o modular home
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### **5.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.
- o Manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

### **5.5 Number of Dwellings on a Lot**

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within a main building.

### **5.6 Lot Size Requirements**

*Lot area:* All residential lots shall have an area of at least 1,800 m2 (0.5 acres).

Lots for other purposes shall have an area satisfactory to the Development Authority.

*Lot width:* All residential lots shall have a width of at least 30 metres at the building line, and a road frontage of at least 15 metres.

Lots for other purposes shall have a width satisfactory to the Development Authority.

#### 5.7 Yards and Setbacks

- o All buildings shall be located at least 8 metres from any road, 10 metres from the rear property line, 3 metres from any other property line, and 3 metres from any other building.
- o Accessory buildings shall be located behind the front wall of the main building.

#### 5.8 Development Standards

- o All residential lots shall be connected to the municipal water system.
- o All other development standards shall be negotiated between the developer and the municipality and specified in the overall plan governing the subdivision, and shall be suitable for a high quality residential development.

#### 5.9 Development Agreement to be Registered

If at the time of subdivision a residential lot is not served by a paved road, and/or is not connected to all municipal services, a development agreement shall be registered on the title to the lot, and under the terms of this agreement the owner and his successors shall accept financial responsibility for installing or upgrading services or paving, and shall release the municipality from any financial responsibility for such installation or upgrading.

#### 5.10 Sewage Treatment

If residential lots are not to be served by a piped gravity municipal sewer system, the method of sewage treatment must be acceptable to Alberta Environmental Protection, the Regional Health Authority, and the municipality.

#### 5.11 Building Quality

In order to ensure a high standard of building and design, architectural controls may be registered on the title of each lot, by way of restrictive covenant, at the time of subdivision.

#### 5.12 Maximum height of buildings

A building shall not exceed two and a half storeys above ground level unless it is set back at least 10 metres from the side property line, in which case it may have three storeys above ground level.

#### 5.13 Location of Buildings

All main buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

#### 5.14 Other Controls

The requirements of Schedule A apply in this district.

## **B6 R2 GENERAL RESIDENTIAL DISTRICT**

### **6.1 Purpose**

The purpose of the R2 district is to provide land for smaller detached houses and side-by-side duplexes.

### **6.2 Permitted Uses**

The following uses are permitted:

- o new site-built detached houses
- o modular home
- o duplexes
- o home offices
- o minor day care operations
- o secondary suites [amended by Bylaw 2013/06/D]
- o public parks and recreation areas
- o buildings and uses accessory to the above.

### **6.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o moved-in houses, including new manufactured homes
- o places of worship
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### **6.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.

### **6.5 Number of Dwellings on a Lot**

Only one dwelling unit shall be constructed on a lot, except that

- 6.5.1 a duplex may be built on a lot which is large enough to be re-subdivided, and
- 6.5.2 one secondary suite may be constructed and used within a detached house or half duplex.

### **6.6 Lot Size Requirements**

*All developments:* All residential lots shall be at least 35 metres deep.

*Detached houses:* A lot for a detached house shall have an area of at least 500 square metres, a width of at least 10.00 metres (32.8 feet) [amended by Bylaw 2010/09/D], and a road frontage of at least 7.5 metres.

*Duplexes:* A subdivided lot for one side of a duplex shall have an area of at least 250 square metres, a width of 7.5 metres, and a road frontage of at least 5 metres.



*Non-residential uses:* Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

6.7 Site Coverage

Buildings shall cover no more than 65% of the area of a residential lot.

6.8 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 5.5 metres from the front property line.

*Rear yard:* Buildings shall be set back at least 5.5 metres from the rear property line.

*Side yard:* Buildings shall be set back at least 1.5 metres from a side property line, except that a duplex may be built straddling the side property line.

6.9 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street or lane.

A shared garage serving two attached duplexes may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.

*Rear yard* Accessory buildings shall be set back at least 1 metres from the rear property line (but see Schedule A regarding location of garages).

6.10 Building sizes

A building shall not exceed two and a half storeys above ground level.

An accessory building shall not have a wall height exceeding 3 metres.

6.11 Subdivision design

A new subdivision intended to be classified R2 shall contain lanes serving every residential lot.

6.12 Distances Between Buildings

All buildings shall be separated by the distances required by the Alberta Building Code.

6.13 Other Controls

The requirements of Schedule A apply in this district.

## **B7 R3 MEDIUM DENSITY RESIDENTIAL DISTRICT**

### **7.1 Purpose**

The purpose of the R3 district is to provide land for higher density housing, but not apartments. The district may also be used for lower density housing.

### **7.2 Permitted Uses**

The following uses are permitted:

- o new site-built detached houses
- o modular homes, but excluding manufactured and mobile homes
- o duplex, triplex, and fourplex dwellings
- o row (town) houses
- o stacked town houses
- o home offices
- o minor day care operations
- o in detached houses and duplexes, secondary suites [amended by Bylaw 2013/06/D]
- o public parks and recreation areas
- o buildings and uses accessory to the above.

### **7.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o moved-in houses
- o new manufactured homes [*or, less than 10 years old*]
- o places of worship
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### **7.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.

### **7.5 Number of Dwellings on a Lot**

No more than one detached dwelling unit may be built on a lot.

### **7.6 Lot Size Requirements**

*Lot width:* All lots shall have a width sufficient to accommodate the buildings plus the yards, setbacks, site coverage maximum, parking, and landscaping required by this bylaw.

A lot which is not served by a lane shall be at least 15.24 metres wide.

### **7.7 Site Coverage**

Buildings shall cover no more than 65% of the area of a residential lot.

## 7.8 Yards and Setbacks, Main Buildings

*Front yard:* All houses shall be set back at least 5.5 metres from the front property line.

*Rear yard:* All houses shall be set back at least 6 metres from the rear property line

*Side yard:* All houses shall be set back at least

- o 3 metres on one side of the lot where there is no road or lane access to the rear yard, and
- o 1.5 metres in all other cases.

Despite the foregoing, a duplex, row house, or fourplex may be built straddling the side property line.

## 7.9 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street.

*Rear yard:* Accessory buildings shall be set back at least 1 metres from the rear property line.

A shared garage serving two attached dwelling units may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.

## 7.10 Distances Between Buildings

All buildings shall be separated by the distance required by the Alberta Building Code.

## 7.11 Height of accessory buildings

No accessory building shall have a wall height exceeding 3 metres.

## 7.12 Internal road systems

A multiple unit housing development shall be laid out so that

A The internal circulation roads have a travel surface at least 7.0 metres wide, and are able to accommodate emergency vehicles, and

B The individual housing units are at least 5.5 metres from the travel surfaces of the internal circulation roads, or such greater distance as may be necessary so that vehicles parked in front of the units do not overhang the travel surface.

## 7.13 Subdivision design

Lots for single detached houses, duplexes, fourplexes, and row houses shall have be served by a rear lane.

## 7.14 Other Controls

The requirements of Schedule A apply in this district.

## **B8 R4 HIGH DENSITY RESIDENTIAL DISTRICT**

### **8.1 Purpose**

The purpose of the R4 district is to provide land for higher density housing, including apartments. The district may also be used for lower density housing.

### **8.2 Permitted Uses**

The following uses are permitted:

- o new detached house
- o modular homes, but excluding manufactured and mobiles homes
- o duplex, triplex, and fourplex dwellings
- o row (town) houses
- o stacked town houses
- o apartment buildings
- o home offices
- o minor day care operations
- o in detached houses and duplexes, secondary suites [amended by Bylaw 2013/06/D]
- o public parks and recreation areas
- o buildings and uses accessory to the above.

### **8.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o moved-in houses
- o new manufactured homes [*or, less than 10 years old*]
- o places of worship
- o day care facilities
- o group homes
- o home businesses
- o bed and breakfast establishments
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### **8.4 Uses Not Allowed**

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.

### **8.5 Number of Dwellings on a Lot**

No more than one detached dwelling unit may be built on a lot.

### **8.6 Lot Size Requirements**

*Lot width:* All lots shall have a width sufficient to accommodate the buildings plus the yards, setbacks, site coverage maximum, parking, and landscaping required by this bylaw.

A lot which is not served by a lane shall be at least 15.24 metres wide.

### **8.7 Site Coverage**

Buildings shall cover no more than 65% of the area of a residential lot.

8.8 Yards and setbacks, Apartment buildings

The required yards and setbacks for apartment buildings shall be determined by the Development Authority, who shall consult the fire chief before making a decision.

8.9 Yards and Setbacks, Other Main Buildings

*Front yard:* All main buildings shall be set back at least 5.5 metres from the front property line.

*Rear yard:* All main buildings shall be set back at least 6 metres from the rear property line

*Side yard:* All main buildings shall be set back at least

- o 3 metres on one side of the lot where there is no road or lane access to the rear yard, and
- o 1.5 metres in all other cases.

Despite the foregoing, a duplex, row house, or fourplex may be built straddling the side property line.

These setbacks may be increased if necessary to give emergency vehicle access: see section 8.12 below.

8.10 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.  
No accessory building shall be located between a main building and a flanking street.

*Rear yard:* Accessory buildings shall be set back at least 1 metres from the rear property line.

A shared garage serving two attached dwelling units may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.

These setbacks may be increased if necessary to give emergency vehicle access: see section 8.12 below.

8.11 Distances Between Buildings

All buildings shall be separated by the distance required by the Alberta Building Code.

8.12 Emergency Vehicle Access

- o Along the sides of an apartment building exceeding two storeys above ground level, emergency vehicle access must conform to the side and rear yard setbacks as per the Alberta Building Code requirements. There shall be a firm, level "fire access area", accessible from the road by emergency response equipment. This requirement may increase the setbacks required by preceding sections.
- o No buildings, vehicles, or other obstructions shall be placed or allowed in a fire access area.

8.13 Height of buildings

No accessory building shall have a wall height exceeding 3 metres.

8.14 Internal road systems

A multiple unit housing development, whether a single lot or a condominium, shall be laid out so that

A The internal circulation roads have a travel surface at least 7.0 metres wide, and able to accommodate emergency vehicles, and

B The individual housing units are at least 5 metres from the travel surfaces of the internal circulation roads, or such greater distance as may be necessary so that vehicles parked on a lot in front of the dwellings do not overhang the travel surface.

8.15 Subdivision design

Lots for single detached houses, duplexes, fourplexes, and row houses shall be served by a rear lane.

8.16 Other Controls

The requirements of Schedule A apply in this district.

8.17 Green Space in High Density Residential Areas

Every high density residential development of ten (10) or more residential units on a lot or site shall provide its own dedicated green space which may include a playground and/or a play structure. The green space shall be a minimum of one (1) metre square for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The green space and all associated amenities shall be maintained by the landowner(s). Any play structure shall conform to CSA standards. [added by Bylaw 2012/22/D]

## **B9 RMS MANUFACTURED HOUSING SUBDIVISION DISTRICT**

### 9.1 Purpose

The purpose of the RMS district is to provide land where manufactured homes may be placed on titled lots, which are dimensioned to fit the unique size and shape of this style of housing.

### 9.2 Permitted Uses

- o manufactured homes less than ten years old when moved to the site
- o new detached houses
- o modular homes
- o home offices
- o minor day care operations
- o public parks and recreation areas
- o buildings and uses accessory to the above.

### 9.3 Discretionary Uses

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o manufactured homes more than ten years old when moved to the site
- o moved-in detached houses
- o places of worship
- o group homes
- o day care facilities
- o home businesses
- o bed and breakfast establishments
- o secondary suites in conventionally built houses
- o utility installations
- o residential sales centre [added by Bylaw 2012/22/D]
- o buildings and uses accessory to the above.

### 9.4 Uses Not Allowed

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.

### 9.5 Number of Dwellings on a Lot

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within a detached house.

### 9.6 Lot Size Requirements

All lots shall have a width sufficient to accommodate the buildings plus the yards, setbacks, site coverage maximum, parking, and landscaping required by this bylaw, plus access to parking at the rear of the dwelling.

### 9.7 Lot Coverage

Buildings shall cover no more than 50% of the area of a residential lot.

### 9.8 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 5.5 metres from the front property line.

*Rear yard:* Buildings shall be set back at least 5.5 metres from the rear property line

*Side yard:* Buildings shall be set back at least

- o 3 metres on the main entrance side of the dwelling, and
- o 1.5 metres on the other side of the dwelling

9.9 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street.

*Rear yard* Accessory buildings shall be set back at least 1 metres from the rear property line (but see Schedule A regarding locations of garages).

9.10 Distances between Buildings

All main buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

9.11 Subdivision design

All lots shall be served by a rear lane.

9.12 Aesthetics

All units shall be permanently attached to the ground by a method acceptable to the Development Authority. Support by blocks alone is not acceptable.

Wheels shall be removed.

Prior to occupancy, the undercarriage of each unit shall be completely hidden from view by the foundation or by skirting, which shall match or complement the finish of the unit.

Additions to the unit shall be factory pre-fabricated or equivalent quality and appearance to complement the unit, and any foundation or skirting shall be consistent with those of the main unit.

9.13 Other Controls

The requirements of Schedule A apply in this district.



## **B10 RMP MANUFACTURED HOUSING PARK DISTRICT**

### 10.1 Purpose

The purpose of the RMP district is to provide land where manufactured homes can be set on rented sites which do not have individual title.

### 10.2 Permitted Uses

- o manufactured homes
- o home offices
- o minor day care operations
- o parks and recreation areas
- o buildings and uses accessory to the above.

### 10.3 Discretionary Uses

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o day care facilities
- o home businesses
- o utility installations
- o buildings and uses accessory to the above.

### 10.4 Uses Not Allowed

The following uses are not allowed:

- o The use of a motor home, recreational vehicle, or travel trailer as a dwelling unit.

Note that site-built houses are neither a permitted nor a discretionary use.

### 10.5 Overall development plan required

Before a development permit is issued for a new manufactured housing park, or for the expansion of an existing manufactured housing park, the developer must provide an overall plan, acceptable to the Municipal Planning Commission, showing

- Road layout, with widths, cross-sections, and radius of turn of all internal roads,
- The drainage system,
- Stall sizes,
- Locations of underground and overhead utilities,
- Parking for at a rate of 2 parking stalls per resident, one of which may be centrally located,
- Parks and play areas, amounting to at least 5% of the area of the park
- Landscaping and buffering separating the residential areas from public roads,
- Garbage storage and collection areas,
- Any communal facilities such as laundromats,
- The locations of signs

The overall plan must be compatible with the Land Use Planning Recommendations for Manufactured Housing in Alberta, published by the Manufactured Housing Association of Alberta and Saskatchewan, or its successor, but where that document conflicts with this bylaw, the bylaw governs.

### 10.6 Stalls

The corners of every rental stall shall be marked.

No minimum or maximum size of stall is mandated, but all stalls must be large enough to provide the building setbacks and site coverage limits required below.

10.7 Stall Development Standards

Every stall shall have a hard-surfaced, durable base on which homes and accessory buildings can be safely placed.

All homes and buildings shall be securely attached to the ground.

Undercarriages and hitches shall be hidden by skirting complementary to the manufactured home.

Accessory structures such as steps, patios, porches, additions, and storage buildings shall be factory prefabricated or equivalent quality to complement the main building on the stall.

10.8 Building setbacks

All buildings, including moveable and temporary buildings, must be located within a stall so that they are at least

3.0 metres from any internal (unregistered) road,  
4.5 metres from any public road which is registered, or which is maintained by the municipality  
3.0 metres from the rear of the stall,  
1.2 metres from the side of the stall, and  
main buildings must be at least 4.5 metres from the main building on another stall.

10.9 Site coverage

No more than 50% of the area of a stall shall be covered by buildings.

10.10 Permission for Development

A manufactured home shall not be brought into a park until a development permit has been issued.

The application for a development permit shall record the CSA number or other unique identifier of every manufactured home in the park.

10.11 Other Controls

The requirements of Schedule A apply in this district.

## **B11 C1 CENTRAL COMMERCIAL DISTRICT**

### **11.1 Purpose**

The C1 district provides land for pedestrian-oriented commercial land uses in the downtown core.

### **11.2 Permitted Uses**

The following uses are permitted:

- o retail businesses, except those listed below as discretionary or not allowed
- o motels and hotels, except those components of the business listed below as discretionary or not allowed
- o professional, financial, and personal service businesses, except those listed below as discretionary or not allowed
- o clubs, associations, places of worship, and lodges, except those listed below as discretionary or not allowed
- o government, police, and emergency services operations
- o public utilities
- o public parks and recreation areas
- o Retail Liquor Store [added by Bylaw 2017/09/D]
- o dwelling units above the main floor, with their own separate entrance at street level
- o cannabis retail store [added by Bylaw 2018/09/D]
- o buildings and uses accessory to the above

### **11.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o Subject to Schedule A, section A2, adult businesses, but excluding establishments whose primary business is the sale of alcohol for consumption on the premises.
- o Pawn shops
- o Trade workshops
- o Amusement arcades
- o Businesses selling lumber or other combustible products
- o Drive-in businesses
- o Businesses selling or servicing motor vehicles
- o Gas bars associated with retail stores
- o Dwelling units at street level, with their own separate entrance at street level
- o Temporary Portable Signs
- o Minor day care operations [three or fewer children] [added by Bylaw 2013/06/D]
- o Day care facilities [four or more children] [added by Bylaw 2013/06/D]
- o Group homes [up to six residents] [added by Bylaw 2013/06/D]
- o Buildings and uses accessory to the above uses

### **11.4 Uses Not Allowed**

Establishments whose primary business is the sale of alcohol for consumption on the premises are neither permitted nor discretionary uses in the C1 district. These uses require the land to be classified BE Bar and Entertainment.

### **11.5 Lot Size**

Every lot shall have a minimum width of 6 metres and a minimum depth of 30 metres.

11.4 Yards and Setbacks

No building setbacks are required, except where space is needed at the rear for parking, loading, or garbage containers.

11.6 Off-street Parking

Despite the parking requirements set out in Schedule A, no off-street parking need be provided for a commercial development on a Lot of less than 600 square metres.

11.7 Other Controls

The requirements of Schedule A apply in this district.

## **B12 C2 GENERAL COMMERCIAL DISTRICT**

### **12.1 Purpose**

The purpose of the C2 district is to provide land for retail and service businesses which generate large volumes of vehicle traffic, or which benefit from exposure to traffic, or which need larger lots than are available in the C1 district. Industrial uses which are compatible with retail and service activities are also allowed at the discretion of the Municipal Planning Commission.

### **12.2 Permitted Uses**

The following uses are permitted:

- o Retail businesses, except those listed below as discretionary
- o Motels and hotels, except those components of the business listed below as discretionary
- o Professional, financial, and personal service businesses, except those listed below as discretionary
- o Clubs, associations, places of worship, and lodges, except those listed below as discretionary
- o Government, police, and emergency services operations
- o Public utilities
- o Auction marts, other than those selling livestock, which are discretionary
- o Public parks and recreation areas
- o Dwelling units above the main floor, with their own separate entrance at street level
- o Gasoline and other fuel sales, excluding bulk and unattended sales
- o Trade workshops
- o Places of worship
- o Businesses selling, leasing, servicing or repairing automobiles, recreation vehicles, boats, manufactured housing, and farm equipment, but not body shops or paint shops
- o Retail Liquor Store [added by Bylaw 2017/09/D]
- o Cannabis retail store [added by Bylaw 2018/09/D]
- o Buildings and uses accessory to the above.

### **12.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o Subject to Schedule A, section A2, adult businesses, but excluding establishments whose primary business is the sale of alcohol for consumption on the premises.
- o Pawn shops
- o Veterinary clinics and animal care facilities
- o Livestock auction marts
- o Trade workshops
- o Recycling and salvage businesses
- o Amusement arcades
- o Businesses selling lumber or other combustible products
- o Drive-in businesses
- o Group care facilities
- o Dwelling units at street level, with their own separate entrance at street level
- o Buildings and uses accessory to the above uses
- o Automotive body shops and paint shops
- o Travel trailer campsites
- o Bulk and unattended fuel sales, provided that the tanks and loading areas are at least 50 metres from any dwelling unit
- o Warehousing and storage
- o Industrial uses which are compatible with the use of adjacent lots

- o Temporary Portable Signs
- o Minor day care operations [three or fewer children] [added by Bylaw 2013/06/D]
- o Day care facilities [four or more children] [added by Bylaw 2013/06/D]
- o Group homes [up to six residents] [added by Bylaw 2013/06/D]
- o Project Accommodation [added by Bylaw 2012/22/D]
- o Buildings and uses accessory to the above

#### 12.4 Uses Not Allowed

Establishments whose primary business is the sale of alcohol for consumption on the premises are neither permitted nor discretionary uses in the C2 district. These uses require the land to be classified BE Bar and Entertainment.

#### 12.5 Highway Access

Neither the Development Authority nor the Municipal Planning Commission shall approve a direct access from a lot to Highway 22 without the approval of Alberta Transportation.

#### 12.6 Lot Width

12.6.1 Lots for retail, commercial, and industrial uses shall have a width of at least 15 metres.

12.6.2 The width of lots for other uses shall be as required by the Development Authority.

#### 12.7 Site Coverage

No more than 60% of the area of a site shall be covered with buildings.

#### 12.8 Yards and Setbacks

All buildings shall be set back at least

- o 8 metres from any road or, if used as part of a service station or a drive in business, 12 metres from any road,
- o 5 metres from the rear property line, and
- o 3 metres from the side property line, but no less than half the height of the building from a side property line which abuts a residential area.

#### 12.9 Other Controls

The requirements of Schedule A apply in this district.

## **B14 M INDUSTRIAL DISTRICT**

### **14.1 Purpose**

The purpose of the Industrial district is to provide land for industrial uses, together with some commercial (sales) uses which are appropriate in an industrial area.

### **14.2 Permitted Uses**

The following uses are permitted:

- o Manufacturing, processing, and fabrication
- o Services and sales to industry and agriculture
- o Transportation, communications, and utilities businesses
- o Veterinary clinics
- o Wholesaling, warehousing and storage
- o Vehicle repair shops, body shops, and paint shops
- o Government, police, and emergency services operations
- o Public utilities
- o Auction marts, but excluding animal sales
- o Retail Liquor Store [added by Bylaw 2017/09/D]
- o Cannabis retail store [added by Bylaw 2018/09/D]
- o Cannabis Production and Distribution Facility, if not on property located within 100 meters of the current Town/County boundary [added by Bylaw 2018/16/D]
- o Buildings and uses accessory to the above

### **14.3 Discretionary Uses**

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o Fuel sales, including bulk and card lock sales
- o Retail businesses
- o Surveillance suites
- o Salvage and recycling activities
- o Slaughterhouses and meat processing plants
- o Livestock auction marts
- o Hatcheries
- o Clubs, associations, and lodges
- o Temporary Portable Signs
- o Project Accommodation [added by Bylaw 2012/22/D]
- o Cannabis Production and Distribution Facility, if on property located within 100 meters of the current Town/County boundary [added by Bylaw 2018/16/D]
- o Buildings and uses accessory to the above.

### **14.4 Highway Access**

Neither the Development Authority nor the Municipal Planning Commission shall approve a direct access from a lot to Highway 22 without the agreement of Alberta Transportation.

### **14.5 Lot Size Requirements**

Lots shall have an area of at least 930 square metres and a width of at least 15 metres.

### **14.6 Site Coverage**

No more than 60% of the area of a site may be covered with buildings.

#### 14.7 Yards and Setbacks

All buildings shall be set back at least

- o 8 metres from any road or, if used as part of a service station or a drive in business, 12 metres from any road
- o 6 metres from the rear property line and
- o 3 metres from the side property line

#### 14.8 Screening

The Development Authority may require that areas used for open storage are screened from public view by means of suitable fencing or landscaping.

#### 14.9 Other Controls

A Cannabis Production and Distribution Facility is neither a Permitted or Discretionary Use on lands identified as being subject to the 2011 annexation in Land Use Zoning Map.

The requirements of Schedule A apply in this district.



**B15 IPU INSTITUTIONAL AND PUBLIC USES DISTRICT**

15.1 Purpose

The purpose of the IPU district is to provide land for parks, schools, hospitals, and other community service facilities, both publicly and privately owned.

15.2 Permitted Uses

The following uses are permitted:

- o schools
- o libraries
- o halls and auditoriums
- o places of worship
- o group homes
- o day care facilities
- o group care facilities except those listed below as not allowed
- o hospitals, hospices, nursing homes, and long term care facilities
- o cemeteries and crematoriums
- o public parks, playgrounds, and buffer strips
- o golf courses
- o municipally owned athletic and sporting facilities
- o utility buildings and facilities
- o buildings and uses accessory to the above

15.3 Discretionary Uses

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o campgrounds
- o privately owned athletic and sporting facilities
- o dwelling units for staff of a permitted or discretionary use
- o buildings and uses accessory to the above

15.3 Uses Not Allowed

Facilities in which the clients or residents live or attend under the terms of an order or decision of a court or a parole board are neither permitted nor discretionary uses in the IPU district. These uses require the land to be classified Direct Control.

15.4 Yards and Setbacks

Dwelling units in the IPU district require the same yards and setbacks as in the adjacent residential district or, if there is no adjacent residential district, the same yards and setbacks as in the R1A district.

Yards and setbacks for other land uses shall be as required by the Development Authority.

15.5 Other Controls

The requirements of Schedule A apply in this district.

## **B16 WVP WEST VALLEY PARK MULTI USE DISTRICT**

### **16.1 Purpose**

The purpose of the West Valley Park Multi Use District is to establish an area where recreational, educational, tourist, and other compatible land uses may be combined on one central site.

### **16.2 Permitted Uses**

The following uses are permitted:

- o Municipally owned recreational facilities, including food service
- o Schools, colleges, and other educational establishments
- o Day care facilities
- o Hotels and motels
- o Campgrounds and recreational vehicle parks
- o Convention centres
- o Museums
- o Municipal, school board and government offices
- o Utilities and associated buildings
- o Buildings and uses accessory to the above

### **16.3 Discretionary uses**

The following uses may be approved at the discretion of the Municipal Planning Commission:

- o Restaurants not forming part of a permitted use
- o Professional services and retail sales related to the professional service
- o Health care facilities
- o Group care facilities
- o Small scale tourist-oriented retail activities
- o Staff dwelling units
- o Storage
- o Buildings and uses accessory to the above

### **16.4 Development regulations for permitted and discretionary uses**

All site regulations shall be at the discretion of the Development Officer having consideration for Part III of the Bylaw.

### **16.5 Other Controls**

The requirements of Schedule A apply in this district.

## **B17 UX URBAN EXPANSION DISTRICT**

### 17.1 Purpose

The purpose of the UX district is to identify land which in future will probably be converted to urban use, but which can be used for agriculture as long as the owner elects to do so. An outline plan acceptable to council must be prepared before the land will be considered for reclassification to another use.

### 17.2 Permitted Uses

The following uses are permitted:

- o Agriculture, but excluding intensive livestock operations or the spreading of manure
- o Public utilities
- o Buildings and uses accessory to the above

### 17.3 Discretionary Uses

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o uses which are compatible with the long-term plans for the land as set out in the Municipal Development Plan and any area structure plan or outline plan affecting the land
- o Project Accommodation [added by Bylaw 2012/22/D]

### 17.4 Number of Dwellings on a Lot

No more than one dwelling unit shall be established on a lot.

### 17.5 Yards and Setbacks

Buildings, utility connections, and other improvements shall be established in locations compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan or outline plan affecting the land.

### 17.6 Other Controls

The requirements of Schedule A apply in this district.

## **B18 BE BAR AND ENTERTAINMENT ZONING**

### 18.1 Purpose

The purpose of the Bar and Entertainment zoning is to provide for establishments whose principal business is the sale of alcoholic drinks for consumption on the premises.

### 18.2 Permitted Uses

The following uses are permitted:

- o The sale of alcoholic drinks for consumption on or off the premises
- o Other food and drink sales
- o Retail Liquor Store [added by Bylaw 2017/09/D]
- o Uses and activities accessory to the above, except those listed below as discretionary

### 18.3 Discretionary Uses

The following uses may be allowed at the discretion of the Municipal Planning Commission:

- o Live entertainment
- o Adult entertainment
- o Uses accessory to the above

### 18.4 Limits on occupancy

The maximum number of customers allowed on the premises is the number set by Safety Codes legislation.

### 18.5 Lot Size

Every lot shall have a minimum width of 6 metres and a minimum depth of 30 metres.

### 18.7 Yards and Setbacks

No building setbacks are required, except where space is needed at the rear for parking, loading, or garbage containers.

### 18.8 Other Controls

The requirements of Schedule A apply in this district.

### 18.9 Rezoning Process

When considering whether to classify a Lot to Bar and Entertainment, council shall consider the number of drinking and entertainment establishments in the area, the spillover effect on the neighbourhood, and the proximity of schools, parks, and possible conflicting land uses.

**B19 DC DIRECT CONTROL DISTRICT**

19.1 General Purpose. To enable and permit Council to regulate and control the use, development and subdivision of land or buildings in any such manner as Council may by resolution consider necessary, in an area designated as Direct Control on the Land Use District Map of this bylaw.

19.2 Uses and Requirements. The determination of appropriate uses and applicable development requirements within an area designated as a Direct Control District shall be as established and prescribed by Council through the applicable Direct Control District Regulation adopted by resolution of Council for that area.

Discretionary Uses

The following use may be allowed at the discretion of the Municipal Planning Commission:

- o Project Accommodation [added by Bylaw 2012/22/D]

**B20 DTDC DOWNTOWN REVITALIZATION DIRECT CONTROL DISTRICT**

20.1 Purpose

The purpose of the Downtown Revitalization Direct Control (DTDC) district is to encourage redevelopment of the downtown core with more flexibility than allowed under C1 Downtown Commercial zoning.

20.2 Decision Procedure

Pursuant to section 11 of this bylaw and section 641(2) of the Act, the power to approve applications for development permits is delegated to the Development Authority when the proposal

- (a) is consistent with the uses and standards set out in section 20.3 to 20.9 below, and
- (b) the Downtown Revitalization Committee appointed by council recommends that the application be approved.

Applications which do not conform with (a) and (b) above shall be referred to council for a decision, and when making its decision, council shall be guided but not bound by section 20.3 to 20.9, and by Schedule A of the bylaw.

20.3 Permitted Uses

The following uses are permitted:

- o retail businesses, except those listed below as discretionary or not allowed
- o motels and hotels, except those components of the business listed below a discretionary or not allowed
- o professional, financial, and personal service businesses except those listed below as discretionary or not allowed
- o clubs, associations, places of worship, and lodges, except those listed below as discretionary or not allowed
- o government, police, and emergency services operations
- o public utilities
- o public parks and recreation areas
- o residences above the main floor, with their own separate entrance at street level
- o Retail Liquor Store [added by Bylaw 2017/09/D]
- o buildings and uses accessory to the above

#### 20.4 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o Pawn shops
- o Trade workshops
- o Amusement arcades
- o Businesses selling lumber or other flammable products
- o Drive-in businesses
- o Businesses selling or servicing motor vehicles
- o Gas bars associated with retail stores
- o Residences at street level, with their own separate entrance at street level
- o Buildings and uses accessory to the above uses

#### 20.5 Uses Not Allowed

The Development Authority shall not approve adult businesses, or establishments whose primary business is the sale of alcohol for consumption on the premises. These uses require the approval of council under section 20.2 above.

#### 20.6 Lot Size

Every lot shall have a minimum width of 6 metres and a minimum depth of 30 metres.

#### 20.7 Yards and Setbacks

No building setbacks are required, except where space is needed at the rear for parking, loading, or garbage containers.

#### 20.8 Off-street Parking

Despite the parking requirements set out in Schedule A, no off-street parking need be provided for a commercial development on a parcel of less than 600 square metres.

#### 20.9 Other Controls

The requirements of Schedule A apply in this district.

**B21 AG AGRICULTURAL DISTRICT**[added by Bylaw 2012/20/D]

21.1 Purpose

The purpose of establishing an agricultural land use within the boundaries of the Town is to allow for the compatible use of agricultural holdings within the community with existing or proposed commercial and residential subdivisions.

21.2 Permitted Uses

The following uses are permitted:

- new site built detached houses
- modular home
- home offices
- agriculture, retail
- agriculture, specialty
- minor day care facilities
- agriculture support service
- family care unit
- bed and breakfast establishments
- temporary outdoor storage facility (only one permitted per calendar year)
- public and quasi-public use
- public utility facility
- Cannabis Production and Distribution Facility, if not on property located within 100 meters of the current Town/County boundary [added by Bylaw 2018/16/D]
- buildings and uses accessory to the above.

21.3 Discretionary Uses

The following uses may be allowed at the discretion of Town Council:

- secondary suite
- communication tower
- animal care/service facilities
- manufactured home
- land farm
- recreational uses
- major home occupation
- recreation service, outdoor
- social care facility
- project accommodation
- guest ranch
- social care facility
- kennel
- auction mart
- intensive agriculture
- place of worship
- resort cottage
- Cannabis Production and Distribution Facility, if on property located within 100 meters of the current Town/County boundary [added by Bylaw 2018/16/D]
- buildings and uses accessory to the above.

21.4 Uses Not Allowed

The following uses are not allowed:

- cemetery
- confined feeding operations
- the use of a motor home, recreational vehicle or travel trailer as a dwelling unit

- A Cannabis Production and Distribution Facility is neither a Permitted or Discretionary Use on lands identified as being subject to the 2011 annexation in Land Use Zoning Map.

#### 21.5 Number of Dwellings on a Lot

No more than two (2) dwelling units shall be permitted on a parcel of land zoned as Agriculture, provided that setbacks and Alberta Building Code requirements are met. If more than one (1) dwelling unit exists on such a parcel no secondary suite or family care facility shall be permitted.

#### 21.6 Lot Size Requirements

*Parcel area:*

- i) a minimum of 0.40 hectares (1 acre) and a maximum of 1.6 hectares (4 acres) for a residential parcel;
- ii) a minimum of 1.20 hectares (2 acres) and a maximum of 6.1 hectares (15 acres) for an existing farmstead parcel;
- iii) a minimum of 4.0 hectares (10 acres) for an agricultural parcel (no maximum).

*Parcel width:*

30.5 metres (100 feet) minimum.

#### 21.7 Building Sizes

21.7.1 A dwelling shall have a finished floor area of at least 92 square metres above ground level, excluding attached garages.

21.7.2 A building shall not exceed two and a half storeys above ground level unless it is set back at least 10 metres from the side property line, in which case it may have three storeys above ground level.

21.7.3 No accessory building shall have a wall height greater than that of the principal building.

#### 21.8 Yards and Setbacks: Main and Accessory Buildings

*Front yard:*

- i) 40 metres (131 feet) where abutting public road where road widening has not been dedicated;
- ii) 25 metres (82 feet) where abutting a public road where road widening has been dedicated;
- iii) 10 metres (33 feet) where abutting an internal road;
- iv) 40 metres where abutting a highway;
- v) setback at the discretion of the Development Authority for pan handle/flag lots.

*Rear yard:*

- i) 8 metres (26 feet)
- ii) 40 metres (131 feet) where abutting a public road where road widening has not been dedicated
- iii) 25 metres (82 feet) where abutting a public road where road widening has been dedicated;
- iv) 10 metres (33 feet) where abutting an internal road;
- v) 40 metres (131 feet) where abutting a highway;
- vi) setback at the discretion of the Development Authority for pan handle/flag lots.

*Side yard:*

- i) 6 metres (20 feet)
- ii) 40 metres (131 feet) where abutting public road where road widening has not been dedicated;



- iii) 25 metres (82 feet) where abutting a public road where road widening has been dedicated;
- iv) 10 metres (33 feet) where abutting an internal road;
- v) 40 metres (131 feet) where abutting a highway;
- vi) setback at the discretion of the Development Authority for pan handle/flag lots.

21.9 Distances Between Buildings

All buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

21.10 Density

Four (4) parcels per quarter section, including fragmented parcels and the remainder, but not including parcels for public, quasi-public and utility facilities (battery sites, well sites or other oil facilities taken under Certificate of Title or plan will not be considered a utility facility).

21.11 Other controls

The requirements of Schedule A apply in this district.

## **B22 CR COUNTRY RESIDENTIAL DISTRICT**[added by Bylaw 2012/20/D]

### 22.1 Purpose

The purpose of this land use is to create low density residential development on acreage plots of land.

### 22.2 Permitted Uses

The following uses are permitted:

- new site built detached houses
- modular home
- home offices
- minor day care facilities
- public utility facility
- buildings and uses accessory to the above.

### 22.3 Discretionary Uses

The following uses may be allowed at the discretion of Town Council:

- secondary suite
- residential sales centre
- bed and breakfast establishments
- family care unit
- social care facility
- major home occupation
- place of worship
- public and quasi-public use
- buildings and uses accessory to the above.

### 22.4 Uses Not Allowed

The following uses are not allowed:

- the use of a motor home, recreational vehicle or travel trailer as a dwelling unit
- manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

### 22.5 Number of Dwellings on a Lot

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within the main building.

### 22.6 Lot Size Requirements

*Parcel area:*

A minimum of 0.40 hectares (1 acre) to a maximum of 1.62 hectares (4 acres).

*Parcel width:*

30.5 metres (100 feet) minimum.

### 22.7 Building Sizes

22.7.1 A dwelling shall have a finished floor area of at least 112 square metres above ground level, excluding attached garages.

22.7.2 A building shall not exceed two and a half storeys above ground level unless it is set back at least 10 metres from the side property line, in which case it may have three storeys above ground level.

22.7.3 No accessory building shall have a wall height greater than that of the principal building.

## 22.8 Yards and Setbacks: Main and Accessory Buildings

### *Front yard:*

- i) 10 metres (33 feet);
- ii) 40 metres (131 feet) where abutting public road where road widening has not been dedicated.

### *Rear yard:*

- i) 8 metres (26 feet);
- ii) 40 metres (131 feet) where abutting a public road where road widening has not been dedicated.

### *Side yard:*

- i) 6 metres (20 feet);
- ii) 40 metres (131 feet) where abutting public road where road widening has not been dedicated.

## 22.9 Distances Between Buildings

All buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

## 22.10 Other controls

The requirements of Schedule A apply in this district.

## **B23 CRS COUNTRY RESIDENTIAL SUBURBAN ESTATES DISTRICT**[added by Bylaw 2012/20/D]

### 23.1 Purpose

The purpose of this land use is to create low density residential development on small “acreage” plots of land ranging from 0.2 to 0.4 hectares. The developments within these lots will be required to connect to municipal water and sewer.

### 23.2 Permitted Uses

The following uses are permitted:

- new site built detached houses
- modular home
- home offices
- minor day care facilities
- public utility facility
- buildings and uses accessory to the above.

### 23.3 Discretionary Uses

The following uses may be allowed at the discretion of Town Council:

- secondary suite
- residential sales centre
- bed and breakfast establishments
- family care unit
- social care facility
- major home occupation
- place of worship
- public and quasi-public use
- buildings and uses accessory to the above.

### 23.4 Uses Not Allowed

The following uses are not allowed:

- the use of a motor home, recreational vehicle or travel trailer as a dwelling unit
- manufactured and mobile homes. These uses are permitted only within RMS and RMP land use districts. New manufactured homes (or those less than 10 years old) may be discretionary uses within R2, R3 and R4 land use districts.

### 23.5 Number of Dwellings on a Lot

Only one dwelling unit shall be constructed on a lot, but this shall not prevent the construction and use of one secondary suite within the main building.

### 23.6 Lot Size Requirements

*Parcel area:*

A minimum of 0.20 hectares (0.5 acres) to a maximum of 0.40 hectares (1 acre).

*Parcel width:*

30.5 metres (100 feet) minimum.

### 23.7 Building Sizes

23.7.1 A dwelling shall have a finished floor area of at least 93 square metres above ground level, excluding attached garages.

23.7.2 A building shall not exceed two and a half storeys above ground level unless it is set back at least 10 metres from the side property line, in which case it may have three storeys above ground level.

23.7.3 No accessory building shall have a wall height greater than that of the principal building.

23.8 Yards and Setbacks: Main and Accessory Buildings

*Front yard:*

- i) 10 metres (33 feet) where abutting an internal road;
- iv) 40 metres (131 feet) where abutting a public road where road widening has not been dedicated.

*Rear yard:*

- i) 8 metres (26 feet);
- ii) 40 metres (131 feet) where abutting a public road where road widening has not been dedicated.

*Side yard:*

- i) 3 metres (10 feet);
- ii) 40 metres (131 feet) where abutting public road where road widening has not been dedicated.

23.9 Distances Between Buildings

All buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

23.10 Other controls

The requirements of Schedule A apply in this district.

**B24 RI RURAL INDUSTRIAL DISTRICT**[added by Bylaw 2012/20/D]

24.1 Purpose

To accommodate a range of general industrial and heavy industrial land uses appropriate for rural serviced lands.

24.2 Permitted Uses

The following uses are permitted:

- Contracting services
- Wholesaling, warehousing and storage
- Vehicle repair shops, body shops, and paint shops
- Government, police, and emergency services operations
- Fuel sales, including bulk and card lock sales
- Retail businesses
- Recycling depot
- Agriculture, specialty
- Agriculture support service
- Outdoor storage facility
- Public and quasi-public use
- Public utility facility
- Cannabis retail store [added by Bylaw 2018/09/D]
- Cannabis Production and Distribution Facility, if not on property located within 100 meters of the current Town/County boundary [added by Bylaw 2018/16/D]
- Buildings and uses accessory to the above.

24.3 Discretionary Uses

The following uses may be allowed at the discretion of Town Council:

- Communication tower
- Animal care/service facilities
- Land farm
- Surveillance suite
- Salvage and recycling activities
- Slaughterhouses and meat processing plants
- Livestock auction marts
- Hatcheries
- Project accommodation
- Kennel
- Auction mart
- Intensive agriculture
- Place of worship
- Cannabis Production and Distribution Facility, if on property located within 100 meters of the current Town/County boundary [added by Bylaw 2018/16/D]
- Buildings and uses accessory to the above.

24.4 Uses Not Allowed

The following uses are not allowed:

- cemetery
- confined feeding operations
- the use of a motor home, recreational vehicle or travel trailer as a dwelling unit
- Cannabis Production/Distribution Facility on lands identified as being subject to the 2011 annexation in the Land Use Zoning Map

24.6 Lot Size Requirements

*Parcel area:*

a minimum of 0.40 hectares (1 acre).

*Parcel width:*

30.5 metres (100 feet) minimum.

24.7 Site Coverage

No more than 40% of the area of a site shall be covered with buildings.

24.8 Yards and Setbacks

All buildings shall be set back at least

- o 8 metres from any road or, if used as part of a service station or a drive in business, 12 metres from any road.
- o 5 metres from the rear property line, and
- o 3 metres from the side property line, but no less than half the height of the building from a side property line which abuts a residential area.\*

\* If road widening has not been dedicated along any of the property lines, the setback requirement shall be at the discretion of the Development Authority.

24.9 Distances Between Buildings

All buildings shall be separated by at least 3 metres from all other buildings on the same lot, or such greater distance as may be required by the Alberta Building Code.

24.10 Density

Four (4) parcels per quarter section, including fragmented parcels and the remainder, but not including parcels for public, quasi-public and utility facilities (battery sites, well sites or other oil facilities taken under Certificate of Title or plan will not be considered a utility facility).

24.11 Other controls

The requirements of Schedule A apply in this district.

## **B25 DC2 DIRECT CONTROL TWO [added by Bylaw 2018/18/D]**

### 25.1 Purpose

The purpose of this Bylaw is to provide for the development of a Cannabis Production/Distribution Facility and control this use on a site specific basis in an area designated as Direct Control Two on the Land Use District Map of this Bylaw.

### 25.2 Decision Procedure

Pursuant to Section 11 of this Bylaw and Section 641(2) of the Act, the power to approve or refuse applications for Development Permits is delegated to the Development Officer when the proposal is consistent with the uses and standards set out in Sections 21.3 to 21.5.5 below,

### 25.3 Permitted Uses

The following uses are deemed to be Permitted Uses in this district:

- All uses listed as Permitted Uses in the C2-General Commercial district
- Cannabis Production/Distribution Facility

### 25.4 Discretionary Uses

All uses listed as Discretionary Uses in the C2-General Commercial district

### 25.5 Site Standards

25.5.1 All uses on the subject parcel shall meet the minimum standards for Site Coverage for the C2-General Commercial district, in accordance with Schedule B-Section 12.7 of Land Use Bylaw 2007/24/D

25.5.2 All uses on the subject parcel shall meet the minimum standards for Yards and Setbacks for the C2-General Commercial district, in accordance with Schedule B-Section 12.8 of Land Use Bylaw 2007/24/D.

### 25.6 Cannabis Production and Distribution Facility

25.6.1 In addition to Section 21.4 above and in accordance with Schedule A, Sections 2.9 through 2.17 of Land Use Bylaw 2007/24/D, a Cannabis Production and Distribution Facility shall:

Not be located within 150 metres of the boundary of any existing property containing the following:

- a. hospital or proposed hospital;
- b. school or school reserve lands;
- c. playground;
- d. sports field;

25.6.2 An applicant that applies for a Development Permit for Cannabis Production and Distribution Facility shall:

25.6.2.1 Produce evidence that the location meets the provincial requirements for minimum separation distances from the following:

- a. hospital or proposed hospitals;
- b. school or school reserve lands;
- c. playgrounds; or
- d. sports fields



- 25.6.2.2 Obtain the prerequisite Federal license and any applicable Provincial authorization prior to occupancy;
- 25.6.2.3 Maintain the Federal license and any applicable Provincial authorization in good standing; and
- 25.6.2.4 Comply with all applicable Federal and Provincial requirements.  
The conditions of a Development Permit approved for the development of a Cannabis Production and Distribution Facility, in addition to those listed in Sections 25.5.1 and 25.5.2, include:
  - 25.6.3.1 A copy of the Cannabis Production and Distribution License issued by Health Canada and any other applicable authorizations from the Province shall be provided to the Town prior to occupancy;
  - 25.6.3.2 Occupancy shall not occur until authorized by and compliant with all applicable Federal and Provincial legislation;
  - 25.6.3.3 Use of banner signs and inflatable advertising shall be prohibited;
  - 25.6.3.4 The site requires lighting, landscaping and other screening measures that ensure the proposed development is compatible with adjacent and nearby uses and comply with Crime Prevention through Environmental Design measures;
  - 25.6.3.5 Parking shall be provided in accordance with the parking requirements for an Industrial Plan and parking requirements for the district in which it is located;
  - 25.6.3.6 No employee parking shall be located at the rear of the Cannabis Production and Distribution Facility;
  - 25.6.3.7 No outdoor storage of cannabis goods, materials, or supplies shall be allowed on the site;
  - 25.6.3.8 The use shall not emit nuisances including, but not limited to, odour, noise or light, which may have a negative impact to adjacent sites or the surrounding area;
  - 25.6.3.9 In addition to Section 2.6.13 above, a Cannabis Production and Distribution Facility must include an air filtration system to remove odours as an extra protection to ensure the use does create odour impact to adjacent properties.

25.7 Notwithstanding the authorities granted under Section 13.7 of Land Use Bylaw 2007/24/D, no variance for the proposed development of a Cannabis Production and Distribution Facility shall be granted by the Development Authority. Any proposed variance shall require approval of Town Council.

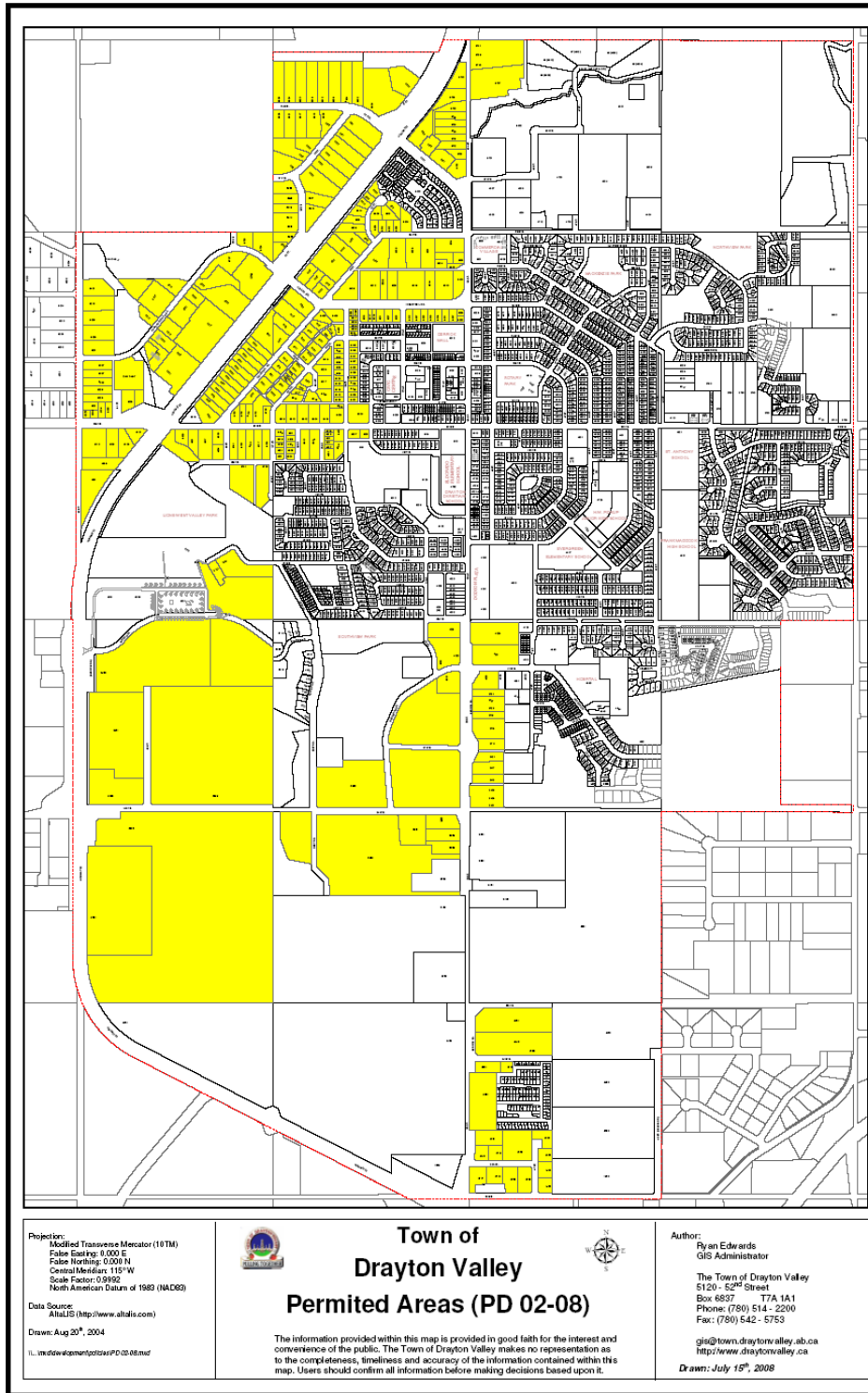
The separation distance between Cannabis Production and Distribution Facility and those land uses described in Section 25.6.2.1 of this Bylaw shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed Cannabis Production and Distribution Facility is to be located to the closest point on the lot line of the lot on which the other specified use is located.

## **INTERPRETATION**

- 26 Words used in the singular include the plural and vice-versa.
- 27 When a word is used in the masculine or feminine it will refer to either gender.
- 28 Words used in the present tense include the other tenses and derivative forms.



**SCHEDULE "C"**  
**LOCATIONS WHERE STORAGE SHEDS ARE ACCESSORY BUILDINGS**  
**[added by Bylaw 2008/16/D]**



LANDS REZONED TO R2 BY BYLAW 2010/09/D

