

# TOWN OF PENHOLD

## LAND USE BYLAW 757/2018

OCTOBER 2018



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## HOW TO USE THIS BYLAW

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

If you are not sure you understand the regulations, or if you would like someone to guide you through the process, simply call the Town Planning & Development Department at 403.886.4567 or visit us at 1 Waskasoo Avenue in Penhold.

### Step 1

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

The map divides the Town into Land Use Districts. Each District has a land use designation such as “R1” (Low Density Residential), or “C1” (General Commercial).

### Step 2

Check the Table of Contents and find the District that you are interested in. In each District you will find a list of permitted and discretionary uses, development standards and other regulations. Check the list of uses to see if there is a match with what you wish to do with the property. Uses are defined in the Definitions section at the front of the Bylaw.

### Step 3

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

### Step 4

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

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

# Town of Penhold Land Use Bylaw 757/2018

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## **PART 1 INTERPRETATION AND DEFINITIONS**

### **1.1 Short Title**

1. This Bylaw is referred to as “The Town of Penhold Land Use Bylaw”.

### **1.2 Purpose**

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

- a) divide the Town into districts;
- b) prescribe and regulate the use for each district;
- c) establish the office of the Development Officer;
- d) establish a method of making decisions on applications for development permits, including the issuing of development permits;
- e) provide the manner in which notice of the issuance of a development permit is given;
- f) provide a means by which the statutory plans may be implemented;

### **1.3 Compliance with Other Legislations**

1. Compliance with the requirements of this Land Use Bylaw does not exempt any person from:
  - a) the requirements of any Federal, Provincial or other Municipal legislation or regulation;
  - b) complying with any easement, covenant, agreement or contract affecting the development or lands;
  - c) obtaining a development permit as required by this Bylaw or to obtain any other permit, license or other authorization required by this or any other Bylaw; and
  - d) from the requirements of any statutory plan.

## **1.4 Sections Found Invalid**

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

## **1.5 Interpretations**

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



## 1.6 Establishment of Districts & Uses

1. For the purposes of this Land Use Bylaw, the Town of Penhold is divided into the following Districts:

Low Density Residential District	R1
Low Density Small Lot Residential District	R1-A
Low Density Narrow Lot Residential District	R1-B
Low Density Narrow Lot Residential with Garage District	R1-C
General Residential District	R2
Multiple Unit Residential District	R3
Small Holdings Residential District	R4
Manufactured Home Residential District	R5
General Commercial District	C1
Highway Commercial District	C2
Industrial/Business Service District	IB
Light Industrial District	I1
Heavy Industrial District	I2
Public and Institutional District	PI
Urban Reserve District	UR
Environmental Open Space District	EOS

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

## 1.7 Definitions

**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 that is located on the same site as the principal/primary building or use. This may include a detached garage shed or playhouse, but does not include a temporary building.

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

**Accommodation Unit** means one (1) or more rooms that provide(s) sleeping accommodation and bathroom facilities for not more than two (2) persons, but is not equipped with self-contained cooking facilities.

**Act** means the *Municipal Government Act* and any amendments thereto.

**Adjacent Land** means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream.

**Adult Care Residence** means a building providing long-term accommodation wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance from staff who may or may not reside onsite.

**Agricultural Land** means land that contains an agricultural operation.

**Agricultural Operation** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes, but is not limited to:

- a) the cultivation of land;
- b) the production of agricultural field crops;
- c) the production of eggs and milk;
- d) the production of honey;
- e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- f) the operation of agricultural machinery and equipment, including irrigation pumps; and

- g) the operation of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying for agricultural purposes.

This definition does not include intensive livestock operations.

**Agricultural Processing** means a use where agricultural produce is collected, sorted, washed, cleaned or otherwise prepared or processed into finished or semi-finished products and then shipped to a warehouse or retail outlet for further processing.

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

**Animal Services** means a facility for animal grooming, training or day care and includes the retail sales of associated products, but does not include the overnight accommodation of animals.

**Apartment** means a residential building consisting of at least three (3) dwelling units, but shall not include buildings containing units with separate exterior entrance way(s).

**Appeal Board** means the Subdivision and Development Appeal Board established by the Town Bylaw.

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

**Area Redevelopment Plan** means a plan pursuant to the *Municipal Government Act* and amendments thereto that provides a detailed long-range plan that coordinates the conservation, coordination and re-development of older neighbourhoods and sets out the policies for the re-development of vacant and underutilized parcels of land and buildings.

**Area Structure Plan** means a plan pursuant to the *Municipal Government Act* and amendments thereto that provides a framework that describes proposed land uses, density of population, sequence of development, general location of major roadways, public utilities in the area, and any additional requirements that council may require.

**Arterial Road** means a roadway primarily for serving through traffic, usually on a continuous route.

**Auction Facility** means land and building(s) used for the temporary storage of goods, which are to be sold on the premise by public auction from time to time.

**Auto Body and/or Paint Shop** means development for the repair and/or painting of motor vehicle bodies and frames, and for damaged motor vehicle appraisal services.

**Automotive and Motorized Equipment Repair** means development used for the servicing and mechanical repair of automobiles, trucks, utility vehicles, motorcycles, snowmobiles and similar vehicles and the sale, installation or servicing of related accessories and parts. This includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops.

**Auto Salvage Yard** means land and buildings that are used for the storage and dismantling of derelict or inoperable automobiles or trucks for the purpose of recycling their components.

**Automotive Sales and Service** means a facility providing for the sale, rental, lease, service, or repair of automobiles, truck and motorcycles.

**Bake Shop** means a shop where products of a bakery are sold for retail sale, including incidental baking of products for retail sale on the premises only.

**Balcony** means a platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.

**Basement** means a portion of the residential building which is situated partly or completely below grade.

**Bareland Condominium** means a condominium in which the units are defined in relation to the land rather than in relation to a structure. A bareland condominium shares all the other features of a conventional condominium except for the definition of the boundaries.

**Bed and Breakfast Establishment** means a residence, or portion thereof not being more than two (2) rooms, that is used for the travelling public to reside in for a period of not more than fourteen (14) days, and in which a breakfast or single meal is offered to registered guests for a fee.

**Boarding /Lodging Facility** means a dwelling in which the owner/occupant lives on site and rents or supplies for a fee, a room or suite of rooms with or without cooking facilities for a period in excess of fourteen (14) consecutive nights.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Building Demolition** means the intentional destruction or tearing down of a building and/or followed by the removal of debris of the building.

**Building Height** means the vertical between the average of the highest and lowest finished grade levels immediately adjacent a building and the highest point of the building that is not a roof stairway entrance, ventilating fan, skylight, steeple, chimney, firewall, parapet wall, flagpole or similar feature not structurally essential to the building.

**Building Supply and Lumber Outlet** means a building or structure in which building or construction and home improvement materials are offered or kept for retail sale and may include the fabrication of certain materials related to home improvement.

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

**Bulk Fueling Station** means development for handling petroleum products in bulk quantities, and includes dispensing equipment and supplementary tanker vehicle storage. Key-lock pumps and retail fuel sales may be incorporated as accessory uses.

**Bulk Oil and Chemical Storage** means a development where refined or crude oil, liquid or solid chemical is stored. Such chemicals may include fertilizer, gasoline or propane.

**Bus Depot** means a facility providing for the departure and arrival of passengers and freight carried by bus.

**Business Support Service** means development for support services to businesses, generally such as the use of minor mechanical equipment for batch printing, processing and binding, drafting, word processing services, maintenance or security services, business related equipment sale, rental, service and repair.

**Bylaw** means the *Town of Penhold Land Use Bylaw*.

**Bylaw Enforcement Officer** means a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, to enforce Town Bylaws and includes a member of the Royal Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, R.S.A. 2006, c. P-3.5.

**Campground** means a parcel developed and maintained for the temporary accommodation of travelers, tourists and vacationers in holiday trailers, tents or recreation vehicles.

**Cannabis** means 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 and includes edible products that contain cannabis.

**Cannabis Accessory** means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers or any other thing described in the Cannabis Act (Canada), as amended from time to time, that is used in the consumption or production of cannabis.

**Cannabis Act** means Bill C-45, an Act respecting cannabis and to amend the Controlled Drug and Substance Act, the Criminal Code and other Acts, 1<sup>st</sup> Sess, 42 Parl, 2017.

**Cannabis Production and Distribution Facility** means an establishment in which commercial used principally (not for personal use and consumption) for one or more of the following activities as it relates to Cannabis and for which is permitted by federal legislation;

- a) The production, cultivation, and growth of Cannabis;
- b) The processing of raw materials;
- c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- d) The labelling, packaging, sorting, storage or transshipping of materials, goods and products; or
- e) The distribution and sale of materials, goods and products to Cannabis retail Sales stores or to individual customers.

**Cannabis Lounge** means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.

**Cannabis Retail Sales** means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized and licensed by provincial or federal legislation. This use does not include Cannabis Production and Distribution.

**Cartage and Freight Terminal** means a facility accommodating the storage and distribution of freight shipped by air, rail or highway transportation.

**Car Wash** means a building or structure containing facilities for a self-service car wash or washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices.

**Cemetery** means development of a parcel of land primarily used for the entombment of deceased human beings and may include accessory developments such as crematories and mausoleums.

**Chief Administrative Officer** means the person appointed to act in the position of Chief Administrative Officer for the Town or a person designated to act on the Chief Administrative Officer's behalf.

**Club/Lodge** means the use of a building or an association or organization for fraternal, social or recreational purposes, but excludes entertainment purposes.

**Collector Road** means a roadway so designated in the Municipal Development Plan.

**Commercial Indoor Recreation and Entertainment Facility** means a facility or establishment, operated for gain or profit, in which patrons participate in indoor recreational or athletic activity.

**Commercial Outdoor Recreation and Entertainment Facility** means development, operated for gain or profit for the purpose of providing outdoor entertainment and amusement to patrons.

## **Commercial Vehicle**

- a) means a truck, trailer or semi-trailer except:
  - (i) a truck, trailer or semi-trailer that is a public service vehicle, or
  - (ii) a truck, trailer or semi-trailer or any class of vehicle that by the regulations or by an order of the Alberta Motor Transport Board is exempted from being classified as a commercial vehicle, and
- b) includes:
  - (i) a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and
  - (ii) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof.

**Commercial Trailer** means a trailer that is licensed and/or insured as a Commercial trailer.

**Communication Tower** means an accessory structure, either freestanding antenna and/or supporting structure for the transmission and/or receiving of radio communication, including, but not limited to radio and television transmission, two way radio, land-mobile systems, fixed-point microwave and amateur radio systems and/or as approved by Industry Canada for carrying out this function.

**Community Garden** means a garden plot, or multiple garden plots, gardened and maintained collectively by a group of community participants.

**Community Hall** means the use of land and building for community activities and generally not used for commercial purposes.

**Contractor Operation – major** means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households or to general contractors and may include the accessory sale of goods normally associated with the contractor services and may include the outdoor storage of materials associated with the business.

**Contractor Operation – minor** means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households or to general contractors and may include the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building.

**Convenience Store** means a development primarily used for the sale of food products which may include the sale of a variety of common household items and may include an automated banking machine.

**Corner Lot** means a parcel where the front parcel boundary and a minimum of one (1) side parcel boundary abut a road.

**Council** means the Council of the Town of Penhold.

**Condominium** is a form of property ownership in which each owner holds title to his/her individual unit, plus a fractional interest in the common areas of the multi-unit project.

**Crematorium** means an establishment with one (1) or more cremation chambers used only for the reduction of the human body to ashes by heat and where funeral services will not permitted to be conducted.

**Crime Prevention Through Environmental Design** means a set of principles intended to prevent crime by changing or managing the physical environment to produce behavioral effects that will reduce the incidences and fear of crime.

**Dangerous Goods Occupancy** means any occupancy where dangerous goods, as defined in the Transportation of Dangerous Goods Control Act, are unloaded, loaded, stored, processed, or otherwise handled in quantities in excess of the amounts set forth in Section 4.11 (*Dangerous Goods*) on a permanent or ongoing basis.

**Day Care Facility** means a licensed facility by the Province to provide care, and/or supervision of children for seven (7) or more children under the age of 12 at one time for more than three (3), but less than twenty-four (24) consecutive hours in a day, and is intended to be operated for them at least twelve (12) consecutive weeks per year. Typical day care facilities include day care centres, nurseries, family day home, nurseries and play schools.

**Deck, Ground Level** means an unenclosed amenity area of concrete, brick, wood or other material that is constructed at grade or attached to a dwelling. The overall height of a ground level deck shall not exceed 0.6m (2ft.) measured from the finished grade.

**Deck, Raised** means an unenclosed amenity area of wood frame or other construction, which may be attached to a dwelling. The overall height of a raised deck is greater than 0.6m (2ft.) measured from finished grade

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

**Designated Officer** means the Development Officer, Community Peace Officer or any Manager that the Chief Administrative Officer designates to perform functions within the Town of Penhold.

**Detached Garage** *see Accessory Building*

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



**Development** means:

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

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

**Development Authority** means the person or persons appointed by resolution of Council as Development Officer pursuant to the Land Use Bylaw, and/or the Municipal Planning Commission established by Bylaw.

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

**Development Permit** means a document authorizing a development issued pursuant to this Land Use Bylaw.

**Discretionary Use** means a use of land, buildings referred to as a discretionary use in Land Use District of this Bylaw which may be compatible with the other uses in the District and for which, subject to the provisions of this Land Use Bylaw, a development permit may be issued, with or without conditions.

**District** means a Land Use District established under this Bylaw.

**District Shopping Centre** means a group of commercial establishments planned, owned, developed and managed as a unit with off street parking established on the same site which serves the needs of the urban center and surrounding municipalities.

**Double Fronting** means adjacent to two (2) streets (but not lanes).

**Drinking Establishment** means an establishment where the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, the preparation and sale of food for consumption on the premises, takeout food services and the sale of alcoholic beverages for consumption away from the premises. A drinking establishment includes any premises in respect of which a "Class A" liquor license has been issued and where minors are prohibited by the terms of the license issued by the Alberta Gaming and Liquor Commission.

**Drive-Through Business** means an establishment with facilities for on-site service to customers who remain in their motor vehicles. A drive-through business may include banking, food services, dry cleaning, but does not include a drive-in theater. A drive-through shall be deemed an accessory component to that business.

**Driveway** means a vehicle access route between the carriage way of a public roadway and use on a parcel.

**Duplex** means two (2) attached dwelling units sharing a common wall, floor or ceiling and located side by side or one above the other, and having separate exterior entrances. A duplex does not include a single detached dwelling containing a basement or residential rental suite.

**Dwelling Unit** means a complete building or self-contained portion of a building for the use of one (1) or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities intended as a permanent residence.

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

**Eating and Drinking Establishment** means a development where prepared food and beverages are offered for sale to the public for consumption on the premises and where live entertainment may be offered.

**Eaveline** means the horizontal line that marks the intersection of the roof and the wall of a building.

**Educational Facility** means a facility providing knowledge, instruction or information relating to education and may include a day care facility, public or private school, administration offices, dormitory and accessory buildings.

**Encroachment** means any obstruction or intrusion extending from a property onto an adjoining public right-of-way or onto adjoining land.

**Encroachment Agreement** means a written agreement between the municipality and a property owner which establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality or a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by a different property owner.

**Environmental Impact Assessment** means a comprehensive site analysis to determine:

- a) the potential impact of the proposed development on the site;
- b) the potential environmental impact of the proposed development upon adjacent properties or land uses; and

- c) the potential environmental impact of the proposed development upon the future land use potential of the property.

**Environmentally Significant Area** means an area of land which is vital to the long term maintenance of biological diversity, physical landscape features and/or natural processes at multiple spatial scales.

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

**Farm Equipment Sales and Service Outlet** means a facility providing for the sale, rental, service or repair of farm equipment.

**Farmers' Market** means the use of land, buildings or structures, or part thereof, for the purpose of operating a public market hosting multiple vendors.

**Feed Mills and Grain Elevators** means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feed may be prepared.

**Fence** means the vertical physical barrier constructed and installed to prevent visual intrusions, unauthorized access, or to provide sound abatement.

**Financial Services** means a business establishment providing banking, savings, loans, investing or similar services.

**Floor Area** means:

- a) for residential buildings, the total area of all floors of every room and passageway contained in a building, including basements, but excluding attached garages, sheds, carports, or open porches in all residential buildings, or
- b) for commercial buildings, the total floor area of all floors in a building measured from the outside of exterior walls including basements and cellars, but excluding mall areas.
- c) for accessory buildings, the total floor area of all floors in a building measured from the exterior side of exterior walls.

**Foundation** means the lower portion of a building, typically constructed of concrete or masonry, which includes footings that transfer the weight of a building to the ground.

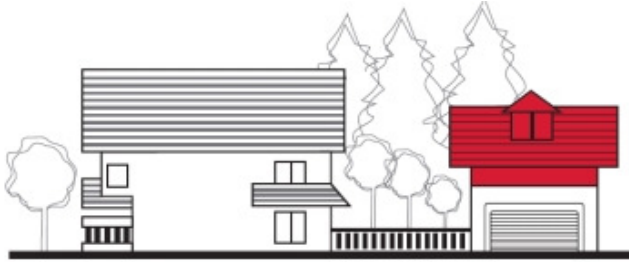
**Four-plex** means a building containing four (4) dwelling units, each unit sharing a common party wall with two (2) other units.

**Front Parcel Boundary** means the boundary of a site adjacent to a street. In the case of a corner site, the front boundary is deemed to be the shorter of the two (2) boundaries which are common with the streets.

**Funeral Home** means a development used for the preparation of the deceased for burial, the provision of funeral services.

**Garage** means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles.

**Garage Suite** means an accessory dwelling unit built above a detached garage, located behind the principal single detached dwelling and complies with the regulations in Section 4.10 (*Garage Suite Regulations*) and any other applicable requirements of this Bylaw.



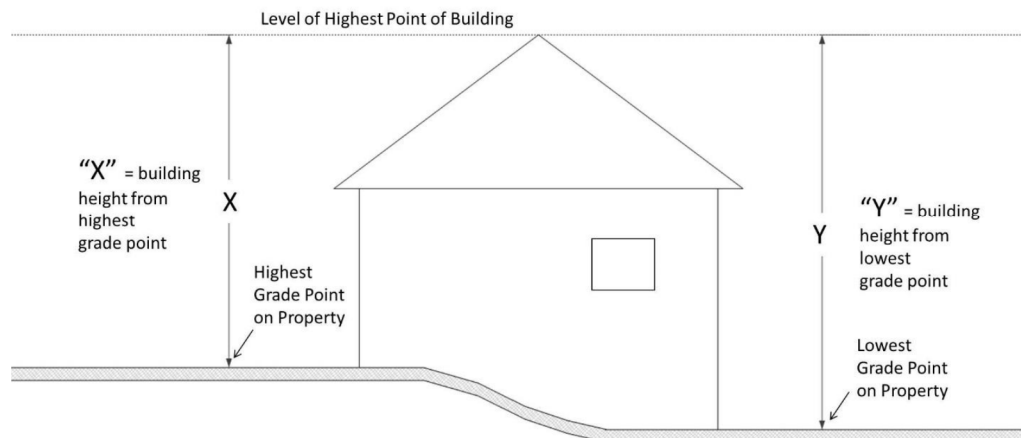
**Garden Centre** means a building for the wholesale or retail sale of flowers, plants, shrubs, trees, similar vegetation and associated gardening merchandise and landscaping materials.

**Gas Bar** means a development used for the retail sale of gasoline, propane, diesel and other fuels, lubricating fluids, oil and automotive fluids or motor vehicle accessories, but may include an automated bank machine, but does not include automotive repair.

**General Contractor** means development used for the industrial service, support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas must be accessory to the principal general contractor use.

**Grade** means

- a) for determining building height; the ground elevation established for the purpose of regulating the number of storey's and building height. The building grade will be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade will be determined by averaging the elevations of the ground for each face of the building.
- b) for site drainage, the ground elevation established in a lot drainage plan attached to a development permit for the purpose of controlling the flow of surface water on the parcel.



**Gross Floor Area** means the total floor area of a building or structure contained within the exterior and basement walls. The gross floor area does not include parts of basements used exclusively for storage or service to the building, parking areas below grade and floor areas devoted exclusively to mechanical or electrical equipment servicing the development.

**Gross Vehicle Weight** means the total weight of a vehicle and its maximum allowable load.

**Hard Landscaping** means the use of non-vegetative material, other than monolithic concrete, asphalt or gravel, as part of a landscaped area. Driveways and any area used for the parking and storage of vehicles are not considered to be hard landscaping.

**Hard Surface** means asphalt, concrete or paving stone or similar material that is used in the construction of a driveway or parking area, but does not include gravel or granular material

**Hauling** means the transporting of materials off site.

**Health Services Facility** means an establishment used for medical, dental or professional healing and treatment of human beings.

**Heavy Equipment Assembly, Sales and Service** means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial or agricultural activities.

**Home Based Business, Major** means the subordinate use of a principal dwelling unit, its accessory structures and site, or a combination thereof by at least one (1) permanent resident of the dwelling to conduct a business or occupation and which creates additional traffic. A major home based business shall not employ more than two (2) non-residential employees or business partners concurrently and does not exhibit outdoor activity or storage of materials and/or equipment. This does not include Cannabis Retail Sales, Cannabis Production and Distribution or Medical Cannabis Counselling.

**Home Based Business, Minor** means the subordinate use of a principal dwelling unit by the permanent resident(s) of the dwelling to conduct a business, profession or craft which does not require deliveries, storage, signage, commercial vehicles, does not employ and non –residents of the dwelling unit and does not generate non-residential traffic. Businesses of this type typically involve the use of an office or workroom, a computer, a phone or a facsimile machine and are essentially “invisible” within a residential neighbourhood. This does not include Cannabis Retail Sales, Cannabis Production and Distribution or Medical Cannabis Counselling.

**Home Improvement Centre** means development used for the sale of product for interior and exterior home improvements, renovations or construction. The majority of on-site stock is contained indoors, while outdoor storage includes, but is not limited to lumber and plantings.

**Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities and may include accessory eating and drinking establishments, meeting rooms, personal service shops and general retail shops.

**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, offices, technical or administrative support or sales operation accessory to the light industrial use.

**Industrial (Heavy)** means those industrial uses which require large tracts of land and have a significant effect on adjacent sites as a result of its normal operations by way of noise, vibration or other element.

**Intermunicipal Development Plan** means a plan adopted by the Town of Penhold Council and Red Deer County Council as an Intermunicipal Development Plan pursuant to the *Municipal Government Act*.

**Internal Road** means a road which is unregistered and is maintained by a private landowner.

**Kennel** means a business where four (4) or more dogs over the age of six (6) months are maintained, boarded, bred, trained or cared for in return for compensation or sale.

**Landscaping** means the maintenance, modification and enhancement of a lot or site through the use of the following elements:

- a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other similar ground cover, or
- b) hard landscaping consisting of materials such as stone, decorative rock, bark, mulch or other similar materials, or
- c) a combination of natural landscaping and hard landscaping, but does not include walkways or sidewalks deemed integral to building access;

**Landscaped Area** means an area of land made attractive and desirable by the use of landscaping, however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways.

**Land Use Bylaw** or this Bylaw means Bylaw No. \_\_\_\_\_ and amendments thereto.

**Land Use District** means an area of land as described on the Land Use District Map for which a specific set of land uses and regulations set forth in this Land Use Bylaw.

**Land Use Policies** means policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

**Lane** means a public thoroughfare which provides a secondary means of access to a parcel or parcels at its side or rear parcel boundaries and which is registered in a Land Titles Office.

**Laundromat** means a self-serve clothes washing establishment containing one (1) or more washing, drying, finishing or incidental equipment.

**Licensed Premises** means a commercial establishment which is licensed to serve alcohol on a temporary or permanent basis.

**Light Equipment Rental Shop** means an establishment providing the rental of tools, small sized equipment or vehicles, or similar goods and equipment to individuals on a short-term basis and includes the storage and incidental maintenance of the rented items.

**Light Manufacturing** means the manufacturing of products, the process of which does not create and emit fumes, gases, smokes, vapors, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land.

**Liquor Store** means an establishment licensed by the Alberta government where alcoholic beverages are sold for consumption off the premises.

**Legal Parking Pad** shall include the area used as a driveway to an attached front drive garage and an area that will include the extension of the sidewalk to the front door to a maximum of 1.0m (3.28ft.) from the wall of the garage adjacent to the walk leading to the front entrance and will also include the area from the edge of the driveway to the side property line on the opposite side of the sidewalk to the front door. This parking pad shall be a hard surfaced pad used for parking vehicles or recreational vehicles in the front yard area.

**Live Entertainment** means a performance by a person or persons who are physically present and may include, but not limited to, musical acts, comedy or theatrical acts and dancing (excludes dancing by patrons of the establishment).

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

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

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

**Lot** means:

- a) An individual lot or parcel (including a condominium lot) for which a title has been issued under that Land Titles Act;
- b) A part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a Plan Survey; or
- c) A part of a parcel of land described in a certificate of title if the boundaries of part described in the certificate of title (ie: descriptive plan) other than by reference to a Plan of Survey; and

For the purposes of this Bylaw, the use of the terms Lot, Parcel and Site shall be interchangeable within the context of this Bylaw.

**Lot Area** means the total area contained within the boundaries of a lot shown on a plan of subdivision or described in the Certificate of Title.

**Lot, Corner** means a lot at the intersection of two (2) public roadways, other than a lane.

**Lot Depth** means the distance measured along each side parcel boundary of a parcel.

**Lot, Interior** means a lot which only fronts one street.

**Lot Line** means the legal defined boundary of the lot.

**Lot, Pie** means a lot which is generally configured such that its width at the rear lot line is greater than at its front lot line.

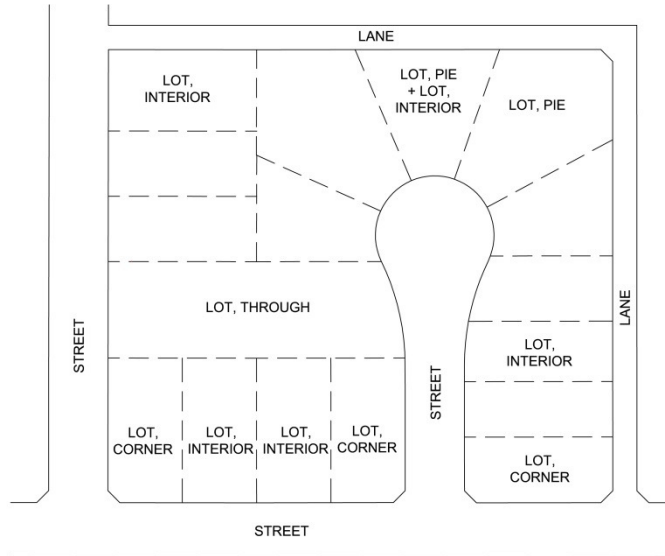
**Lot, Rear** means the lot line opposite to, and most distant from the front lot line, or where there is no such property line, the point of intersection of any property line other than a front lot line which is farthest from and opposite the front lot line.

**Lot, Through** means a lot abutting two parallel or near parallel roads, not including a lane or a corner lot abutting three (3) roads and not including a lane, which forms two (2) corners.

**Lot Width** means the distance between the side boundaries of a lot, determined at the minimum front yard and rear yard requirements of that lot or parcel. The lesser of these distances must be applied in order to determine the minimum parcel width compliance.



*(for illustrative purposes only)*



**Manufacturing (processing and fabrication)** means the making of goods in a large or commercial scale.

**Manufactured Home** means a residential building containing one (1) dwelling built in a certified off-site manufacturing facility in accordance to the Alberta Building Code and conforms to applicable CSA certification and standards at the time of construction. The manufactured home is designed to be transported on either its own wheels and chassis or other means to be installed and anchored on a foundation for long-term occupancy on a suitable site. Manufactured Homes are typically long and narrow, with a simple rectangular footprint, low-pitched roofs and narrow eaves.

**Manufactured Home Park** means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis.

**Manufactured and Modular Home Sales and Service** means a facility providing for the sale, rental, lease or service of manufactured and mobile homes.

**Mechanized Excavation, Stripping and Grading** means the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements.

**Medical Cannabis** means a substance used for medical purpose authorized by a licence issued under the federal government's Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution.

**Medical Cannabis Counselling** means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories.

**Medical Cannabis Production Facility** means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis.

**Micro Brewery** means an establishment where the principal use is the production of alcoholic beverages including wine, beer and others, and may have areas and facilities for the storage, packaging, bottling, canning and shipping for the products made and may include an area where food and beverages are prepared and served for consumption on the premises and/or retail sales of beverages that are produced on-site.

**Minimum Parcel Width** means the distance measured from one side of the lot to the other at a distance from the front property boundary equal to the applicable minimum front yard setback.

**Mixed Use Development** means a building designed for more than one use on the same site, including such examples as residential and retail uses in the same building and residential and office uses in the same building.

**Mobile Commercial Sales** means the sale of items or provision of a service from a motor vehicle or a trailer capable of being towed by a motor vehicle or a cart or similar structure with attached wheels or a portable marquee tent, any of which can be moved off a location in less than four (4) hours.

**Motel** means a building or a group of buildings containing individual sleeping units with bathrooms on a parcel designated and operated to provide temporary sleeping accommodation for use by the travelling public, each of which is provided with an adjoining or conveniently located parking space.

**Motor Vehicle Sales, Service or Repair** means the sales, servicing and repair of motor vehicles including service stations and car washes.

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

**Municipality** means the Town of Penhold

**Municipal Development Plan** means a plan adopted by Council as a municipal development plan pursuant to the *Municipal Government Act*.

**Municipal Government Act** means the *Municipal Government Act*, as amended, in force in the Province of Alberta, which shall be referred to as the Act or MGA in this bylaw.

**Municipal Planning Commission (MPC)** means the Commission established pursuant to the *Municipal Government Act*.

**Municipal Shop and Storage Yard** means the facility used by a municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment.

**Municipal Uses** means the use of a parcel or building which is owned or leased by the municipality and which is necessary for the community of Penhold.

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

**Natural Environmental Area** means an environmentally sensitive area or otherwise locally significant area that is to be preserved in its natural state because of its natural or amenity value of the Town.

**Natural Resource Processing** means the processing of natural resources, including, but not limited to minerals, sand, gravel, coal, peat, limestone, gypsum, granite and salt.

**Non-conforming Building** means a building:

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

**Non-conforming Use** means a lawful specific use:

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

**Nuisance** means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses. This may include emission of noise, smoke, dust, odour, heat, light, fumes, fire or explosive hazard or the potential for any of these. The adverse effects must be to a level that detracts from the amenities of the neighbourhood or the normal and reasonable enjoyment of property.

**Occupancy** means the use or intended use of a building or part thereof for the shelter or support of persons or property.

**Off-Highway Vehicle** means any motorized mode of transportation built for cross country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain.

**Office** means a facility used primarily for the administration, management or direction of an agency, business or organization, but excludes uses such as retail sales, personal services, financial services and health services. Typical uses include offices for lawyers, accountants, engineers, architects, real estate and insurance agencies.

**Off-Site Parking** means parking constructed entirely off any road or lane.

**Open Storage Yard** means land that is used for the storage of products, goods or equipment.

**Outdoor Display** means the use of land for the purpose of showing merchandise for sale.

**Outdoor Storage Facility** means land and/or buildings used for outdoor storage of equipment, goods and materials, specifically related to the business activity conducted on the subject parcel, in the open air and may include the collection and distribution of goods and materials, but do not include dangerous or hazardous goods and materials.

**Outline Plan** means a short-range plan for a small land base, typically with a shorter than five (5) year anticipated build-out. It provides a site-specific, detailed framework for rezoning, subdivision and development. Staging of development, land use, density and infrastructure matters are considered. Outline Plan is adopted by Council resolution. An Outline Plan is a non-statutory plan; it is prepared pursuant to good planning practices following a similar process as a statutory plan.

**Owner** means in addition to the meanings set out in the *Land Titles 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.

**Parcel Area** means the total area of a site.

**Parcel Boundary** means the registered boundary or boundaries of a parcel which connects a front parcel boundary to the rear parcel boundary, but is not defined as a front parcel boundary or a rear parcel boundary.

**Parcel Coverage** means the total percentage of the site covered by building(s) including accessory buildings and structures on the property. Hard surfaces including driveways, parking pads, parking stalls, or ground level decks (less than 0.9m or 3ft. above grade) are not included in the calculation of parcel coverage.

**Parcel of Land** means:

- a) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- b) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on two (2) or more lots or

blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;

- c) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title.

**Park (Open Space)** means an area of public land, whether in a manicured or natural state, specifically designed or reserved for the enjoyment of the general public, having facilities for rest and/or passive recreation, including trails, playing fields and picnic areas.

**Parking Facility/Lot/Stall** means an area or structure providing for the parking of motor vehicles.

**Patio** means an at grade hard surfaced area adjacent to a dwelling, with a surface height less than 0.3m (1ft.) that is intended for the use as an outdoor amenity space. In a commercial development, a patio means an outdoor area intended for use by the patrons.

**Pathway** means a pedestrian walkway or constructed trail in the form of asphalt or gravel.

**Permanent Foundation** means:

- a) an engineered approved wood foundation, or;
- b) a poured reinforced concrete basement, or;
- c) a concrete block foundation.

**Permitted Use** means the use of land or a building which is referred to as a permitted use in any Land Use District of this Bylaw and for which a development permit shall be issued, with or without conditions, where the use meets the applicable provisions of this Land Use Bylaw.

**Personal Service** means the provision of a service to individuals on a commercial basis, and which is related to the care or well-being of the individual, cleaning or repairs of personal effect and includes, but not limited to such services as photographers, travel agents, beauty salons and dry cleaners. This does not include health services or businesses which are primarily retail.

**Place of Worship** means any public or private building used for the collection or assembly of persons for worship and related accessory and subordinate uses that may include religious study, community outreach, support groups, social programs and non-profit uses. This does not include day care facilities, educational facilities or commercial ventures.

**Playground** means an area of public land that is developed for active outdoor play or recreation use, primarily by children and containing recreational equipment and structures such as slides and swings.

**Principal Building** means a building which, in the opinion of the Development Authority is:

- a) the primary or main building among one (1) or more buildings situated on the site;
- b) occupies the major or central portion of a site;
- c) constitutes, by reason of its use, the primary purpose for which the site is zoned.

**Principal Use** means the primary purpose, in the opinion of the Development Authority, for which the site is used.

**Private Community Facility** means a development used for the meeting, social or recreational activities of residents of a manufactured home park.

**Professional Engineer** means a registered professional Engineering Technologist who holds a certificate of registration to engage in the practice of engineering under the “Engineering, Geological and Geophysical Professions Act.”

**Projection** means a portion or part of a building that extends horizontally above and beyond the foundation of the building, including, but not limited to uncovered decks.

**Proprietor** means the owner of a business establishment, or a person who has the exclusive right or title to something; a landowner, as of real property.

**Public and Quasi-Public Use** means a use of land or a building for purposes of public administration and service and shall also include a building for the purpose of assembly, instruction, culture, recreation or other community activity.

**Public Road** means the right-of-way for a Primary Highway, street or lane that is registered at the Land Titles Office and is used or intended to be used to accommodate vehicular traffic.

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

**Public Utility** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- a) water or stream
- b) sewage disposal
- c) public transportation operated on behalf of the municipality
- d) irrigation
- e) drainage
- f) fuel
- g) electric power
- h) heat
- i) waste management
- j) telecommunications

And includes anything that is provided for public consumption, benefit, convenience or use.

**Public Utility Building** means a building in which the proprietor of a public utility maintains an office, or maintains or houses equipment used in connection with the public utility, or for the service or commodity supplied by any of those systems.

**Railway Uses** means a use of land or a building directly related to the building or operation of a railroad system.

**Real Property Report** means a legal document prepared by an Alberta Land Surveyor that illustrates the location of all relevant visible public and private improvements relative to property boundaries. It is in the form of a plan or illustration of the various physical features of the property, including a written statement detailing the surveyors opinions and concerns. It is relied upon by the municipality as an accurate representation of the improvements to the property.

**Recreation Facilities** means a public building and grounds for community entertainment, relaxation, social activity and other leisure needs.

**Recreational Vehicle** means a portable vehicular structure that is designed for the purpose of recreational travel, temporary dwelling and/or sleeping and includes, but is not limited to travel and tent trailers, holiday trailers, fifth wheel trailers, motorhomes and watercraft on a trailer. Utility trailers and truck campers attached to the box of a truck are not included in this definition.

**Recreational Vehicle Storage** means a parcel of land in which three (3) or more recreational vehicles are stored or parked for overnight and short-term stay, without regard to whether a fee is paid and may include any building, structure, tent, vehicle or enclosure and may include related accessory facilities.

**Recreational Vehicle Sales and Service** means a facility providing for the sale, rental, lease or service of recreation motor homes, travel trailers and similar portable units designed for travel.

**Recycle Depot** means a building in which used recyclable materials such as bottles, cans, paper, boxes and small household goods are collected, sorted and temporarily stored, but does not include auto wreckers.

**Registered Owner** means the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

**Regulations** means any regulations enacted pursuant to Part 17 of the Municipal Government Act

**Repair Services** means the restoration, maintenance and/or manufacturing of objects, there may also be facilities used for repairs, oil changes or greasing.

**Restaurant** means an establishment where food is prepared and served on the premises for sale to the public on the premise and may include takeout food service

and may include the sale of consumable liquor or have drive-thru facilities. Drinking establishment is a separate use.

**Retail Establishment** means the sale of goods to the public, but excluding the sale of motor vehicles or gasoline.

**Road** means land:

- a) shown as a road on a plan of survey that has been filed or registered in a Land Titles office, or;
- b) used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway.

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

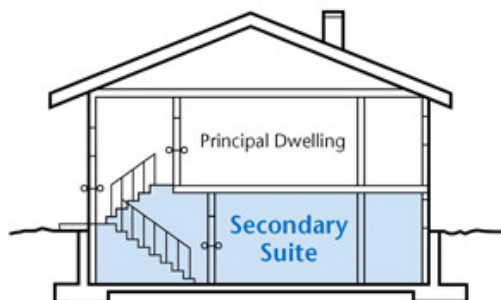
**Sales and Service Outlet for Automobiles, Trucks and Recreation Vehicles** means a facility providing for the sale, rental, service and repair of automobiles, trucks and recreation vehicles.

**School** means an institution for educating children and persons from kindergarten to grade 12 and includes both tax-supported and independent schools.

**Screen** means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas.

**Sea Can** see *Shipping Container*

**Secondary Suite** means a separate and subordinate self-contained dwelling unit within a single detached dwelling which meets the requirements of Section 4.9 (*Secondary Suite Regulations*) and any other applicable requirements or regulations of this Bylaw.



**Semi-Detached Dwelling Unit** means a dwelling unit joined side by side to one other dwelling unit with a common wall and each dwelling unit having at least one separate entrance.



**Senior Citizen Housing** means a building or portion of a building operating as a business which provides temporary or permanent accommodation for elderly persons, where each resident has a private bedroom or living unit and which has common facilities for the preparation and consumption of food, and in which common lounges, recreation facilities and medical care facilities for the occupants may also be provided.

**Service Road** means a local road located parallel to an arterial roadway for service to abutting properties for the purpose of controlling access to the arterial roadway.

**Service Station** means a business selling of gasoline or other petroleum products to the public and includes freestanding service stations, gas bars and other fuel sale components of any automotive supply, parts or accessories, but does not include bulk fuel sales.

**Shopping Centre** means a group of retail and personal services uses designed, developed and managed as a single unit and characterized by the sharing of common parking areas and driveways.

**Shoreline** means the line or contour depicting the mean high water mark of a permanent watercourse or water body.

**Sight Triangle** means an area at the intersection of two (2) roadways, other than lanes, or roadways and railways in which all buildings, fences, vegetation and finished ground elevations shall be less than 1.0m (3.28ft.) in height above the average elevation of the carriageways/rails, in order that vehicle operators may see approaching vehicles in time to avoid collision.

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

**Single Detached Dwelling** means a freestanding residential building containing one (1) dwelling unit, excluding a basement suite, which is supported on a permanent foundation, but does not include a manufactured home.

**Social Care Residence** means a building or portion of a building where four (4) or more occupants are living on a temporary, short or long term basis who, because of their circumstances, cannot or do not wish to maintain their own households, and may be provided with specialized care in the form of supervisory, nursing, medical, counselling or homemaking services.

**Soft Landscaping** means the use of vegetative material as part of a landscaped area.

**Soft Sided Building** means any building that is faced or finished on any portion of the building exterior with flexible sheeting capable of being rolled or folded.

**Solid Waste Collection** means the point where the occupant places the waste receptacle in accordance with the current Solid Waste Management Bylaw in order for the waste to be collected on collection day.

**Solid Waste Transfer Station** means a facility for the collection and temporary holding of solid waste in a storage container.

**Spectator Sport Facility** means development providing facilities intended for sports and athletic events, such as an arena or stadium, which are held primarily for public entertainment where patrons attend on a recurring basis.

**Statutory Plan** means a municipal development plan, an intermunicipal development plan, area structure plan or area redevelopment plan adopted by a Bylaw of the municipality, or any one or more of them.

**Storage Facility** means a development for the provision of individual storage units for the purpose of storing non-dangerous goods and materials in a commercial district.

**Shipping Container (Sea Can/ Storage Pod or Similar Forms of Cargo Container)** means a pre-fabricated steel storage container, designed to be used to transport goods and placed on temporary basis on a residential property (driveway) to assist residents with bringing in their furniture and belongings, or to store their furniture and belongings as they prepare to move as approved by the Development Authority

**Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of a floor and the ceiling above it. A basement or a loft is deemed not to be a storey.

**Street** means a registered street or public roadway and does not include a lane or walkway.

**Structure** means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, but not including pavements, curbs, walks or open air surfaced areas.

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

**Subdivision** means the division of a parcel of land into one or more smaller parcels by a plan of subdivision or other instrument.

**Subdivision Authority** means the person or persons appointed pursuant to the Town of Penhold Subdivision Authority Bylaw.

**Subdivision and Development Appeal Board** means the board established by Council through the *Subdivision and Development Appeal Board Bylaw*, and any amendments thereto.

**Subdivision and Development Regulation** means the *Subdivision and Development Regulation* (AR212/95), as amended.

**Subdivision Plan** means a plan submitted for preliminary subdivision approval for a single or a multi-lot subdivision, the approval of which may require a subdivision servicing agreement, including matters such as engineering drawings for sewer, storm drainage, water, roads, etc.

**Swimming Pool** means a structure containing water that is deeper than 24 inches (60 cm) at its deepest point. Pursuant to the Pool Standards, July 2014 declared in force by Section 66(4) of the *Public Health Act*, and Section 2 of the *Public Swimming Pools Regulation* A.R. 204/2014 as amended.

**Tandem Parking** means two (2) parking spaces, one (1) behind the other, with one point of access to the parking space(s).

**Temporary Building** means a building which will be on site for no more than thirty (30) days, or such longer time as may be written in a development permit issued by the Development Authority. Canvas covered frame or similar building is not a temporary building if it remains on site for more than thirty (30) days.

**Temporary Structure** means a structure, without a foundation for which the sole purpose is incidental to the completion of a development, for which a permit has been issued under this Bylaw and is removed when a determined period has ceased or activity or use has been completed.

**Temporary Mobile Commercial Sales** means the sale of good from vehicle parking for a period not exceeding six (6) months in the Highway Commercial District (C2).

**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.

**Tourist Information** means a building or part of a building used to disseminate community-related information to the travelling public.

**Town** means the municipal corporation of the Town of Penhold, or where the context requires the area of land contained within the boundaries of the Town's corporate limits, that may vary from time to time.

**Triplex** means a single dwelling unit comprised of three dwelling units, each having direct access to the exterior.

**Use** means a building or an area of land and the function and activities therein or thereon.

**Utility Building** means a building in which the proprietor of a utility company maintains or houses any equipment used in connection with the utility.

**Utility Trailer** means a portable vehicular structure enclosed or unenclosed, that is designed to be attached to or drawn by a motor vehicle and to transport property, household goods, tools, equipment, supplies or off highway vehicles.

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

**Vehicle Oriented Use** means a use that predominantly caters to automotive and vehicular traffic. Vehicle oriented uses include but are not limited to gas bars, service stations, drive-through vehicle services, car washes, and similar developments providing drive-in services in which patrons generally remain in their vehicles.

**Vehicle, Equipment and Machinery Sales** means the sale of new or used vehicles, machinery or equipment.

**Veranda** means an entrance structure typically located at the front or sides of a residential dwelling at the ground floor entry level and consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements.

**Veterinary Clinic** means a facility for the medical care and treatment of animals, and includes provision for their overnight accommodation, but does not include kennels, outdoor pens, runs or enclosures.

**Veterinary Hospital** means a facility for the medical care and treatment of animals and includes provision for their accommodation and confinement in outdoor pens, runs and enclosures.

**Warehouse** means a facility for the indoor storage of goods and merchandise but does not include a building where the principal/primary use of which is the sale of goods.

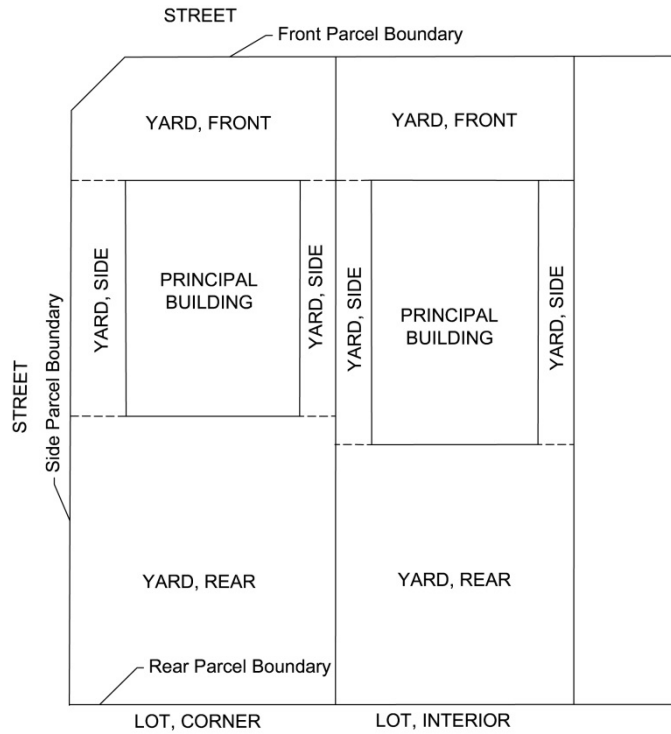
**Wrecking and Salvage Yard** means land and buildings that are used for the storage and dismantling or demolition of old or wrecked motor vehicles, machinery or scrap metal for the purpose of recycling their components.

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

**Yard, Front** means that portion of the yard extending across the full width of the lot from the front parcel boundary to the front wall of the principal building situated on the parcel.

**Yard, Rear** means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building.

**Yard, Side** means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the nearest exterior wall of the principal building.



*(for illustrative purposes only)*

All other words and expressions have the meaning respectively assigned to them in Part 17 of the *Municipal Government Act* and the *Subdivision and Development Regulations*.

## **PART 2 ADMINISTRATION**

### **2.1 Development Officer**

1. The office of the Development Officer is hereby established and this office shall be filled by a person or persons to be delegated by Council.
2. The Development Officer shall:
  - a) Receive, ensure the completeness and process all applications for development permits and applications to amend this Land Use Bylaw;
  - b) review each development permit application to determine its appropriate use definition and if necessary, require the applicant to apply for a permit for a different use definition or make application to amend this Land Use Bylaw;
  - c) keep and maintain for inspection of the public during office hours a copy of this *Land Use Bylaw* and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge;
  - d) keep a register of all applications for development, including the decisions made and the reasons for those decisions;
  - e) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as permitted uses in the subject land use district;
  - f) at the opinion of the Development Officer, refer to the Municipal Planning Commission for its consideration any development permit application with respect to permitted use;
  - g) at the opinion of the Development Officer, refer to the Municipal Planning Commission for its consideration any development permit application with respect to discretionary use and such other matters as the Municipal Planning Commission may direct;
  - h) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as permitted uses or discretionary uses in the subject land use district where in the Development Officer's opinion the proposed development meets all the standards of the *Land Use Bylaw* and is compatible with the surrounding uses; and
  - i) provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw.

## **2.2 Municipal Planning Commission**

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

## **2.3 Purpose of Development Permits**

Development permits are required to ensure that all development is undertaken in an orderly manner in accordance with this Land Use Bylaw and the *Municipal Government Act*.

## **2.4 Development Permit Required**

Except as provided in Section 2.5 (*Development Not Requiring a Development Permit*) of this Land Use Bylaw, no person shall commence a development or allow a development to continue within the Town without first obtaining a development permit.

## **2.5 Development Not Requiring a Development Permit**

No development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Land Use Bylaw.

1. The carrying out of works of improvement, maintenance, repair or alteration to any building, provided that such work does not include structural alterations or additions.
2. The completion of any development which has lawfully approved or under construction at the date of the passage of this Land Use Bylaw or any

amendment thereto came into effect, provided that the development is completed in accordance with the terms of any permit granted in respect of it by the Town, and provided that it is completed within twelve (12) months of this Bylaw coming into effect.

3. The use of any such development referred to in subsection (2) for the purpose for which development was commenced.
4. The erection, construction or maintenance of any gate, fence, wall or other means of enclosure less than 1.2m (4ft.) in height in front yards and less than 1.8m (6ft.) in height in side and rear yards in all Districts and the maintenance, improvement and other alterations of any gates, fences, walls or other means of enclosure, provided that such development complies with all applicable provisions of this Bylaw.
5. The stripping or stockpiling of soil, installation of utilities and construction of roads in a subdivision area where a development agreement has been duly executed.
6. Landscaping where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development for which a development permit has been issued.
7. An accessory building used as a garden or tool shed on a residential parcel provided the maximum floor area does not exceed 9.5m<sup>2</sup> (102ft<sup>2</sup>.) and 2.5m (8ft.) in height and providing that all setbacks are met.
8. The construction of decks which are less than 0.6m (2ft.) in height, providing that all setbacks and allowable projections are met.
9. The installation, maintenance and repair of utilities.
10. Any development carried out by or on behalf of the Crown, but not including that carried out by or on behalf of a Crown Corporation.
11. Development specified in Section 618 of the *Municipal Government Act*, which includes:
  - a) A highway or road;
  - b) A well or battery within the meaning of the Oil and Gas Conservation Act;
  - c) A pipeline or an installation or structure incidental to the operation of a pipeline;
  - d) Any other thing specified by the Lieutenant Governor in Council by regulation, which includes, but is not limited to construction of buildings or the construction or installation of equipment, navigational aids and communication systems for use in connection with the operation of airports



owned by or on land vested in the Crown in Right of Alberta or a municipal corporation;

12. A temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw;
13. Statutory and official notices of government authorities;
14. The use of building as a temporary polling station, an election candidate's campaign office or any other temporary official use in connection with a federal, provincial or municipal election, referendum or census;
15. The erection of a satellite dish with a dish diameter equal or less than 1.0m (3ft.) in width which;
  - a) Is attached to a dwelling, other than an apartment, in such a manner that no more than one half of the dish is higher than the eaves of that part of the building to which it is attached, or
  - b) Is attached to a garage in a residential district in such a manner that no more than one half of the dish is higher than the eaves of the garage, or
  - c) Is at grade level and within 2.0m (7ft.) of the main building on the parcel;
  - d) Displays no advertising other than the manufacturer's name or logo, and
  - e) Is the only satellite dish antenna on the parcel.
16. The construction of retaining walls less than 1.0m (3ft.) in height and where all surface drainage remains on the same property as the retaining wall;
17. Traffic and directional signs authorized by Town Council;
18. The construction, maintenance and repair of private walkways, paths, driveways and patios.
19. Any sign which does not require a development permit as listed in Schedule A (*Signs Not Requiring a Sign Permit*).

## **2.6 Contents of a Development Permit Application**

1. A development permit application shall be accompanied by:
  - a) Written consent or signed authorization from the landowner of the subject site to the application;
  - b) A copy of the Certificate of Title for the subject site dated within 30 days of the application date and copies of any caveats or instruments registered in favor of the Town;

- c) The site grading plan, identifying existing and proposed grades and slopes;
  - d) The non-refundable processing fee, the amount of which shall be determined from time to time by Council.
2. For all developments, **3 (three)** copies of:
- a) a site plan, drawn to scale that includes the following:
    - i. north arrow and scale of plan;
    - ii. legal and civic addresses of the property;
    - iii. site coverage calculations;
    - iv. proposed front, rear and side yards shown with dimensions;
    - v. location of all utility easements and rights-of-way;
    - vi. location of all existing and proposed buildings/structures, dimensioned to the property lines;
    - vii. the number and location proposed trees, shrubs, grass, retaining walls, applicable water bodies and other physical features;
    - viii. location of existing trees, shrubs and existing features which are proposed to be retained or removed;
    - ix. for multi-family, commercial, industrial and recreational, public or other similar uses:
      - location and dimensions of all parking and loading areas, entrances, exits and abutting roads;
      - location and dimensions of garbage and storage areas and the fencing/screening proposed for the same;
      - proposed treatment for pedestrian circulation;
      - proposed treatment of landscaped areas;
      - Information and location of signs.
  - b) plans showing building elevations, height of the building(s), description of the exterior finishing materials and colours; and
  - c) Other such plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.

*For applications for signs, please refer to Schedule B of this Land Use Bylaw.*

## **2.7 Applying for a Development Permit**

- 1. A development permit application shall be made to the Development Officer in writing and/or by electronic format.

## **2.8 Development Permit Information Requirements**

- 1. The Development Officer may deal with an application for a permitted use and make a decision thereon without all of the information required under Section 2.6 (*Contents of a Development Permit*), if in the opinion of the Development Authority, a decision can be properly made without such information. Complete

information shall be provided for all applications to be reviewed by the Municipal Planning Commission.

2. Upon receipt of an application, the Development Authority shall within twenty (20) days determine whether the application is complete. An application is complete, if in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application. The twenty (20) day timeline may be extended if agreed upon in writing between the applicant and the Development Authority.
3. If the Development Officer deems a development permit application to be complete, the Development Officer shall issue a letter to the applicant indicating:
  - a) The date the application was received and deemed complete;
  - b) Confirmation the Development Officer will begin processing the application; and
  - c) The date the forty (40) days to process the application expires.

## **2.9 Incomplete Applications**

1. If the Development Officer determines an application is incomplete, the Development Officer shall issue a notice in writing to the applicant, indicating the following:
  - a) The application is considered incomplete,
  - b) A detailed list of the outstanding documents and/or information required by the Development Officer in order for the application to be considered complete,
  - c) The date which the required outstanding documents and/or information must be submitted to the Development Officer, as either set out in the notice, or as agreed upon in writing between the applicant and the Development Officer.
2. Additional information the Development Officer may request for a development application includes, but is not limited to:
  - a) Hosting a public meeting in the community and submitting a record of the meeting and summary of input;
  - b) Traffic Impact Assessment to determine possible effects of the development on the transportation and traffic system;
  - c) Environmental Site Assessment to identify potential site contamination;
  - d) Noise Impact Assessment to examine the noise emitted from the facility;

- e) Lighting Impact Assessment to determine the potential light impact to adjacent properties during construction and operation of the site;
  - f) Sun Shadow Impact Study to determine the impact of development in terms of sun and daylight access to surrounding property;
  - g) Servicing Study to assess the capacity of municipal servicing to accommodate future development;
  - h) Geotechnical Assessment of the site for design of structures;
  - i) Real Property Report illustrating locations of property improvements relative to property boundaries;
  - j) Flood proofing assessment of the development if it is located in a flood prone area;
  - k) Slope Assessment to assess the safe design of a slope;
  - l) Risk Assessment for hazards associated with the use and storage on site;
  - m) CPTED Analysis to analyze the built form in reducing the incidence of crime;
  - n) Parking Demand Study to estimate the parking demand of the proposed use;
  - o) Such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.
3. If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer are complete, the Development Officer shall issue a letter by mail or electronically to the applicant indicating:
    - a) The application is complete;
    - b) Confirmation the Development Officer will begin processing the application,
    - c) The date the forty (40) days to process the application expires;
  4. If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the notice issued to the applicant, the applicant is deemed to be refused.
  5. If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within seven (7) days of the expiry date.

6. Despite that the Development Officer has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.
7. If the Development Officer does not make a determination of an application's completeness within twenty (20) days of receiving the application, or within an alternative timeline agreed upon between the applicant and the Development Officer, the application is deemed to be complete.

## **2.10 Development Referrals**

1. The Development Officer may refer any application to adjacent landowners, any agency and/or department for input and/or comment, including Red Deer County.
2. The Development Officer may refer any application to any department for comment.

## **2.11 Time Limits**

1. The Development Officer shall within twenty (20) days after the receipt of an application for a development permit, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.
2. The Development Officer or the Municipal Planning Commission (MPC) shall consider and decide on any application for a development permit, within forty (40) days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.
3. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Officer or the MPC within forty (40) days after receipt of the application in its complete and final form by the Development Officer, or within such longer period as the applicant may have agreed to in writing. The applicant may appeal the lack of a decision as provided in this Land Use Bylaw.

## **2.12 Establishment of Forms and Notices**

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

## **2.13 Establishment of Fees**

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

## **2.14 Development Permit Decisions and Conditions**

### **Accessory Uses**

1. A use shall be an Accessory Use if the use complies with the definition of Accessory Use. A Home Based Business Major and Home Based Business Minor shall not be considered an Accessory Use.
2. An Accessory Use is a Permitted Use if it is Accessory to a principal Use that is a Permitted Use and for which a Development Permit has been issued.
3. An Accessory Use is a Discretionary Use if it is Accessory to a principal Use that is a Discretionary Use and for which a Development Permit has been issued.
4. A Development Permit for an Accessory Use shall not be approved unless a Development Permit has been approved for the Principal Use.

### **Permitted Uses**

1. The Development Officer shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use Bylaw, the Act and Regulations and Statutory Plans, and may attach conditions to the permit necessary to ensure any of the following:
  - a) Arrangements satisfactory to the Development Authority for the supply of utilities, including, but not limited to water, electric power, sanitary sewer, storm sewer, natural gas, cable or any one or more of them, including payment of the cost of installation or construction of such utility facility by the applicant;
  - b) Arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
  - c) That the applicant enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
    - i. To construct or pay for the construction of a road required to give access to the development;

- ii. To construct, or pay for the construction of:
    - a. A pedestrian walkway system to serve the development, or
    - b. Pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - iii. To install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - iv. To construct or pay for the construction of:
    - a. Off-street or other parking facilities; and
    - b. Loading and unloading facilities;
  - v. To pay to the Town the costs paid by the Town to its Engineers, Planners or any other person for the preparation or review of site development plans, review of construction drawings, materials testing, inspections, monitoring of construction, and any other engineering, planning and legal costs and expenses which the Town incurs in connection with the preparation, administration and enforcement of the development agreement.
- d) That the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the *Municipal Government Act*, and amendments thereto;
  - e) That the applicant repair, reinstate or pay for the repair or reinstatement to the original condition of any street furniture, curbing, boulevard, landscaping and/or tree planting or any other property owned by the Town which is damaged, destroyed or otherwise harmed by development or construction on the site. Repairs shall be done to the satisfaction of the Town of Penhold. In the event that the Town undertakes the repairs, the Applicant shall pay the costs incurred by the Town within thirty (30) days of being invoiced for such costs.
  - f) That the applicant carryout landscaping of the site which may include the retention and/or planting of trees, the construction of an earth berm or some other form of screening.
  - g) That the applicant provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter or charge against the title of the site.
  - h) That the applicant submits a Real Property Report to the satisfaction of the Development Officer.

- i) That the applicant provides and causes to be registered on the applicable titles any easements, right-of-way agreements, encroachment agreements or restrictive covenants which in the opinion of the Development Authority are required.
- 2. If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, the Development Authority may:
  - a) Refuse the application giving reasons for the refusal; or
  - b) Approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Regulations and statutory plans; or
  - c) Approve the application under Section 2.14 (*Variances*) and subject to conditions listed in subsection (a).

### **Discretionary Uses**

- 1. The Development Authority, in its discretion, may require measures be taken or that the development is used in a manner that ensures that:
  - a) The development is orderly,
  - b) Any impact upon adjacent uses is mitigated,
  - c) The safety and free movement of pedestrians and vehicular traffic on adjacent public roadways is not prejudiced;
  - d) The use is developed in an aesthetic and environmentally sound manner, the development is in conformance with any applicable statutory plan, policy or any other policy adopted by Council.

and may approve an application for a development permit for a discretionary use subject to:

- e) Conditions listed in Subsection (1) (*Permitted Uses*);
- f) Any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
  - i. Limiting the time of operation, including hours of the day, days of the week, and parts of the year;
  - ii. Limiting the number of patrons;
  - iii. Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;



- iv. Regarding the location, character and appearance of buildings;
  - v. Regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site;
  - vi. Establishing the period of time during which a development may continue
2. The Development Authority, in its discretion, may refuse an application for a development permit for a discretionary use giving reason for its refusal.

### **Variances**

1. The Development Authority may approve, with or without conditions, an application for development that does not comply with this Bylaw, if in the opinion of the Development Authority,
  - a) The proposed development would not
    - i. Unduly interfere with the amenities of the neighbourhood, or
    - ii. Materially interfere with or affect the use, enjoyment or value or neighbouring parcels of land, and
  - b) The proposed development conforms to the use prescribed for that land or building of this Bylaw.
2. In approving an application for development pursuant to subsection (5) (*Variances*), the Development Authority shall adhere to the following:
  - a) A variance shall be considered only where warranted by the merits of the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setbacks or in meeting the usual Bylaw requirements;
  - b) The Purpose of the appropriate District;
  - c) Except as otherwise provided in this Bylaw, there shall be no variance from the maximum density regulations; and
  - d) Where a development permit has been granted a variance to any regulation in this Bylaw, the Development Authority will not permit any additional variances from that regulation.
  - e) Where the decision on an application is being made by the Development Officer, a variance will not be granted for less than eighty-five (85) percent of any minimum regulation or more than one hundred and fifteen (115)

percent of any maximum regulation except as otherwise provided in this Bylaw; and

3. In the event that a variance is granted, the Development Authority must specify the nature of the approved variance in the development permit approval.

## **2.15 Notice of Development Decision**

1. A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of the decision is sent by ordinary mail to the applicant.
2. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
3. When an application for a development permit is approved, with or without conditions, the Development Officer shall arrange for a notice of the decision to be publicized in any or all of the forms described as follows:
  - a) Mail a notice of the decision to all persons who in the opinion of the Development Officer her opinion may be affected;
  - b) Post a notice of the decision conspicuously on the property for which the application is made;
  - c) Published in a newspaper circulating in the municipality; and/or
  - d) Displayed in a publicly accessible area at the Town Office

## **2.16 Effective Date of a Permit**

1. When a development permit has been approved by the Development Authority, the development permit shall not come into effect until;
  - a) Any conditions of approval, except those of a continuing nature have been met;
  - b) Twenty-one (21) days after the notice of decision has been published or posted or is given by ordinary mail, whichever occurs last.
2. Any development undertaken with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
3. Where an appeal is made pursuant to the *Municipal Government Act*, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified.

## **2.17 Expiry of a Permit**

1. If the approved development permit is not commenced within twelve (12) months from the effective date of the development permit or the date of decision of the Subdivision and Development Appeal Board upon appeal and completed within twenty four (24) months of the issue, the permit shall be deemed to be void, unless an extension to the commencement or completion date has first been granted by the Development Authority.
2. The Development Authority may grant an extension of time to the approved development permit for up to an additional twelve (12) months. Only one (1) extension shall be granted for the commencement date and only one (1) extension shall be granted for the completion date.
3. A development permit issued in accordance to this Land Use Bylaw is not a building permit and notwithstanding the plans and specifications for buildings that may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a building permit has been issued pursuant to the applicable Bylaws and regulations.

## **2.18 Modification, Suspension or Cancellation of a Development Permit**

1. The Development Authority may modify, cancel, suspend or revoke a development permit if:
  - a) There is a contravention of any condition under which such permit was issued;
  - b) The permit was issued in error; or
  - c) The permit was issued on the basis of incorrect information or misrepresentation.

## **2.19 Re-Application for a Development Permit**

1. Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until six (6) months have passed from the date of such refusal unless in the opinion of the Development Authority, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

## **2.20 Appeals**

1. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing,

as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the forty (40) day period.

2. Where the Development Authority

- a) Fails to issue a development permit to a person, or
- b) Refuses an application for a development permit, or
- c) Issues a development permit subject to conditions, or
- d) Issues an order under the Municipal Government Act,

The person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act.

3. The person applying for a development permit or any other person affected by an order, decision or development, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Clerk of the Subdivision and Development Appeal Board within twenty-one (21) consecutive days after receipt of the order, decision or date of issuance of the development permit and application fees. The written notice of appeal must contain reasons for the appeal.

## **2.21 Development Conditions**

The applicant is responsible to meet the conditions of the Land Use Bylaw for any development. The requirement of meeting the outlined conditions cannot be passed onto another party without written approval from the Development Authority. Any applicant who contravenes and/or does not comply with this requirement may be subject to penalties as outlined in Section 2.27, (*Offences and Penalties*).

## **2.22 Amending the Land Use Bylaw**

- 1. The Council, may on its own initiative, amend this Land Use Bylaw.
- 2. Any person may make an application to the Development Officer to amend this Land Use Bylaw. The application shall:
  - a) Specify the nature of the specific amendment requested;
  - b) Outline the purpose and/or reason(s) for the amendment;
  - c) If the application is for a direct change of Land Use District, include the legal description or a plan showing the location and dimensions of the proposed lands to be changed;
  - d) The applicant's interest in the lands; and

- e) If the applicant is not the owner of the lands, a letter containing a statement of the applicant's interest in the land and permission and acknowledgement of the amendment applications from the owner is required;
  - f) The applicable application fee shall be accompanied by the application, which is established by Council and may from time to time be amended.
- 3. If the amendment is for a re-designation of land, the Development Officer may require:
  - a) The preparation of an outline plan; or
  - b) The preparation of amendments for the area to be re-designated to the level of detail specified by the Development Officer; and
  - c) Payment of a fee equal to the costs incurred by the Town to review the proposed redesignation and/or other related area structure plans or amended area structure plans;
- 4. Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before Council and shall issue not less than five (5) days' notice to the applicant advising that they may appear before Council at that time, and speak to the application. An application for amendment shall be placed before Council within sixty (60) days of its receipt by the Development Officer.
- 5. Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
  - a) Refuse the application,
  - b) Refer the application for further information;
  - c) Pass first reading to a Bylaw to amend this Land Use Bylaw, with or without conditions or amendments;
  - d) Defeat first reading of a Bylaw to amend this Land Use Bylaw;
  - e) Pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.
- 6. Following first reading of an amending Bylaw, Council shall:
  - a) Establish the date, time and place for a public hearing on the proposed Bylaw;
  - b) If a Bylaw to establish procedures for public hearings has not been passed
    - i. Outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and

- ii. Outline the procedure for conducting the public hearing;
- 7. Following first reading to an amending bylaw, the Development Officer must give notice of the public hearing by;
  - a) Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed Bylaw relates; or
  - b) Mailing or delivering notice to every residence adjacent to the area to which the proposed Bylaw relates;
- 8. A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs;
- 9. A notice of a public hearing must contain;
  - a) A statement of the general purpose of the proposed Bylaw and public hearing,
  - b) The address where a copy of the proposed Bylaw and any documents relating to it or the public hearing may be inspected; and
  - c) The date, place and time where the public hearing will be held;
- 10. In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsection (7),
  - a) Include in the notice;
    - i. The municipal address, if any, and the legal address of the parcel of land, and
    - ii. A map showing the location of the parcel of land,
  - b) Give written notice containing the information described in subsection 10(a) and subsection (9) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
  - c) Give written notice containing the information described in subsection 10(a) and subsection 9 to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- 11. Notwithstanding subsection (6), the Land Use Bylaw may be amended without notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- 12. In the public hearing, Council:

- a) Must hear any person, group of persons, or persons representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
  - b) May hear any other person who wishes to make representations and whom the Council agrees to hear.
- 13. After considering the representation made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, Council may:
  - a) Refer the Bylaw for further information or comment,
  - b) Pass the Bylaw;
  - c) Make any amendment to the Bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
  - d) Defeat the Bylaw.
- 14. Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- 15. After third reading of the proposed Bylaw, a copy of the Bylaw will be sent to:
  - a) The applicant;
  - b) The owner of land, if not the applicant.
- 16. Applications for amendments which are similar or identical to an application which was refused by Council will not be accepted for a period of six (6) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for the refusal have been adequately addressed or the circumstances of the application have changed significantly.
- 17. If the subdivision or development for which land was re-designated does not occur within one (1) year of the date of final passage of the re-designation Bylaw, Council may initiate a Bylaw to re-designate the land back to its former district and may adopt the re-designation Bylaw.
- 18. When a bylaw for a district change or a change to the text of this Land Use Bylaw is defeated by Council, another application for the same district change for the same parcel of land or the same text change may not be submitted by the same or another applicant until six (6) months have elapsed from the date of the decision of Council, unless in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

## **2.23 Professional Fees, Charges and Costs**

1. All costs incurred by the Municipality for technical or external review or processing of a planning application (or proposed statutory plan or amendment, or land use bylaw amendment) and related matters shall be paid by the applicant/developer. Such costs shall include, but are not limited to, all legal, planning and engineering costs for:
  - a) Public hearing, meeting attendance or preparation;
  - b) Inspections or material testing;
  - c) Preparation or review of drawings or plans (e.g. area structure, outline, concept or engineering plans);
  - d) Preparation, implementation or enforcement of development agreements;
  - e) Review of the proposed amendments to the Municipality's municipal development plan, other statutory plans, or land use bylaw (including re-zoning); and
  - f) Review and processing of subdivision or development applications (including registration of plans or documents with land titles),

All of which costs shall be the responsibility of the applicant/developer whether or not the agreement, application or plans are ultimately used or executed.

1. Where Council has not established a particular fee or charge amount for such costs, administration shall develop and apply a method of calculation for the fees or charge based upon full cost recovery.
2. The costs described herein may be recovered under a development agreement entered into as a condition of the development permit or subdivision approval or may otherwise be collected as incurred by the Municipality.

## **2.24 Contravention and Enforcement**

The provisions of this Bylaw may be enforced by way of a stop order, injunction or such other relief as may be available under the Municipal Government Act, including the following:

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



- b) Demolish, remove or replace the development, or
- c) Carry out any other actions required by the notice so that the development or use of the land or building complies with Part 17 or the *Municipal Government Act*, the *Subdivision and Development Regulation*, this *Land Use Bylaw*, a development permit or subdivision approval,

Within the time set out in the notice.

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

6. Where the Council or persons appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is subject to the court order.
7. A Designated Officer may inspect premises in accordance with the provisions of the *Municipal Government Act* where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
  - a) Complaints from the public that the premises are being used contrary to the Bylaw,
  - b) The observations of an Enforcement Officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this Bylaw.
8. For the purpose of entering and inspecting land or buildings as described in the *Municipal Government Act*, the following shall be Designated Officers:
9. Development Officer or anyone designated by the Development Officer;

## 2.25 Offences and Penalties

1. A person who contravenes or does not comply with:
  - a) this Land Use Bylaw;
  - b) a provision of the *Municipal Government Act*;
  - c) the *Subdivision and Development Regulation*; a development permit or subdivision approval, or a condition therein;
  - d) a decision of the Subdivision and Development Appeal Board, or;
  - e) obstructs or hinders any person in the exercise or performance of their powers under Part 17 of the *Municipal Government Act*;;

is guilty of an offence.
2. A person who is guilty of an offence referred to in subsection (1), above is liable upon summary conviction to the specified penalty set out in Schedule C (*Specified Penalties for Offences Under the Land Use Bylaw*), or in the case of an offence for which there is no specified penalty, to a fine of not more than \$10,000 or to imprisonment of not more than one (1) year, or to both fine and imprisonment.
3. Where an Enforcement Officer reasonably believes that a person has contravened any provision of this Bylaw, the Enforcement Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the particular offence as provided in

Schedule B of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

4. Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within twelve (12) months after the date of the occurrence of the first offence under that section of this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in columns two (2) and three (3), respectively of Schedule B (*Specified Penalties for Offences Under the Land Use Bylaw*).
5. This section shall not prevent any Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying information in lieu of issuing a violation ticket.
6. Where a person is found guilty of an offence under this Land Use Bylaw or the *Municipal Government Act*, the court may in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw, or a permit or condition attached thereto.
7. Development Permit applications submitted after site preparation or construction has commenced may be subject to the increased fee provisions described in the fee schedule adopted by Council resolution in accordance with this Land Use Bylaw.

### **Enforcement of Signage Regulations**

8. The Development Authority or Designated Officer, who believes on reasonable grounds, that a sign is not authorized pursuant to this Bylaw may remove and impound the sign;
  - a) In the case of a sign for which a permit is issued, after seven (7) days' notice to the sign permit holder, delivered to the address shown on the permits; or
  - b) In the case of a sign for which no permit has been issued, without prior notice to any person;
  - c) Order the owner to stop work on a sign if it is proceeding in contravention of this Bylaw or if the sign is deemed to be in an unsafe condition;
  - d) Order the owner to paint, repair, alter, maintain or remove any sign which is in bad repair, dilapidated or has been abandoned, such work to be completed within a reasonable timeframe as determined by the Development Authority.
9. Notwithstanding subsection 8, no sign which is located in or upon or which is affixed to a building shall be removed without either the consent of the owner of the building, the consent of the owner of the sign or a court order.

10. Following the impounding and removal of a sign, a notice shall be sent to the owner of the sign (if known) or to the owner of the premises for which the sign is removed, advising of the removal. The owner of the sign may secure its release from impound upon payment in full of all applicable impounding and storage charges at the rates specified in Schedule B of this Bylaw.
11. An impounded sign which has not been redeemed within thirty (30) days of the date of the service of notice as specified in subsection 10, may be disposed of by the municipality without further notice to any person and without any liability to compensate the owner of the sign.

## **PART 3 GENERAL LAND USE REGULATIONS**

### **3.1 Applicability**

General regulations under this section shall apply to all development unless otherwise exempted within this section or the applicable District Regulations. Where these regulations may be in conflict with any District Regulations, the more stringent regulation shall take precedence.

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

1. Not more than one (1) principal building shall be placed on a parcel except as follows:
  - a) In an Industrial or Commercial District, more than one or more principal buildings may be constructed on a parcel provided this is done in such a manner that, if there is future subdivision of the land, each building would be situated on a separate parcel having its own access and yard(s), all in compliance with this Land Use Bylaw;
  - b) In Residential Districts where multiple housing developments may be permitted; or
  - c) In the opinion of the Development Authority:
    - i. the building is clearly designed to be divided into more than one dwelling,
    - ii. or the development of the parcel is clearly designed to include more than one (1) dwelling, and
  - d) the use conforms to the uses prescribed in the district in which the parcel is located, and
  - e) the development complies with the provisions of this Land Use Bylaw, and
  - f) a development permit is issued for the use.

### **3.3 Building Orientation and Design**

The design, character and appearance of any building, or sign must be acceptable to the Development Authority having due regard to:

- a) amenities such as daylight, sunlight and privacy;
- b) compatibility with the design and appearance of existing developments in the vicinity, including, but not limited to, the finishing materials, roof pitches, eave depth, building mass and architectural detailing;
- c) its effect on adjacent parcels.

1. The Development Authority may establish architectural controls in order to guide the development and appearance of any building, including, but not limited to the shape, scale and mass, appearance including colour and type of façade materials, roof lines and projections, signs and lighting.
2. All sides of a building exposed to a highway or public road shall be treated as a principal façade and finished in an appropriate manner to the satisfaction of the Development Authority.
3. Rooflines and building facades should be articulated and varied appropriately to the size of the site and the scale of the buildings to ensure an interesting streetscape.
4. Front entries should be clearly defined and oriented towards the front façade of the building.

### **3.4 Relocation of Buildings**

1. No person shall:
  - a) Place on a parcel a building which has previously been erected or placed on a different parcel, or
  - b) Alter the location on a parcel of a building which has already been constructed on that parcel;unless a development permit has been issued by the Development Authority.
2. In addition to the requirements of Section 2.8 (*Contents of a Development Permit Application*), the Development Authority may require an application for a development permit to be accompanied with:
  - a) A recent color photograph showing all sides of the building;
  - b) A statement on the age, size and general condition of the building;
  - c) A statement prepared and signed by a qualified person on the structural condition of the building; and
  - d) A statement of proposed improvements to the building.
3. Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a letter of credit or other security of such amount to ensure completion of any renovations set out as a condition of a development approval.
4. Prior to relocation, the building(s) may be inspected on site by the Town's Building Inspector and the costs of the inspection shall be paid by the applicant.

5. All structural and exterior renovations shall be completed within one (1) year of the issuance of a development permit.

### **3.5 Demolition of Buildings**

1. In addition to the requirements of Section 2.8 (*Contents of a Development Permit Application*), the Development Authority may require an application for a development permit to be accompanied with a statement or plan to the satisfaction of the Development Authority, indicating:
  - a) How the operation will be carried out so as to avoid or minimize the creation of nuisances;
  - b) Proof of disconnection of all utilities;
  - c) A work schedule of the demolition and site cleanup;
  - d) Completion of a Fire Safety Plan in conformance with the Alberta Fire Code.
2. Applications for building demolitions will be referred to:
  - a) The Town's Fire Chief;
  - b) Any and all affected utility companies having service lines and/or facility equipment on the land or in the building of the intent demolition;
  - c) An accredited Safety Codes Officer for review to ensure all work related to the permit are carried out in accordance with the Alberta Building Code and Safety Codes Act.
3. Where a permit is approved for the demolition of a building, it shall be a condition of the permit that the site be properly cleaned, with all debris removed and left in a graded condition acceptable to the Development Authority.
4. Where a permit is approved, the Development Authority may require the applicant to provide a letter of credit or other security of such amount to cover the cost of reclamation and any damages to utilities.

### **3.6 Temporary Buildings and Soft-Sided Buildings**

1. At the discretion of the Development Authority, may conditionally approve a temporary building for a period of no more than thirty (30) days, or such longer time as may be written in the development permit issued, including a soft-sided canvas covered frame or similar building.

### **3.7 Non-Conforming Uses and Buildings**

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

### **3.8 Accessory Buildings**

#### **In All Districts**

1. For the purpose of calculating yard setbacks as provided in the Land Use Bylaw, an accessory building, if connected to the main building by a structural element including, but not limited to a common foundation, roof or wall, shall be deemed to be part of the main building.
2. Where possible, the pitch of the roof of the accessory building shall match the pitch of the roof of the principal building.
3. An accessory building must be constructed of typical solid construction materials and incorporate similar exterior cladding, colours and materials as the principal building, including roof lines.
4. No accessory building or any portion thereof shall be erected or placed on or over an easement, utility right-of-way or within the front yard of a parcel, unless otherwise approved by the Development Authority.



5. An accessory building shall not be used for human habitation except where a Secondary Suite or Garage Suite has been approved.

### **In Residential Districts**

1. No accessory buildings or any portion thereof shall be erected or placed in the front yard of a parcel.
2. An accessory building shall not individually exceed 68m<sup>2</sup> (728ft<sup>2</sup>).
3. An accessory building shall not be more than 4.5m (15ft.) in height.
4. Subject to Section 3.25 (*Driveway Vehicle Access*), an accessory building shall be situated so that the exterior wall is at least 1.0m (3ft.) from the side and rear boundaries of the parcel.
5. Subject to Section 3.25 (*Driveway Vehicle Access*), an accessory building on a corner parcel shall not be situated closer to the street than the principal building and shall not be closer than 1.0m (3ft.) to the other side parcel boundary or the rear parcel boundary.
6. Notwithstanding subsection (3), a Garage Suite shall not be more than 7.5 (25ft.) in height and shall not exceed the height of the principal building.
7. An accessory building erected or placed on a parcel shall not be used as a dwelling unless a permit has been issued for the development of a Garage Suite.
8. An accessory building shall be located a minimum of 2.5m (8ft.) from the principal building.
9. A permanent playhouse, play equipment or any combination of permanent playhouse, play equipment and storage must not be located within the front yard of a parcel.
10. An accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two (2) parcels provided the accessory building serves the two parcels.
11. Where a parcel abuts a lane less than 6.0m (20ft.) in width, the Development Authority may require a rear yard setback for accessory buildings greater than the prescribed minimum.
12. No roof top decks shall be permitted to be constructed on an accessory building, unless otherwise approved by the Development Authority as a discretionary use.

### **3.9 Shipping Container (Sea Can/Storage Pod or Similar Form of Cargo Container)**

1. A shipping container or similar form of cargo container **shall only be used** for a temporary period no greater than seven (7) days unless approved by the Development Authority.
2. A shipping container or similar form of cargo container shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings within the applicable district.
3. A shipping container or similar form of cargo container may not be stacked one upon the other.
4. During active construction on a site when the shipping container or similar form of cargo container may be only used for the storage of construction tools and materials required during the proposed new construction or renovations for the site, provided that a valid building permit has been issued for the construction. The shipping container must be removed from the site upon completion of construction.
5. The shipping container or similar form of cargo container must be located so as to not create a safety hazard.
6. A shipping container or similar form of cargo container may be located in the side or rear yard of a site, provided that the placement is located within the required accessory building setbacks and the placement of the container is visibly screened from public roads, neighbouring properties and highways, to the satisfaction of the Development Authority

### **3.10 Projection Over Yards**

1. Except as otherwise provided in this Section (2) and (3), no portion of the principal building on a site shall project over or onto a required front, side or rear yard.

#### **Residential Districts**

2. In Residential Districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:

##### **a) Side Yards:**

Any projection, including unenclosed steps, eaves, uncovered decks, eaves, fireplace chaises and cantilevered windows, where in compliance with the Alberta Building Code, not exceeding one-half of the minimum side yard required for the building and excepting laneless subdivisions, where additional setbacks may apply.

A cantilevered wall section, bay or bow window or chimney which projects into a side yard if the projection is not wider than 2.5m (8ft.) and does not project more than 0.6m (2ft.) over the required side yard, unless the side yard provides or is required to provide access to a detached garage or carport in the rear yard in which case, no projection is allowed within 3.0m (10ft.) of the property line.

b) Front Yards:

Any projection not exceeding 1.5m (5ft.) over or on the minimum front yard.

c) Rear Yards:

Any projection not exceeding 3.0m (10ft.) over the minimum rear yard.

**In all other Districts**

3. In all other Districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:
  - a) Any projection not exceeding 1.5m (5ft.) into a front or rear yard;
  - b) Any projection not exceeding 0.6m (2ft.) into a side yard;
  - c) Any projection that is an exterior fire escape not exceeding 1.2m (4ft.) in width. A minimum clearance of 2.4m (8ft.) above grade must be maintained.
4. No portion of a building other than eaves, signs or canopies shall project into a public or private right-of-way.

**3.11 Decks & Patios**

1. A deck with a height of less than 0.6m (2ft.) shall not require a development permit, providing all setbacks and allowable projections within the district are met.
2. When a deck becomes covered or enclosed, it shall be considered an addition to the building and is required to meet all district requirements for such buildings.
3. A deck shall be permitted to project into the:
  - a) Minimum front yard of the district to a maximum of 1.5m (5ft.);
  - b) A minimum side yard of the district, a maximum of 0.6m (2ft.); and
  - c) Minimum rear yard of the district, a maximum of 3.0m (10ft.).

### 3.12 Objects Prohibited or Restricted in Yards

1. No person shall keep or permit in any part of the parcel in any Residential District;
  - a) Any motor vehicle or equipment of any kind which is in a dismantled, in a state of disrepair, derelict or unsightly condition on the parcel
  - b) Any vehicle in excess of 4,500kg (GVW) and/or a length of 6.3m (21ft.), except recreational vehicles as defined by this Bylaw, for longer than is reasonably necessary to load or unload such a vehicle,
  - c) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the surrounding area;
  - d) Any excavation, storage or piling up of materials required during the construction of a development, unless all necessary safety measures are undertaken and the situation does not prevail longer than the Development Authority considers necessary for completion of construction work on the site;
  - e) Any motor vehicle, trailer/cargo trailer, off highway vehicle, watercraft, recreational vehicle or other vehicles to be parked or to remain on any part of the front yard.
2. No person shall park:
  - a) A recreational vehicle or utility trailer on a residential parcel except for:
    - i. Between April 1 and October 15 of each year, a recreational vehicle may be parked in the required front yard on an approved hard surfaced parking pad provided that the recreational vehicle is set back as to not overhang the sidewalk or otherwise create a safety hazard for a period of not more than seventy-two (72) hours for the purpose of loading and/or unloading the recreational vehicle.
    - ii. Any recreational vehicle or utility trailer parked on an approved hard surfaced parking pad in the side or rear yard of a parcel; and
    - iii. Parking of the recreational vehicle will not, in the opinion of the Development Authority, be unsightly or tend to adversely affect the amenities of the adjacent property owners.
  - b) A recreational vehicle or utility trailer in any manner that reduces the number of available off-street parking stall below that required for the uses of the parcel listed in Section 3.18 (*Parking*).
  - c) A vehicle, recreational vehicle or utility trailer or any part thereof unless entirely contained within the property boundaries of the parcel and not within 0.25m (0.8ft.) of a sidewalk, curb, lane or roadway, or in any manner

that protrudes, poses a traffic or safety hazard or is otherwise not entirely within the property boundaries of the parcel.

- d) A passenger vehicle of any kind in the front or side yard of a residential district, except on a driveway or an approved hard surfaced parking area, as described in accordance with Section 3.18 (*Parking*) shall be hard surfaced if access is gained directly from a paved road.
- 5. In all other non-residential districts, a recreational vehicle may only be used for living and sleeping accommodation when parked in an approved campground.
- 4. No person shall keep or permit in any part of a parcel in any Commercial or Industrial District:
  - a) Any dismantled, derelict or wrecked vehicle for more than fourteen (14) successive days,
  - b) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district; or
  - c) Any excavation, storage or piling up of materials required during the construction of a development unless safety measures are undertaken and the situation does not prevail longer than reasonably necessary to complete construction;

Unless located and/or screened from view to the satisfaction of the Development Authority.

### **3.13 Zero Side Yard Developments**

- 1. Where an approved subdivision plan or a proposed subdivision plan comprises of at least five (5) parcels, the Development Authority or the Subdivision Authority may by resolution reduce the side yard to zero metres where:
  - a) The owner(s) of the adjacent parcel or parcels grant(s) a 2.4m (8ft.) maintenance access easement plus a 0.6m (2ft.) eave and footing encroachment easement on the adjoining site in perpetuity. The easement shall be to the satisfaction of the Development Authority or Subdivision Authority and shall be registered against the title of the said parcels; and
  - b) In a laneless subdivision, adequate provisions for access to the rear of each parcel shall be provided from a street.

### **3.14 Laneless Subdivisions**

In a laneless subdivision in a commercial or industrial district, one side yard shall not be less than 6.0m (20ft.). This does not apply to an accessory building where such building is located to the rear of the principal building and separated there from by a minimum distance of 12.0m (39ft.).

### **3.15 Yard and Development Setbacks**

1. Notwithstanding any special provision of this Land Use Bylaw, setbacks in excess of the minimum yard requirements may be required when deemed necessary by the Development Authority.
2. Yard and setback provisions of this Land Use Bylaw do not apply to:
  - a) Utilities;
  - b) Surface parking;
  - c) Fences;
  - d) Awnings and canopies;
  - e) Wheelchair ramps; and
  - f) Unenclosed patios, decks, sidewalks and steps contained wholly within the site and where no portion rises more than 0.3m (1ft.) above the finished ground level.
3. Development Setbacks from Easements or Rights-of-Way:
  - a) No building shall be closer than 0.5m (1.6ft.) to a registered Easement or Right-of-Way on any property except:
    - i. Where ATCO Gas requires an easement to the building foundation for multi-family units where a bank of meters is required to be placed adjacent to or near the building wall. A 0.5m (1.6ft.) setback does not apply in this case.
  - b) All development adjacent to the railway right-of-way shall follow the Guidelines for New Development in Proximity to Railway Operations Prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
4. Development Setbacks Along Future Major Roadways, Highways or Railways:
  - a) Notwithstanding any other provision in this Land Use Bylaw, all buildings and structures adjacent to Highway 2A and Highway 42 shall be sited a distance from the highway right-of-way as determined by the Development Authority after consultation with Alberta Infrastructure and Transportation.
  - b) Notwithstanding any other provision in this Land Use Bylaw, all new residential development adjacent Highway 2A and Highway 42 shall be sited to provide a noise barrier to be constructed to reduce the effects of traffic noise. The developer shall be responsible at the time of development for constructing a noise barrier to Town standards, or paying to the Town a sum of money equal to the cost of building a barrier.

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

5. Development Setbacks in Proximity to Oil and Gas Wells

In accordance with the Subdivision and Development Regulation, no building shall be constructed within 100m (328ft.) of the well head of a gas or oil well, unless in the opinion of the Development Authority, it may be considered an infill development or is otherwise approved in writing by the Alberta Energy Regulator.

6. Development Setbacks from Wastewater Treatment Plants

In accordance with the *Subdivision and Development Regulation*,

- a) A school, hospital, food establishment or residential building must not be approved and a residential building must not be constructed within 300m (984ft.) of the working area of an operating wastewater treatment plant, and
- b) A wastewater treatment plant must not be approved unless the working area of the plant is at least 300m (984ft.) from any existing or proposed school, hospital, food establishment or residential building.

unless the development is approved in writing by the Deputy Minister of Alberta Environment and Parks.

7. Development in Proximity to Sour Gas Facility and Oil and Gas Wells

- a) In accordance with the *Subdivision and Development Regulations*,
  - i. development that results in permanent overnight accommodation or public facility must not be approved unless it conforms to the setback requirement of the Alberta Energy Regulator with respect to sour gas facilities, unless the board has given written approval for a lesser setback;
  - ii. no building shall be constructed within 100m (328ft.) of the well head of a gas or oil well, unless, in the opinion of the Development Authority, it may be considered an infill development or is otherwise approved in writing by the Alberta Energy Regulator.
- b) No building shall be constructed within 100m (328ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

## 8. Development Setbacks from Landfills and Solid Waste Sites

In accordance with the Subdivision and Development Regulations:

- a) A school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distances from a sanitary landfill, modified landfill, hazardous waste management facility, dry waste site, solid waste processing site, waste storage site, waste sorting station or waste transfer station specified in the Subdivision and Development Regulations, and;
- b) A sanitary land, modified landfill, hazardous waste management facility, dry waste site, solid waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, residence or food establishment specified in the Subdivision and Development Regulations, unless the development is approved in writing by the Deputy Minister of Alberta Environment and Parks.

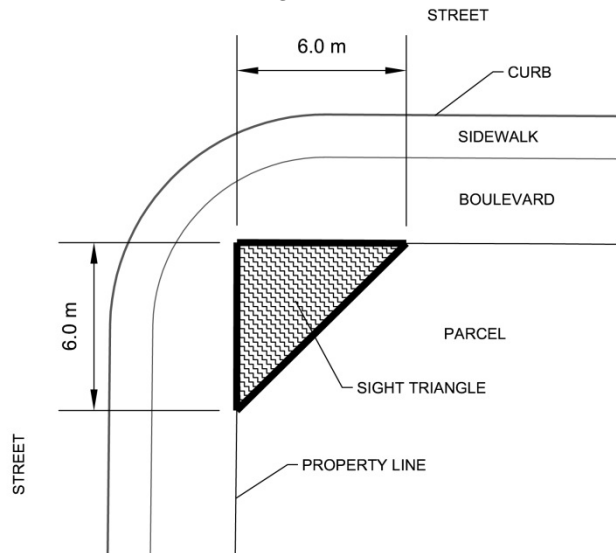
## 9. Development Setback from Water Bodies and Slopes

- a) No development shall be permitted in the 1:100 year flood plain of a water body or otherwise prone to flooding or subsidence.
- b) A minimum building setback of 30.0m (100ft.) is required from the high water mark of a water body determined by the Development Authority.
- c) Applications for development permits may be required to submit a slope stability assessment completed by a licensed Geotechnical Engineer or a person qualified to perform such work.
- d) No trees or vegetation shall be cleared within 30.0m (100ft.) of any water body, water course or the crest of a slope greater than fifteen (15) percent where the removal could have a negative impact on the water body, water course or slope stability.



## 10. Sight Triangle at Street and Lane Intersections and Highways

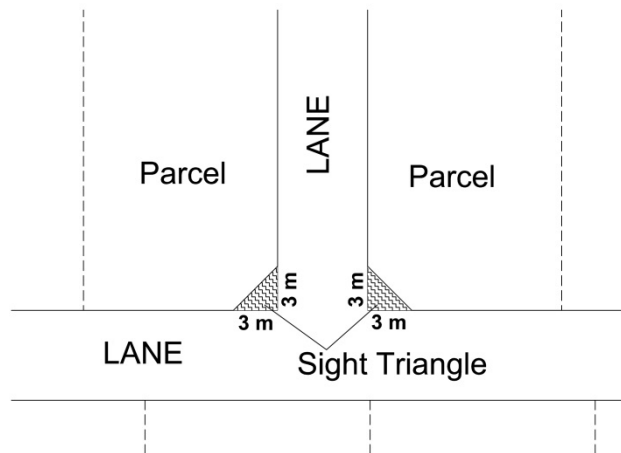
- a) Notwithstanding any other provisions of this Land Use Bylaw, except as approved by the Development Authority, no person shall place or maintain in or upon that portion of a lot or site within a sight triangle, wall, fence, shrub, hedge, tree or other object or structure if such object or structure interferes with or obstructs the view of the driver of any vehicle using the street abutting such lot or site.



### b) Sight Lines at Intersections of Roadways

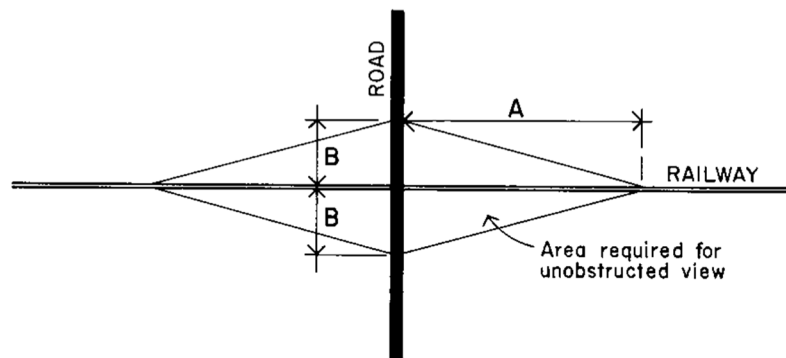
- i. At the intersection of a lane and a street, a 3.0m (10ft.) sight triangle must be provided.
  - ii. No development, including fences, shall be allowed within a 3.0m (10ft.) sight triangle as shown in the following diagram.
- c) At the intersection of streets, a 6.0m (20ft.) sight triangle must be provided. The Development Authority may require larger or smaller sight triangles for specific locations where:
- i. One or more right-of-way is/are less than 15.0m (50ft.) wide; or
  - ii. Regulated vehicle speed exceeds 50km/hr; or
  - iii. One of the carriageways is not centered in its right-of-way; or
  - iv. An intersection leg is curved or skewed; or
  - v. An intersection leg is sloped at two (2) percent or greater.

- d) Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways.



# 11. Sight Triangles at Road and Rail Intersections

- a) At the intersections of roadways and railways, sight triangles shall be determined using the diagram below:



MAXIMUM TRAIN SPEED	SIGHT DISTANCE A FROM CROSSING	MAXIMUM SPEED	SIGHT DISTANCE FROM CROSSING	
km/h	m	km/h	m	m
30	90	30	30	18
50	140	50	50	30
70	185	70	80	45
80	230	80	110	65
100	275	100	150	85
110	320	110	190	110
130	365	*distances based on level approach grade and good traction **panic stop distances		
145	410			
160	460			

- b) At the intersection of roadways and railways, which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:
  - i. one or more of the rights-of-way is less than 15.0m (50ft.);
  - ii. regulated vehicle speed exceeds 50km/h;
  - iii. either the carriage way or the railway is not centered in its right-of-way;
  - iv. an intersection leg is curved or skewed; or
  - v. an intersection leg is sloped at two (2) percent or greater.
- c) Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopped motor vehicle is between 5.0m (16ft.) and 15.0m (49ft.) as required by the Highway Traffic Act.

### **3.16 Illumination of Sites**

- 1. Parking areas for apartment sites, public, commercial and industrial uses shall be provided with overhead illumination for safety purposes, except where, in the opinion of the Development Authority, sufficient illumination is provided by adjacent roads, lights or other sources.
- 2. With the exception of street lighting (height to be approved by the Municipality), outdoor lighting provided for security, display or attraction purposed for any development shall be arranged so that no direct rays of light are directed at any adjoining site or interfere with the effectiveness of adjacent traffic signals or public streets, and shall comply with the following provisions:
  - a) no light structure shall exceed a height of 8.0m (25ft.);
  - b) no light shall be attached to a structure above a height of 8.0m (25ft.);
  - c) no flashing or strobe, or revolving lights, which may impact the safety of motorists using adjacent public roadways, shall be installed on any structure or site, and;
  - d) LED lighting is preferred and encouraged.
- 3. As a condition of the development approval, the Development Authority may require a lighting site plan, prepared by a qualified professional.

### **3.17 Deferred Paving Agreement**

1. If a street or lane providing access to a site in a commercial or industrial district is not paved, the Development Authority may permit an extension of not more than twelve (12) months following notification by the Town of completion of such paving within which the owner shall comply with this Bylaw's requirements for onsite paving, provided that the registered owner of the site enters into an agreement in writing satisfactory to the Town to complete such work. The Town may register a caveat on the title to the site to protect the agreement.
2. As a condition of a development permit, a performance bond or letter of credit may be required up to the value of the estimated cost of the proposed paving/parking to ensure that such paving/parking is carried out with reasonable diligence. The condition of the security being that, if the paving/parking is not completed in accordance with this Bylaw and the development permit within one (1) construction season after the completion of the development permit, then the amount fixed shall be available to the Town for its use in installing the required paving/parking.

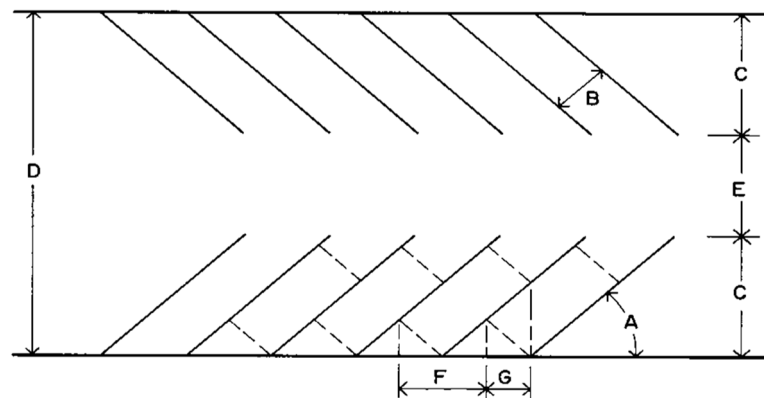
## VEHICLES

### 3.18 Parking

The following are the minimum number of parking spaces that shall be provided and maintained upon the use of a parcel or a building in any District as below. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the highest integer.

USE OF THE SITE	MINIMUM PARKING REQUIREMENT
<b>RESIDENTIAL</b>	
Detached Dwelling	2 per dwelling unit
Manufactured Home	2 per dwelling unit
Duplex	2 per dwelling unit
Fourplex	2 per dwelling unit
Row Housing	2 per dwelling unit + 1 visitor per 5 units
Apartment	2 per dwelling unit + 1 visitor per 5 units
Adult Care Residence	1 per 2 dwelling units + 1 per employee per shift
Secondary Suite	1 per dwelling unit
<b>COMMERCIAL</b>	
Offices	2.5 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
Retail Establishments	4 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
Personal Services	2.5 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
Home Improvement Centre	1 per employee + 2.5 per 100m <sup>2</sup> (1,076ft <sup>2</sup> ) of retail store area
Hotel, Motels	1 per guest room + 1 per employee per shift
Repair Services	2 per 100m <sup>2</sup> (1,076ft <sup>2</sup> ) of area
Restaurants and Drinking Establishments	1 per 4 seats
Shopping Centres	4.5 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
Vehicle, Equipment and Machinery Sales	2.0 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
<b>INDUSTRIAL</b>	
Manufacturing Minimum Provision	6 per tenant
Offices	2 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
Other Areas	1 per 100m <sup>2</sup> (1,076ft <sup>2</sup> )
Warehouse and Storage Facility Minimum Provisions	4 per tenant
<b>PUBLIC</b>	
Hospitals, Nursing Homes, Health Care Institutions	1 per 4 beds & 1 per 2 employees
Places of Worship	1 per 8 seats
Public Assembly Buildings	1 per 4 seats
<b>SCHOOLS</b>	
Elementary & Middle School	1 per employee & 1 per 10 students
Senior High	1 per employee & 1 per 5 students
<i>*sufficient space must be provided for the safe transport and dropping off of students by bus and private vehicle</i>	

1. For uses not listed above the number of spaces shall be determined by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.
2. All off-street parking areas that enter onto a paved public roadway must be hard surfaced as defined in this Bylaw.
3. When a building is enlarged or the use of a parcel or a building is changed to increase in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original building or use and that of the enlarged building, changed or intensified use.
4. The parking space requirement on a parcel which has or is proposed to have more than one (1) use shall be the sum of the requirements for each of those uses.
5. Each parking space shall have dimensions of not less than 2.8m (9ft.) by 6.0m (20ft.).
6. The dimensions of the parking area shall be as set out in the following diagram and table below:



A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Maneuvering Space	F Curb Length	G Row End Length
0	2.75 m (9.0ft)	2.75 m (9.0ft)	9.0 m (30.0ft)	3.5 m (11.0ft)	6.7 m (22.0ft)	0 m
30	2.75 m (9.0ft)	5.0 m (16.0ft)	13.5 m (44.0 t)	3.5 m (11.0ft)	5.45 m (18.0ft)	0.85 m (2.8ft)
45	2.75 m (9.0ft)	5.7 m (19.0ft)	15.4 m (51.0ft)	4.0 m (13.0ft)	3.85 m (13.0ft)	2.05 m (7.0ft)
60	2.75 m (9.0ft)	6.0 m (20.0ft)	17.5 m (57.0ft)	5.5 m (18.0ft)	3.2 m (10.0ft)	2.0 m (7.0ft)
90	2.75 m (9.0ft)	6.0 m (20.0ft)	18.0 m (60.0ft)	7.0 m (23.0ft)	2.75m (9.0ft)	0m (0ft)

7. A minimum standard of 30.0m<sup>2</sup> (323ft<sup>2</sup>.) per parking stall shall be used for general calculations for the areas of parking facilities or the number of parking spaces in a parking facility.
8. Parking stalls shall be located on the same parcel as the use for which they are being provided; however, at the discretion of the Development Authority, parking may be located on another property within 125.0m (410ft.) walking distance, provided the owner of such property enters into an agreement with the Town ensuring the use of the site for the required number of parking spaces. The Town shall cause a caveat respecting the agreement to be registered against the land on which the parking spaces are located.
9. For residential districts, every on-site parking space provided and access thereto shall be required to be hard surfaced if the access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future. Gravel parking spaces are permitted where located in the rear yard and accessed by a gravel lane.
10. Parking areas for apartments, adult care residence and public uses shall be hard surfaced in accordance with the standards of the municipality.
11. Parking areas for industrial uses located within front yards and side yards abutting a street shall be hard surfaced and parking areas located in the rear yards and side yards not abutting a street may be graveled at the discretion of the Development Authority.
12. Lawns and landscaped areas will not be used as parking spaces in any land use district.
13. All surfaces are to be graded so as to ensure that drainage is disposed of in a manner satisfactory to the Development Authority.
14. Vehicle access to commercial and industrial sites shall consist of a hard surfaced apron measuring the width of the access to a minimum depth of 7.5m (25ft.) if access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future.

### **3.19 Shared Parking**

1. Notwithstanding Section 3.19 (*Parking*), parking may be provided on a site other than the site of the principal building provided that it is in accordance with the following regulations:
  - a) For non-residential development and subject to the approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities as may thereby collectively fulfill the requirements of Section 3.18 (*Parking*).

- b) The total quantity of spaces is at least equal to the required spaces for the development in operation at any given time.
- c) Where two (2) or more parties agree to combine shared use of the same on-site parking spaces to meet the requirements of two (2) or more developments may be permitted at the discretion of the Development Authority.
- d) Where two (2) or more parties agree to combine parking as required under subsection (c) (*above*), a joint access agreement to be registered against title is required with the Town being a third party to the agreement.
- e) Where a group of uses or buildings is served by a communal parking facility and the normal business hours of each development do not overlap.

### **3.20 Parking Stalls for People with Disabilities**

- 1. Parking stalls for people with disabilities shall be level-surfaced and located as close as possible to ramps, walkways and commercial building entrances.
- 2. Parking shall be arranged in such a way that users of wheelchairs are not required to pass behind parked cars.
- 3. For conditions requiring more than two (2) parking stalls for vehicles used by physically disabled persons, no more than two (2) stalls shall be placed adjacent to each other. If there are several accessible building entrances, a stall shall be located near each entrance.
- 4. Parking stalls shall conform to the requirements of the Alberta Building Code (minimum width of 4.0m (13ft.) and minimum length of 5.5m (18ft.).
- 5. Each parking stall shall be clearly identified by painting the international symbol of accessibility and clearly marked being for the use of persons with disabilities through the use of appropriate signage, identifiable in all seasons.
- 6. The access aisle shall be marked with diagonal striping with strip spacing of 0.6m (2ft.).
- 7. The access aisle shall lead to a curb cut to the adjacent sidewalk connecting to a building entrance.
- 8. The number of parking stalls for vehicles used by physically disabled persons shall be as follows:

NUMBER OF STANDARD VEHICLE PARKING STALLS	NUMBER OF DESIGNATED STALLS FOR USE BY PERSONS WITH DISABILITIES
1 - 25	1
26 - 50	2
51 -100	3
For each additional increment of 100 or part thereof	One (1) additional stall



### **3.21 Bicycle Parking**

1. In order to encourage alternative forms of transportation in addition to the required vehicular parking, bicycle parking shall be provided as follows:
  - a) A residential site of twenty (20) or more dwellings and non-residential uses the Development Authority deems necessary, shall provide bicycle parking equal to a minimum of five (5) percent of the number of vehicular parking spaces required for the use;
  - b) Educational and instructional facilities shall provide a minimum of ten (10) percent of the required number of vehicular parking spaces; and
  - c) Required bicycle parking spaces shall be illuminated and located on hard paved surfaces.

### **3.22 Parking Lot Design**

1. All parking lots shall be designed, located and constructed for the safe and efficient movement of motor vehicles and pedestrians, adequate maintenance, an aesthetically pleasing appearance from public roads and easy access to all parking spaces.
2. Access and design shall provide opportunities for convenient and free flowing traffic movements between lots, development on adjoining lots and may be integrated by direct on site access connections.
3. Parking lots shall include, where appropriate, sidewalks designed to move pedestrians through the site and connect the development with any adjacent municipal sidewalk(s) to the satisfaction of the Development Authority.
4. All at grade parking areas required by this Bylaw to accommodate forty (40) or more vehicle shall incorporate landscaped islands or open space within the parking area in accordance with Section 3.35 (*Landscaping*).
5. Vehicular entrances and exits, as well as on-site pedestrian and vehicular routes will be designed in a manner that provides a safe and clearly defined circulation pattern.

### **3.23 Site Circulation**

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

### **3.24 Pedestrian Site Circulation**

1. Commercial, recreation and public institution sites accessed by the general public will ensure accessibility for pedestrians and persons with mobility challenges having regard for the following:
  - a) Internal walkways will be provided to allow for pedestrian movement within the site and between buildings on the site;
  - b) Internal walkways will have a minimum width of 1.2 m (4 ft.) and be provided across the full width of building elevations which have entrances to the public;
  - c) Walkways will connect the site with any existing or planned walkways in municipal streets or on adjacent parcels within 30.0 m (98 ft.) of the site;
  - d) Curb stops will be provided for all parking spaces adjacent to a walkway or front of a building and will be set back a sufficient distance to prevent vehicles from projecting over the walkway or area intended for pedestrian movements. This requirement may be waived in cases where the walkway exceeds the minimum width requirement and vehicle overhang would still allow for at least 1.2 m (4 ft) of clear width for pedestrian movements;
  - e) Walkways will be free of any obstructions and/or architectural features that would impede pedestrian movements and doors providing access to buildings and/or bays will not swing out into the walkway;
  - f) Ramps must be constructed along the ends and at mid-point locations along walkways to ensure access for persons with mobility challenges; and
  - g) Where pedestrian crossing points are needed to connect individual walkways over a driveway or vehicle maneuvering aisle, the width of the crossing will be kept as narrow as possible and will be marked through painting or use of materials that are different than the material of the road surface.
2. The Development Authority may waive any or all of the preceding requirements listed in this section in the case of minor redevelopment of existing sites where application of these requirements is considered impractical or out of scale with the proposed redevelopment

### **3.25 Vehicle Access and Driveways**

1. The maximum width of a driveway providing vehicle access to a parcel for residential use shall be 6.0m (20ft.).
2. The maximum width of a driveway accessing a parcel for commercial or industrial use shall be 10m (33ft.).
3. All driveways within the front yard of a residential district, excluding those in the Small Holdings Residential (R4), will have a hard surface.

4. Where there is a front attached garage, the driveway may be located in the area extending from the garage doors to the front parcel boundary. Where there is no front attached garage, no portion of the driveway may be located in the area extending perpendicular from the front of the principal building to the front parcel boundary.
5. The length of the driveway within the rear or side yard of a parcel providing vehicle access into a residential accessory building located on that parcel will be either 1.0m (3ft.), or 6.0m (20ft.) or greater.
6. Notwithstanding Section 3.15(3) (*Development Setbacks from Easements or Rights-of-Way*), in the case where an easement has been placed along the rear property line, the minimum building setback shall be increased by 0.5m (2ft.).
7. Where a driveway does not provide access into a building, the driveway shall meet the minimum requirements of parking stalls as listed in Section 3.18 (*Parking*), regardless of where access is taken from.
8. Vehicular entrances and exits, as well as on-site pedestrian and vehicular routes will be designed in a manner that provides a safe and clearly defined circulation pattern that provides opportunities for convenient and free flowing traffic movements between lots, development on adjoining lots may be integrated by direct on site access connections.
9. Driveways and parking areas shall be hard surfaced if access is gained directly from or to a paved road.
10. The minimum distance between driveways shall be:
  - a) Nil, where the driveways serve single dwelling units; or
  - b) 6.0m (20ft.), where the driveways serve any other use, except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
11. The minimum angle of intersection with a street for a driveway to a use which generates high traffic volumes shall be seventy (70) degrees.
12. To provide opportunities for convenient and free flowing traffic movements between lots, development on adjoining lots may be integrated by direct on site access connections.

### **3.26 Loading Spaces**

1. Loading spaces will be located in such a manner as to not impede the efficient flow of traffic and pedestrian movement and to minimize impact on adjacent land uses.
2. Loading spaces shall be required for all non-residential development and apartments. Such spaces shall be reserved for loading and unloading and shall not be used for the parking of other vehicles.
3. Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a public roadway.
4. A loading space shall be at least 3.5m x 9.0m (12ft. x 30ft.), with an overhead clearance of at least 4.6m (15ft.).
5. A vehicle loading space at least 3.5m x 9.0m (12ft. x 30ft.) with an overhead clearance of at least 4.6m (15ft.) shall be provided on the side or rear yard of a building in which any of the following uses are established:
  - a) Industry;
  - b) Warehousing;
  - c) Shopping Centres:
6. Hard surfacing of the loading space shall be required where a loading space enters a paved public roadway; otherwise the Development Authority may permit all weather surfacing.

### **3.27 Outdoor Storage and Outdoor Display Areas**

1. Where a lot is to be used primarily for open storage or outdoor display within an approved district, the following restrictions shall apply:
  - a) No open storage or outdoor storage or outdoor storage display shall be permitted within any required minimum front yard or other yard of the site abutting a residential district; and
  - b) The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the total site area unless otherwise approved by the Development Authority.
2. No outdoor storage or displays shall be permitted within the front yard of any residential district.
3. All outdoor storage and display areas of goods, products, materials or equipment shall be well maintained, kept in a neat and orderly condition at all times and shall be screened from adjacent sites and thoroughfares, consistent

with Section 3.34 (*Screening and Fencing*), to the satisfaction of the Development Authority.

4. Sites approved for the use of outdoor storage or display adjacent to a residential district or public roadway shall be required to provide additional landscaping, exceeding that of the minimum requirement as set forth in this Bylaw, to the satisfaction of the Development Authority.

### **3.28 Garbage Storage**

1. A minimum of one (1) commercial garbage bin shall be provided on site, and in accordance with the requirements of the Development Authority, as part of the development permit approval for any commercial and industrial use and any residential building containing three (3) or more dwelling units on a parcel.
2. The garbage bin(s) shall be located in a screened enclosure that has no roof structure, in the side or rear yard. The enclosure shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.
3. The garbage bin locations on parcels not served by a lane shall be to the satisfaction of the Development Authority.

### **3.29 Drive-Through Businesses**

1. A drive-through business must be designed to be complimentary in nature to the Principal Use of the site and shall be located only where the Development Authority is satisfied that the development and the on-site layout of vehicle circulation patterns will not adversely affect the functioning of surrounding public roadways, internal roadways or internal vehicle circulation routes.
2. A drive-through business must meet the following requirements:
  - a) Be designed in a manner that accommodates pedestrian access to the building and/or across a drive-through aisle if necessary;
  - b) Must allow for adequate motor vehicle maneuvering within the site;
  - c) Must not obstruct a pedestrian walkway, a designated fire lane, or any parking space whether on the site or elsewhere; and
  - d) Where possible, must be delineated and separated from surrounding circulation areas by landscaping, curbs, changes in grade or similar treatments to provide containment and direction for queuing.
3. Each queuing space shall be a minimum of 6.0m (20ft.) in length and 3.0m (10ft.) in width. Queuing lanes shall provide sufficient space for turning and maneuvering.
4. For drive-through food services and other development having a service window or automated machine, a minimum of five (5) inbound queuing spaces shall be

provided for vehicles approaching the services window or automated machine. One (1) outbound queuing space shall be provided on the exit side of the service window or automated machine.

5. For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting onto a public roadway.
6. Drive-through businesses located adjacent a residential district shall be screened with a fence, landscaping or similar treatments to the satisfaction of the Development Authority.

## **MECHANIZED EXCAVATION, STRIPPING, GRADING, LANDSCAPING & SCREENING**

### **3.30 Mechanized Excavations, Stripping and Grading of Parcels**

1. A development permit is required for any excavations, stripping and/or grading of land with appropriate plans, including placement of any material, as required by the Development Authority prior to commencement.
2. The application for excavations, stripping and grading shall include the following information:
  - a) The legal description of the subject site and a site plan, including the areas to be impacted.
  - b) The depth to which the site is to be excavated or topsoil removed and level to which it is proposed to restore surface of the land in relation to lands adjacent to the subject property;
  - c) The type, size and location of any vegetation on site;
  - d) A drainage plan indicating current and proposed elevations;
  - e) An outline of methods for controlling and avoiding nuisance arising from noise, dust or drainage from the operation; and
  - f) A timeline for the work, a schedule indicating the times of day the work will occur.
3. A temporary fence shall be erected around all excavations which in the opinion of the Development Authority may be hazardous to the public.
4. Where finished ground elevations are established, all grading shall comply with approved plans.
5. All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

6. A Letter of Credit and Development Agreement will be required if the stripping area is in excess of 1000m<sup>2</sup> (3,281ft.) or as determined by the Development Authority.

### **3.31 Drainage**

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

### **3.32 Retaining Walls**

1. The Development Authority may require that a retaining wall be provided if the elevation difference between properties is more than 0.3m (1ft.).
2. The Development Authority may require the construction of an engineered retaining wall where the change in grade or elevation between two (2) sites or around a building exceeds a slope of 1:3 (rise:run) and a height of 1m (3ft.).
3. Where a retaining wall is required or proposed, the Development Authority may request the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

### 3.33 Landscaping and Securities

1. The standards of landscaping described in this section will apply to all required landscaped areas. The undeveloped portions of a site, excluding parking areas, driveways, and outdoor storage and display areas will be left in its natural state or graded, contoured and seeded as required by the Development Authority.
2. Natural drainage courses, land subject to flooding by 1:100 year flood and land with a natural gradient of fifteen (15) percent or greater will be retained in their natural state as part of a landscaped area.
3. Trees which exist prior to development will be retained to the extent possible. Any such trees which are retained following development may be considered in assessing fulfilment of the landscaping requirements provided construction activity has not, in the opinion of the Development Authority, impacted on the ability of the existing trees to survive a minimum of five (5) years beyond the date the development completion.
4. Appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and roads will be provided. Trees and shrubs will be evenly placed at regular intervals when used for screening.
5. Landscaped islands will be required within at-grade parking areas with a capacity of fifty (50) or more vehicles to enhance the appearance of the hard surfaced area, provide shade and wind breaks, and assist in defining pedestrian walkways and rows of parking spaces. The number of islands provided must be to the satisfaction of the Development Authority.
6. All boulevards adjacent to a parcel must be landscaped.
  - a) The planting of additional trees and shrubs will be provided on the basis of the following:
  - b) One (1) tree per 40.0m<sup>2</sup> (430ft<sup>2</sup>.) of the required landscaped area;
  - c) One (1) shrub per 20.0m<sup>2</sup> (215ft<sup>2</sup>.) of the required landscaped area;
  - d) One (1) tree per 25.0m<sup>2</sup> (268ft<sup>2</sup>.) and one (1) shrub per 10.0m<sup>2</sup> (107ft<sup>2</sup>.) of required landscaped islands in parking areas with no less than one tree per required island;
  - e) Fifty (50) percent coniferous trees and shrubs and fifty (50) percent deciduous trees and shrubs;
  - f) Seventy-five (75) percent of the coniferous trees must be a minimum of 2.0m (6.6ft.) in height above the root ball and twenty-five (25) percent must be a minimum of 3.5m (11.5ft.) in height above the root ball;
  - g) Fifty (50) percent of the deciduous trees must be a minimum of 50mm (2.4 in.) caliper above the root ball and fifty (50) percent must be a minimum of



75 mm (3.0 in.) caliper above the root ball;

- h) A minimum height of 0.5m (1.5ft.) for coniferous shrubs; and
  - i) A minimum height of 0.6m (2.0ft.) for deciduous shrubs.
7. Trees and shrubs must be clustered or arranged in planting beds. Individual planting beds will consist of an odd number of trees and shrubs and approximate a mix of fifty (50) percent coniferous and fifty (50) percent deciduous. At a minimum, a planting bed will be composed of three (3) coniferous trees and two (2) deciduous trees or shrubs.
  8. A maximum of fifteen (15) percent of the required landscaped area may be hard-landscaped in residential and commercial Districts and a maximum of thirty (30) percent of the required landscaped area may be hard-landscaped in industrial Districts.
  9. A sufficient depth of topsoil will be provided in order to facilitate growth in the soft-landscaped areas, with areas not planted to trees and shrubs being seeded to grass, sodded, cultivated as a garden or left with its natural grass cover.
  10. Additional landscaping may be required, if in the opinion of the Development Authority:
    - a) There is a likelihood that the proposed development will generate undesirable impacts on surrounding sites, such as poor appearance, excessive noise, light, odours, traffic, litter, or dust; or
    - b) There is a likelihood that undesirable impacts may be generated on the site, and cause conflicts with other businesses within the development.
  11. The additional landscaping that may be required at the discretion of the Development Authority may include, but is not limited to, the following:
    - a) Additional separation space between incompatible use classes;
    - b) The use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact; and
    - c) The use of trees, shrubs, planting beds, street furniture and surface treatment to enhance the appearance of a proposed development.
  12. All landscaping is to be completed within one (1) year of the issuance of a development permit, unless a later date is authorized by the Development Authority.
  13. The owner of a property is responsible for landscaping and proper maintenance. If the required landscaping does not survive two (2) growing seasons, the applicant/owner must replace it with a similar type of species and with a similar calliper width or height.

14. As a condition of a development permit, an irrevocable letter of credit may be required to ensure that such landscaping/planting is completed with reasonable diligence. The condition of the security being that, if the landscaping is not completed in accordance with this bylaw and the development permit within one (1) growing season after the completion of the development, then the amount fixed will be available to the Town for its use in installing the required landscaping/planting. For residential development, the amount of security will be based on the estimated cost of the proposed landscaping/planting. For commercial and industrial development, the amount of security will be based on 1.25 times the estimated cost of the proposed landscaping/planting. Estimates from a qualified estimator or landscape installer will be required for the calculation of the security amounts.

### **3.34 Fencing and Screening**

1. The maximum height of a fence in a residential district, as measured from grade, shall be:
  - a) 1.8m (6ft.) in the rear and side yards;
  - b) 1.2m (4ft.) in the front yard.
2. Notwithstanding Subsection (1)(a)(b) above, restrictions on corner sites shall apply.
3. The Development Authority may approve a higher fence having regard to the location of fences in the surrounding area and the requirement for security, public safety and screening purposes.
4. All fencing shall compliment the character and quality of the principal building.
5. Fences containing barbed wire are not permitted in any district, except where in the opinion of the Development Authority is consider for security purposes in the commercial, industrial and agricultural districts, meeting the following requirements:
  - a) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or board fence, with a minimum height of 2.5m (8ft.) measured below the lowest strand of barbed wire; and
  - b) The entire fence and barbed wire is completely contained within the property lines of the parcel being fenced.
6. All sites where noise is a potential nuisance, the Development Authority may require fencing to be designed to attenuate noise. The applicant may be required to submit a report prepared by a qualified professional, outlining the type and specification for the fencing.
7. Materials and landscaping used for screening and buffering shall provide year round screening.

8. All commercial and industrial developments, which share a property line with a residential development or a lane which abuts a residential development, shall be screened from the view of the residential development with a 1.8m (6ft.) fence and/or landscaping to the satisfaction of the Development Authority.
9. For sites containing outdoor storage, including but not limited to lumber yards, wrecking yards or similar uses, screening in the form of a fence, landscaping planting, earth berm or any combination thereof shall be required to the satisfaction of the Development Authority.
10. Electric fences are not permitted in any District.

### **3.35 Crime Prevention through Environmental Design (CPTED)**

1. All developments within the Town of Penhold are encouraged to be designed in a manner that considers Crime Prevention Through Environmental Design (CPTED) strategies, which include:
  - a) Natural surveillance – design of the site and buildings thereon, including the use of the lighting and the placement and selection of landscaping elements to promote natural observation and maximize the opportunities for people to observe and be observed from adjacent space;
  - b) Access Control – design of the site and building thereon, including the placement and selection of landscaping elements to physically or subtly create a perception of risk for potential offenders, clearly indicating public routes and discourage access to private areas and structural elements;
  - c) Territorial Reinforcements – design landscaping elements, sidewalks, lighting, fencing and building features to clearly distinguish between public and private spaces.
2. The Development Authority may require a CPTED analysis be completed to the satisfaction of the Development Authority for Commercial and Public Use developments that require more than one hundred (100) parking stalls.
3. The Development Authority may require a CPTED analysis to be completed for any developments and may include conditions on development permits for buildings and land uses to ensure adherences to CPTED principles.

## **PART 4 MISCELLANEOUS**

### **4.1 Cannabis Retail Sales**

1. A cannabis retail sales use shall not be located within 100.0m (328ft.) of any building being used for a public library, or any lot being used for private or public education or any lot designated as School Reserve or Municipal and School Reserve at the time of application for approval of the cannabis retail sales use. For the purposes of this subsection only:
  - a) The 100.0m (328ft.) distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the building or part of a building being used by a public library;
  - b) The 100.0m (328ft.) distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for private or public education use;
  - c) The 100.0m (328ft.) distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot designated as School Reserve or Municipal and School Reserve;
  - d) The term “public library” is limited to the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries;
  - e) The term “public or private education” is limited to elementary through to high schools, and does not include dance schools, driving schools or other forms of commercial schools;
  - f) The terms “school reserve” and “municipal and school reserve” means those parcels with the suffix “SR” or “MSR” in accordance with the Municipal Government Act; and
  - g) The Development Authority shall not grant a variance to reduce the separation distance.
2. A cannabis retail sales use shall not be located within 100.0m (328ft.) of the Penhold Multiplex Building or any lot used for a provincial health care facility. For the purposes of this subsection only:
  - a) The 100.0m (328ft.) distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the Penhold Multiplex Building;
  - b) The 100.0m (328ft.) distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for a provincial health care facility;

- c) The term “provincial health care facility” means an approved hospital as defined by the Hospitals Act; and
  - d) The Development Authority shall not grant a variance to reduce the separation distance.
- 3. A cannabis retail sales use shall not be located within 100.0m (328ft.) of any portion of a building used for a day care or child care facility or before and after school programs. For the purposes of this subsection only:
  - a) The 100.0m (328ft.) distance shall be measured from the closest point of the cannabis retail sales use to the closest point of floor area being used for a day care, child care or before and after school program;
  - b) The terms “day care” and “child care” mean facilities used primarily for the care and supervision of children without overnight accommodation;
  - c) The term “before and after school programs” means a facility used for the short term supervision of children at the start or end of the school day; and
  - d) The Development Authority shall not grant a variance to reduce the separation distance.
- 4. A 300.0m (984ft.) separation distance is required from the occupied floor area of one Cannabis Retail Sales use to the occupied floor area of another Cannabis Retail Sales use.
- 5. Cannabis Retail Sales shall not be co-located with, or approved in combination with, any other use within the same building designed to house a single tenant or the same commercial bay of a building designed to house multiple tenants.
- 6. Cannabis Retail sales shall not be co-located with the retail of tobacco and/or pharmaceuticals, a Drinking Establishment, Microbrewery or Liquor, Beer and/or Wine Sale Use.
- 7. Cannabis retail sales shall include design elements and considerations that readily allow for natural surveillance and the promotion of a safe urban environment, which, to the satisfaction of the Development Authority, includes the following requirements:
  - a) Customer access to the store is limited to a store front that is visible from the street, or a parking lot, or the interior hallway of a mall;
  - b) The exterior of all stores shall have as much transparency from the street as possible;
  - c) Outdoor lighting shall be designed to ensure a well-lit exterior for pedestrians and illumination of the property; and

- d) Landscaping shall consist of low-growing shrubs or trees with a sufficiently high canopy to maintain natural surveillance between heights of 1.0m (3.2ft.) and 2.5m (8.2ft.) above grade.
- 8. No outdoor storage relating to cannabis retail sales shall be allowed.
- 9. No nuisances, including but not limited to odour, noise, or light, shall be emitted that may have a negative impact to adjacent Sites or the surrounding area.
- 10. Drive through facilities and windows are not permitted.
- 11. Onsite parking shall be provided at a rate of four (4) parking stalls per 100m<sup>2</sup> (1,076 ft<sup>2</sup>.) of floor area.
- 12. The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.
- 13. In addition to complying with the Town's Sign regulations, signage for the Cannabis Retail Sales establishment must also comply with the requirements and regulations as provided by the Alberta Gaming Liquor and Cannabis Commission (ALGC).
- 14. In addition to the requirements for a development permit application, the applicant proposing a cannabis retail sales development shall provide:
  - a) A drawing illustrating the proposed location of the cannabis retail sales and its distance from any other use or facility that requires a distance separation under this Land Use Bylaw or the provincial legislation; and
  - b) Written confirmation from the Alberta Gaming Liquor and Cannabis Commission (AGLC) that the applicant has satisfied the AGLC requirements to be a person eligible to sell cannabis in Alberta.

## **4.2 Home Based Business**

### **General Provisions**

- 1. Home Based Businesses are intended to permit the incidental use of a dwelling for purposes related to the operation of a business, provided that the business use does not interfere or detract from the quiet, peace and enjoyment of a residential neighbourhood and does not cause excessive vehicular or pedestrian traffic.
- 2. In determining if a particular business can be carried on as a Home Based Business the Development Authority may refuse to consider a particular business as a home based business or refuse to approve a proposed home based business if, in the opinion of the Development Authority the proposed business use would be more appropriately located in a commercial or industrial district having regard for the overall compatibility of the business use with the residential character of the area.

3. No person shall operate or permit or allow the operation of a Home Based Business without a Development Permit and an annual Business License issued by the Town of Penhold. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of the home based business has violated any provisions of this Bylaw or the conditions of a permit or if a valid business license is not in place or the Home Based Business is or has become detrimental to the amenities of the neighbourhood.
4. A development permit for a Home Based Business shall only be valid for the address identified in the permit and is not transferable to a new address.
5. Only one (1) Home Based Business may be operated per dwelling unit unless otherwise approved by the Development Authority.
6. All Home Based Businesses shall be incidental and subordinate to the principal residential use of the dwelling and/or accessory building.
7. Home Based Businesses shall not create nuisance by way of dust, noise, odor, smoke, parking, traffic generation, electrical interruption, bright light or anything objectionable in nature which is detectable to normal sensory perception outside the building containing the Home Based Business or beyond the parcel boundaries;
8. Home Based Businesses shall not involve activities that use or store dangerous or hazardous materials.
9. A Home Based Business does not exempt the applicant from compliance with any federal or provincial regulation, or any other municipal bylaw or regulation.

#### **4.3 Application for Home Based Business**

1. An application for a development permit for a Home Based Business shall be made in writing on the form prescribed in accordance with Section 2.6, (*Contents of a Development Permit Application*) and shall describe:
  - a) The nature of the business;
  - b) The hours of operation;
  - c) The on-site materials, equipment and/or vehicles that will be used and where they will be stored;
  - d) The number of resident and non-resident employees;
  - e) The number of business visits per day expected to the property; and
  - f) The number and location of on-site parking spaces to accommodate any business associated customers, in addition to those required for the dwelling unit.

2. If the applicant is not the registered owner of the property, a letter from the owner is required granting the applicant permission to use the property for the proposed business.
3. An approval of a Home Based Business use does not exempt the applicant from compliance with any of the following:
  - a) Federal or Provincial Regulations including, but not limited to Day Care Regulations and the Public Health Act; and
  - b) Municipal Bylaw or Regulation including, but not limited to the Town of Penhold Business License Bylaw.

#### **4.4 Regulations for a Minor Home Based Business**

1. Minor Home Based Businesses shall not:
  - a) Have outside storage of materials, goods or equipment on the site;
  - b) Increase the need for parking or result in any traffic generation;
  - c) Display any form of advertising related to the Home Based Business on the site;
  - d) Require alterations to the principal building unless the Development Authority approves the alterations;
  - e) Have any employees or business partners working on the site who are not residents of the dwelling unit;
  - f) Include direct sale of goods to walk-in clientele;
  - g) Have more than twenty (20) percent of the gross floor area of the dwelling unit or 30m<sup>2</sup> (323ft<sup>2</sup>.) whichever is less, devoted to business usage;
  - h) Advertise the address of the Home Based Business to the general public; or
  - i) Have a licensed commercial vehicle or vehicles with commercial advertising associated with the business parked on-site or in the vicinity of the site at any time.

#### **4.5 Regulations for a Major Home Based Business**

1. Major Home Based Businesses are limited to one (1) per dwelling unit and those to which shall not:
  - a) Display any form of advertising related to the home based business on the site except in accordance with this Bylaw;



- b) Require alterations to the principal building unless the Development Authority approves the alterations;
  - c) Have more than twenty (20) percent of the gross floor area of the dwelling unit or 30m<sup>2</sup> (323ft<sup>2</sup>.) whichever is less, devoted to business usage;
  - d) Have no exterior signage, display or advertising other than a business identification plaque or sign having a maximum dimensions of 10"x12" (25cmx30cm) being located within the window of or at the discretion of the Development Authority, on the building;
  - e) Interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
2. Major Home Based Businesses shall not be permitted on the same site as a Bed and Breakfast Establishment, Secondary Suite or Garage Suite.
  3. The Major Home Based Business shall not employ any person on site other than a resident of the dwelling, unless otherwise approved by the Development Authority. Not more than two (2) adult residents of the home are permitted to work in the home based business unless otherwise approved by the Development Authority.
  4. One (1) additional onsite parking space shall be provided for each non-resident employee or business partner.
  5. There shall be no outside business activity, or outdoor storage of materials or equipment associated with the business on the site. Indoor storage related to the business activity will be allowed within the dwelling unit or in an accessory building provided that such materials or equipment are not, in the opinion of the Development Authority, likely to result in a hazard. The Home Based Business shall not use any dangerous goods which would not be used in association with the residential use of the dwelling or accessory building.
  6. A Major Home Based Business may be accommodated in a private garage, provided that the parking requirements of the Bylaw continue to be met and that there is at least fifty (50) percent of the floor area of the garage available at all times for the parking of motor vehicles. In addition to the parking spaces required pursuant to Section 3.18 (*Parking*), the Development Authority may require additional off street parking spaces to be provided.
  7. At the discretion of the Development Authority, not more than one commercial vehicle used in the operation of the home based business shall be parked on site or on an adjacent street. The commercial vehicle used in the operation of the home based business shall conform to the Town of Penhold Traffic Bylaw and amendments thereto.
    - a) In a Residential District, the commercial vehicle shall be restricted to a maximum gross vehicle weight of 4,500 kg (9,920 lbs.).

8. A Major Home Based Business requires a development permit and an annual Business License issued by the Town of Penhold. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of the home based business has violated any provisions of this Bylaw or the conditions of a permit or if a valid business license is not in place.
9. A Home Based Business does not exempt the applicant from compliance with any federal or provincial regulation, or any other Municipal Bylaw or regulation.

#### **4.6 Bed and Breakfast Establishments**

1. Bed and Breakfast establishments are allowed in the Town provided that they are secondary to the residential use of the dwelling. Such accommodation shall not interfere with the use and enjoyment of the neighbourhood as a residential area. The planning, operation, and appearance of a bed and breakfast shall be compatible with and sensitive to the general residential character of its immediate surroundings, in terms of atmosphere, privacy, enjoyment, landscaping, architecture, scale, activity and retaining the appearance of a detached dwelling. In this regard, bed and breakfast establishments shall comply with the following standards:
  - a) Alterations to the residence shall be limited so that a home can be easily converted back to a residence and to ensure that the home is virtually indistinguishable from other houses in the neighbourhood. Any alterations are to be approved by the Development Authority;
  - b) The property owner or bed and breakfast host shall occupy the subject dwelling as his or her primary residence.
  - c) The maximum length of stay for a guest at a bed and breakfast shall be fourteen (14) nights in any thirty (30) day period;
  - d) Guest rooms shall not be self-contained dwelling units. There shall not be any cooking facilities available in the guest rooms for the use of guests to prepare meals;
  - f) One (1) sign only shall be permitted to identify, rather than advertise the establishment. The sign must not exceed 0.6m<sup>2</sup> (2ft<sup>2</sup>.) in area, and;
  - g) Off street parking shall be provided as follows:
    - i. two (2) parking spaces for the dwelling unit plus one (1) space per guest room;
  - h) A Bed and Breakfast shall not be permitted on a parcel where a Secondary Suite, Garage Suite, Home Based Business, day care, services or retail sales exist.
2. A development permit issued for a bed and breakfast establishment does not exempt compliance with health regulations or any other permit requirements.

#### **4.7 Adult Care Residences**

1. The total residential staff occupancy shall be specified for each dwelling unit by condition of a development permit and shall comply with the minimum provincial standards.
2. The development standards for an adult care residence shall be in accordance with the standards assigned within the district it is located and the type of dwelling it most closely resembles.

#### **4.8 Day Care Facilities**

1. The Development Authority may refuse an application for a day care facility if, in the opinion of the Development Authority, the proposed day care facility is not appropriate for the proposed site having regard for the overall compatibility of the use with the residential character of the area.
2. The total occupancy by children and staff shall be specified for each development by a condition of a development permit and shall comply with the minimum provincial standards.
3. Notwithstanding (1) above, the outdoor play space shall:
  - a) Be located on the same parcel on which the day care facility is located, or be no more than 90.0m (295ft.) walking distance from the parcel on which the day care facility is located, provided there is no intervening street(s);
  - b) Be designed and secured according to provincial standards;
    - i. Provide a minimum of 1.0m<sup>2</sup> (11ft<sup>2</sup>.) for each child younger than nineteen (19) months, plus 2.25m<sup>2</sup> (24ft<sup>2</sup>.) for each child aged nineteen (19) months or older.
4. The location of passenger loading spaces for day care facilities may be specified by condition of a development permit.

#### **4.9 Secondary Suites Regulations**

1. A Secondary Suite shall be restricted to a site occupied by a detached dwelling in the R1, R1-A, R1-B and R1-C Districts.
2. One (1) Secondary Suite shall be permitted per detached dwelling lot.
3. A Secondary Suite is not permitted on the same lot as a Garage Suite, a bed and breakfast establishment, day care or home based business – minor or major.
4. A Secondary Suite is not permitted in multi-family dwellings, including semi-detached, duplex and row house dwellings.

5. A lot containing a Secondary Suite shall maintain a minimum separation of six (6) non-Secondary Suite or Garage Suite residential lots that are adjacent and contiguous to each other by a side yard.
6. A Secondary Suite shall not occupy more floor area than the floor area of the principal dwelling unit.
7. A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single family dwelling.
8. In addition to the parking requirements for the principal use, or detached dwelling, one (1) additional off-street parking spaces shall be provided.
9. Tandem parking shall not be permitted as a method for meeting the parking requirements for a Secondary Suite.
10. A separate address for the Secondary Suite must be clearly displayed on the front façade of the single-detached dwelling and shall be numbered with the civic address of the principal dwelling followed by the letter A or B.
11. The site on which the Secondary Suite is located must have direct access onto a rear lane.
12. A Secondary Suite must have a separate entrance from the principal building, which provides for direct access to the outdoors to provide a primary means of evacuating occupants of the Secondary Suite in the event of a fire or other emergency.
13. Separate municipal utility services or means of suspending service to the Secondary Suite without disrupting service to the principal residence may be required at the discretion of the Development Authority. For new developments of a single-detached dwelling with a Secondary Suite, the installation of separate curb stops and meters are required for both the principal dwelling and the Secondary Suite and must meet the regulations identified in the Town's Water and Sewer Utility Bylaw.
14. No Secondary Suite shall be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is contained.
15. A Secondary Suite must comply with the Province of Alberta Building Code and Fire Code.
16. When a Development Application is made for a Secondary Suite, the Development Officer shall notify adjacent landowners of the subject site advising that an application has been made for a Secondary Suite.

#### **4.10 Garage Suite Regulations**

1. One (1) Garage Suite shall be permitted on a lot with a residential single-detached dwelling with a detached garage in the R1 & R1-A Districts only.
2. A Garage Suite is not permitted on the same lot as a Secondary Suite, a bed and breakfast establishment, day care or Home Based Business – minor or major.
3. The minimum lot size for a single-detached dwelling with a Garage Suite is 460m<sup>2</sup> (4,951ft<sup>2</sup>).
4. A Garage Suite developed on a second floor integral to a detached garage shall not be more than 7.5m (25ft.) in height and shall not exceed the height of the principal building.
5. A lot containing a Garage Suite shall maintain a minimum separation of six (6) Non-Secondary Suite or Garage Suite residential lots that are adjacent and contiguous to each other by a side yard.
6. Garage Suites shall be restricted to sites that have direct access onto a rear lane.
7. The maximum floor area of a Garage Suite is 53m<sup>2</sup> (576ft<sup>2</sup>).
8. One (1) on-site parking stall shall be provided per Garage Suite, in addition to the number of stalls required for the principal building. All parking stalls shall be hard surfaced.
9. Tandem parking shall not be permitted as a method for meeting the parking requirements for a Secondary Suite.
9. A minimum of 4.0m (12ft.) of separation is required between the principal building and the exterior wall of foundation of the detached garage containing a Secondary Suite.
10. A Garage Suite must have a separate entrance from the entrance to the detached garage.
11. The exterior of the accessory building to which the Garage Suite is located shall be constructed in a manner so as to relate to the same exterior appearance of the single-detached dwelling by utilizing similar design elements, colors and finish materials to the satisfaction of the Development Authority.
12. A separate address for the Garage Suite must be clearly displayed on the front façade of the single-detached dwelling and shall be numbered with the civic address of the principal dwelling followed by the letter A or B.

13. Window and platform structures, including stairwells shall be designed to face a flanking roadway, interior of the lot or the lane so as to provide privacy for adjacent properties.
14. No rooftop decks or balconies are permitted on top or attached to a Garage Suite.
15. Separate municipal utility services or means of suspending service to the Garage Suite without disrupting service to the principal residence may be required at the discretion of the Development Authority. For new developments of a single-detached dwelling with a Garage Suite, the installation of separate curb stops and meters are required for both the principal dwelling and the Garage Suite and must meet the regulations identified in the Town's Water and Sewer Utility Bylaw.
16. Garage Suites must be occupied by the registered owner(s) of the lot on which the Garage Suite is situated or the registered owner(s) must reside in the single detached dwelling on which the Garage Suite is situated.
17. No Garage Suite shall be stratified, subdivided, or otherwise legally separated from the single-detached dwelling wherein it is contained.
18. The Garage Suite must comply with the Province of Alberta Building Code and Fire Code.
19. When a Development Application is made for a Garage Suite, the Development Officer shall notify adjacent landowners of the subject site advising that an application has been made for a Garage Suite.

#### **4.11 Dangerous Goods**

1. Prior to making any decision on a development application which involves dangerous goods or development on adjacent land or in close proximity to any dangerous goods, the Development Authority shall refer the development proposal to the appropriate regulatory authority for comments.
2. Dangerous goods occupancy is considered any use where dangerous goods, as defined in the Transportation of Dangerous Goods Act, are loaded, unloaded, stored, processed or otherwise handled, unless otherwise specified by the Fire Chief.
3. Any on-site manufacture, storage and/or handling of dangerous goods in excess of the quantities listed in the table below – Small Quantity Exemptions for Dangerous Goods – is not permitted on a parcel, within 50.0m (164ft.) of the boundary of any parcel located in a residential district or public use district.

## SMALL QUANTITY EXEMPTIONS FOR DANGEROUS GOODS

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

Mass Explosion Hazard <sup>1</sup>	Any
Severe Fragment Projection <sup>1</sup>	Any
Predominant Fire Hazard <sup>1</sup>	Any
No Significant Blast Hazard <sup>1</sup>	50 Kg
Insensitive Substance (Mass Hazard) <sup>1</sup>	250 Kg
Extremely Insensitive Substances <sup>1</sup>	250 Kg
Flammable Gases <sup>2</sup>	100L or Kg
Compressed Gases <sup>2</sup>	1000L
Toxic Gasses	Any
Flammable Liquids	250L
Combustible Liquids (incl. waste oil)	1000L
Flammable Solids	25 Kg
Spontaneous Combustible Material	25L or Kg
Dangerous When Wet Material	25L or Kg
Oxidizing Substances	50L or Kg
Organic Peroxides	1L or Kg
Toxic Materials	5L or Kg
Infectious Substances	Any
Radioactive Materials <sup>3</sup>	Any
Corrosives	250L or Kg
Miscellaneous Dangerous Goods	2560L or Kg

Notes: <sup>1</sup> any amount that requires license from Explosive Branch (Natural Resources Canada)

<sup>2</sup> amounts listed are the equivalent liquid measure of the container

<sup>3</sup> any amount that requires license from Atomic Energy Regulators

#### **4.12 Swimming Pools and Outdoor Hot Tubs**

1. Every private swimming pool and/or hot tub shall be secured against entry according to the current Alberta Building Code.
2. Outdoor swimming pools, hot tubs and whirl pools shall not be located within any front or required side yard.
3. Every outdoor swimming pool must be secured against entry by the public other than the owners.
4. No outdoor swimming pool will be constructed unless fenced, except that a wall of a building may be considered to provide adequate protection for its length for any portion of the fence.
5. Every fence enclosing an outdoor pool must be at least 1.82m (6ft.) in height above the level of grade outside the enclosure and must be of a design to prohibit access by children. Gates in the fence must provide protection equivalent to the fence and will be equipped with a self-latching device and lock located on the inside of the gate.

#### **4.13 Satellite Dish Antennas**

1. The following rules apply to satellite dish antennas:
  - a) A satellite dish antenna is an accessory use, which requires an approved development permit, unless the satellite antenna has a dish diameter of less than 1.0m (3ft.) and shall be located to the satisfaction of the Development Authority.
  - b) In a non-residential district, a satellite dish antenna on an interior parcel shall only be located in a rear yard or a site yard that does not abut a street.
  - c) In a non-residential district, a satellite dish antenna on an interior parcel shall be situated so that no part of it is no closer 1.0m (3ft.) from the side or rear boundaries of the parcel.
  - d) In a non-residential district, a satellite dish antenna on a corner parcel shall be situated so that no part of it is closer to the street than the main building, or closer than 1.0m (3ft.) from the other side parcel boundary or the rear parcel boundary.
  - e) No advertising other than the manufacture's name/logo shall be allowed on a satellite dish antenna.
  - f) The illumination of a satellite dish antenna is prohibited.



#### **4.14 Communication Towers**

Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. In making its decision regarding the communication tower and related facilities, Industry Canada considers the following:

1. The input provided by the land-use authority;
2. Compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
3. Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
4. An environmental assessment may be required to be completed by the applicant in order to comply with the Canadian Environmental Assessment Act.
5. The participation of the Town in the consultation process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility.
6. Transmission towers must have the least practical adverse visual effect on the environment. This may be mitigated through landscaping and/or fencing.
7. Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the Town.
8. An application for a development permit shall include:
  - a) A site plan drawn to scale and identifying the site boundary;
  - b) Tower (location, size & height);
  - c) Guy wire anchors;
  - d) Existing and proposed structures;
  - e) Vehicle parking and access;
  - f) Existing vegetation to be retained, removed or replaced;
  - g) Uses and structures on the proposed site and adjacent properties; and
  - h) Setback distances from property lines.

## **PART 5 LAND USE DISTRICT REGULATIONS**

### **5.1 Low Density Residential District (R1)**

#### **Purpose**

To provide areas for low density residential development intended for single detached dwellings and compatible uses which are connected to the municipal sewer and water systems.

#### **Permitted Uses:**

Accessory Buildings and Uses Related to an Approved Permitted Use  
Detached Dwellings  
Home Based Businesses - Minor

#### **Discretionary Uses:**

Accessory Buildings and Uses Related to an Approved Discretionary Use  
Adult Care Residences  
Bed and Breakfast Establishments  
Day Care Facilities  
Home Based Businesses – Major  
Garage Suites  
Parks  
Playgrounds  
Public and Quasi-Public Uses  
Public Utility Buildings  
Secondary Suites  
Signs  
Social Care Residences  
Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)

#### **Development Standards**

Minimum Parcel Area:	555m <sup>2</sup> (5,972ft <sup>2</sup> .) for interior parcels 610m <sup>2</sup> (6,564ft <sup>2</sup> .) for corner parcels
Minimum Parcel Width:	15m (50ft.) for residential uses Other uses at the discretion of the Subdivision Authority
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	1.5m (5ft.) 3.0m (10ft.) where abutting a street
Minimum Rear Yard:	10.0m (33ft.)
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	55%, excluding driveways

## Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
2. All detached dwellings are required to contribute to a variety of design. The Development Authority may require alternative housing designs should it be deemed necessary in the interest of the overall subdivision. The transition between different housing styles must be made in a seamless fashion whenever possible (i.e.: from two-storey to a bungalow transition can be made with a bi-level or split level).
3. Dwelling units with identical floor plans or similar elevations shall be separated by a minimum of one (1) lot unless building design, character, finishing materials and treatments (windows, entrance, building projections and rooflines) are substantially different.
4. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
5. All driveways and parking pads used for vehicle storage shall be hard surfaced.
6. Exposed foundations should be kept to a minimum and must be fully parged.
7. Architectural design of rooflines and exterior detailing will be required, including the use of stone or brick in the front elevation of the building. The use of cedar shakes or high grade interlocking shingles or tiles is recommended. Siding and trim colours must compliment those of adjacent lots.
8. Side windows shall be arranged to keep the incidences of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
9. Landscaping in the front yard, including sod must be completed as soon as seasonal work allows or within one (1) year of occupancy, whichever occurs first.

## 5.2 Low Density Small Lot Residential District (R1-A)

### Purpose

To provide areas for low density residential development intended for single detached dwellings and compatible uses on smaller parcels, all of which are connected to the municipal sewer and water systems.

### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Detached Dwellings
- Home Based Businesses - Minor

### Discretionary Uses:

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Adult Care Residences
- Bed and Breakfast Establishments
- Day Care Facilities
- Home Based Businesses – Major
- Garage Suites
- Parks
- Playgrounds
- Public and Quasi-Public Uses
- Public Utility Buildings
- Secondary Suites
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs
- Social Care Residences

### Development Standards

Minimum Parcel Area:	460m <sup>2</sup> (4,952ft <sup>2</sup> .) for interior parcels 516m <sup>2</sup> (5,554ft <sup>2</sup> .) for corner parcels
Minimum Parcel Width:	12.2m (40ft.) for residential uses Other uses at the discretion of the Subdivision Authority
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	1.5m (5ft.) 3.0m (10ft.) where abutting a street
Minimum Rear Yard:	10.0m (33ft.)
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	55%, excluding driveways

## Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
2. All detached dwellings are required to contribute to a variety of design. The Development Authority may require alternative housing designs should it be deemed necessary in the interest of the overall subdivision. The transition between different housing styles must be made in a seamless fashion whenever possible (i.e.: from two-storey to a bungalow transition can be made with a bi-level or split level).
3. Dwelling units with identical floor plans or similar elevations shall be separated by a minimum of one (1) lot unless building design, character, finishing materials and treatments (windows, entrance, building projections and rooflines) are substantially different.
4. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
5. All driveways and parking pads used for vehicle storage shall be hard surfaced.
6. Exposed foundations should be kept to a minimum and must be fully parged.
7. Architectural design of rooflines and exterior detailing will be required, including the use of stone or brick in the front elevation of the building. The use of cedar shakes or high grade interlocking shingles or tiles is recommended. Siding and trim colours must compliment those of adjacent lots.
8. Side windows shall be arranged to keep the incidences of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
9. Landscaping in the front yard, including sod must be completed as soon as seasonal work allows or within one (1) year of occupancy, whichever occurs first.

### 5.3 Low Density Narrow Lot Residential District (R1-B)

#### Purpose

To provide areas for low density residential development intended for single detached dwellings and compatible uses on smaller parcels, all of which are connected to the municipal sewer and water systems.

#### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Detached Dwellings
- Home Based Businesses - Minor

#### Discretionary Uses:

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Adult Care Residences
- Bed and Breakfast Establishments
- Day Care Facilities
- Home Based Businesses – Major
- Garage Suites
- Parks
- Playgrounds
- Public and Quasi-Public Uses
- Public Utility Buildings
- Secondary Suites
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs
- Social Care Residences

#### Development Standards

Minimum Parcel Area:	350m <sup>2</sup> (3,767ft <sup>2</sup> .) for interior parcels 418m <sup>2</sup> (4,499ft <sup>2</sup> .) for corner parcels
Minimum Parcel Width:	9.2m (30ft.) for residential uses Other uses at the discretion of the Subdivision Authority
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	1.2m (4ft.) 3.0m (10ft.) where abutting a street
Minimum Rear Yard:	10.0m (33ft.)
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	55%, excluding driveways

## Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
2. All detached dwellings are required to contribute to a variety of design. The Development Authority may require alternative housing designs should it be deemed necessary in the interest of the overall subdivision. The transition between different housing styles must be made in a seamless fashion whenever possible (i.e.: from two-storey to a bungalow transition can be made with a bi-level or split level).
3. Dwelling units with identical floor plans or similar elevations shall be separated by a minimum of one (1) lot unless building design, character, finishing materials and treatments (windows, entrance, building projections and rooflines) are substantially different.
4. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
5. All driveways and parking pads used for vehicle storage shall be hard surfaced.
6. Exposed foundations should be kept to a minimum and must be fully parged.
7. Architectural design of rooflines and exterior detailing will be required, including the use of stone or brick in the front elevation of the building. The use of cedar shakes or high grade interlocking shingles or tiles is recommended. Siding and trim colours must compliment those of adjacent lots.
8. Side windows shall be arranged to keep the incidences of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
9. Landscaping in the front yard, including sod must be completed as soon as seasonal work allows or within one (1) year of occupancy, whichever occurs first.

## 5.4 Low Density Narrow Lot with Garage District (R1-C)

### Purpose

To provide areas for low density residential development in the form of single detached dwellings with front attached garages and compatible uses on narrow parcels, all of which are connected to the municipal sewer and water systems.

### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Detached Dwellings
- Home Based Businesses - Minor

### Discretionary Uses:

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Adult Care Residences
- Bed and Breakfast Establishments
- Day Care Facilities
- Home Based Businesses – Major
- Garage Suites
- Parks
- Playgrounds
- Public and Quasi-Public Uses
- Public Utility Buildings
- Secondary Suites
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs
- Social Care Residences

### Development Standards

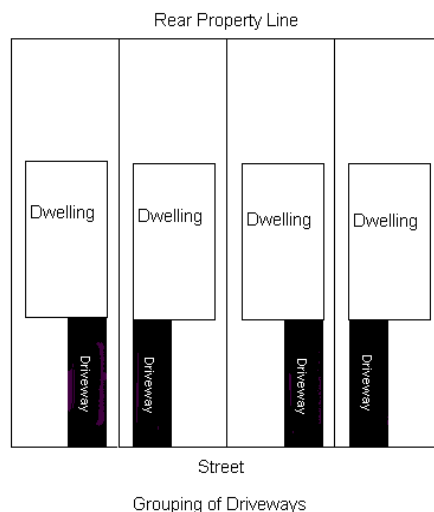
Minimum Parcel Area:	350m <sup>2</sup> (3,767ft <sup>2</sup> .) for interior parcels 410m <sup>2</sup> (4,410ft <sup>2</sup> .) for corner parcels
Minimum Parcel Width:	10.4m (34ft.) for residential uses Other uses at the discretion of the Subdivision Authority
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	1.2m (4ft.) 3.0m (10ft.) where abutting a street
Minimum Rear Yard:	10.0m (33ft.)
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	55%, excluding driveways



## Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All detached dwelling units within the R1-C district shall include a front double attached garage.
2. Where a detached dwelling unit is located on a corner site, the side which abuts the street shall have an architectural treatment similar to the front elevation.
3. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
4. Dwelling units with identical floor plans or similar elevations shall be separated by a minimum of one (1) lot unless building design, character, finishing materials and treatments (windows, entrance, building projections and rooflines) are substantially different.
5. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
6. All driveways and parking pads used for vehicle storage shall be hard surfaced.
7. Exposed foundations should be kept to a minimum and must be fully parged.
8. Architectural design of rooflines and exterior detailing will be required, including the use of stone or brick in the front elevation of the building. The use of cedar shakes or high grade interlocking shingles or tiles is recommended. Siding and trim colours must compliment those of adjacent lots.
9. Side windows shall be arranged to keep the incidences of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
10. Landscaping in the front yard, including sod must be completed as soon as seasonal work allows or within one (1) year of occupancy, whichever occurs first.
11. Driveway locations will be grouped together in pairs to maximize on-street parking spaces.



## 5.5 General Residential District (R2)

### Purpose

To provide areas for low density residential development in the form of single detached dwellings, semi-detached dwellings and compatible uses, all of which are connected to the municipal sewer and water systems.

### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Duplexes
- Home Based Businesses - Minor

### Discretionary Uses:

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Adult Care Residences
- Bed and Breakfast Establishments
- Day Care Facilities
- Detached Dwellings
- Fourplexes approved prior to the adoption of Land Use Bylaw 661/11
- Home Based Businesses – Major
- Parks
- Places of Worship
- Playgrounds
- Public and Quasi-Public Uses
- Public Utility Buildings
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs
- Social Care Residences

### Development Standards

Minimum Parcel Area:	460m <sup>2</sup> (4,952ft <sup>2</sup> .) for interior parcels 505m <sup>2</sup> (5,436ft <sup>2</sup> .) for corner parcels
Minimum Parcel Width:	15.2 (50ft.) for detached dwellings Other uses at the discretion of the Subdivision Authority
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	1.2m (4ft.) 3.0m (10ft.) where abutting a street Nil where there is a shared wall for Duplexes and Fourplexes
Minimum Rear Yard:	10.0m (33ft.)
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	55%, excluding driveways

## **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
2. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
3. Exposed foundations should be kept to a minimum and must be fully parged.
4. Side windows shall be arranged to keep the incidences of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
5. Landscaping in the front yard, including sod must be completed as soon as seasonal work allows or within one (1) year of occupancy, whichever occurs first.
6. No part of the front yard of a site developed for row housing shall be used for motor vehicle parking.

## 5.6 Multiple Unit Residential District (R3)

### Purpose

To provide areas for medium and high density residential development and compatible uses, all of which are connected to the municipal sewer and water systems.

### Permitted Uses:

Accessory Buildings and Uses Related to an Approved Permitted Use  
Fourplexes  
Home Based Businesses – Minor  
Row Housing

### Discretionary Uses:

Accessory Buildings and Uses Related to an Approved Discretionary Use  
Adult Care Residences  
Apartment Buildings  
Bed and Breakfast Establishments  
Boarding/Lodging Facilities  
Day Care Facilities  
Home Based Businesses – Major  
Multiple Housing Developments  
Parks  
Places of Worship  
Playgrounds  
Public and Quasi-Public Uses  
Public Utility Buildings  
Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)      Signs  
Social Care Residences

### Development Standards

#### Minimum Parcel Area:

Apartment Buildings	82 m <sup>2</sup> (883 ft <sup>2</sup> ) per bachelor and one bedroom unit 102 m <sup>2</sup> (1,098 ft <sup>2</sup> ) per unit with more than one bedroom	
Fourplexes	200 m <sup>2</sup> (2,153 sq. ft.) per unit for interior parcels 220 m <sup>2</sup> (2,368 sq. ft.) per unit for corner parcels	
Row housing	185 m <sup>2</sup> (1,991 sq. ft.) per interior unit parcel 240 m <sup>2</sup> (2,583 sq. ft.) per end unit parcel 277 m <sup>2</sup> (2,981 sq.ft.) per corner parcel	[682/12] [682/12]
	Other uses at the discretion of the Subdivision Authority.	

#### Minimum Parcel Width:

Apartment Buildings	30.0 m (100ft.)
Fourplexes	15.24 m (50ft.)
	6.0 m (20ft.) per unit for Row Housing on an Interior Parcel

	7.5 m (25ft.) per unit for Row Housing End Unit 9.0 m (30ft.) per unit for Row Housing Unit on a Corner Parcel
	All other uses at the discretion of the Subdivision Authority
	Minimum Front Yard: 6.0m (20ft.)
Minimum Side Yard:	1.5m (5ft.) 3.0m (10ft.) where abutting a street Nil where there is a shared wall for Row Houses or Fourplexes
	3.0 m (10ft.) for Apartment Buildings 6.0 m (20ft.) for Apartment Buildings abutting a street
	Minimum Rear Yard: 8.0m (26ft.)
Maximum Building Height	10.0m (33ft.) for the Principal Building 13.5m (44ft.) for Apartment Buildings
Maximum Site Coverage:	70% for Apartment Buildings and Multiple Housing Developments 55% for All Other Uses
Minimum Landscaping:	The minimum landscaped area for Apartments and Multiple Housing Developments shall be thirty (30) percent of the parcel area.

### Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
2. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
3. Exposed foundations should be kept to a minimum and must be fully parged.
4. Front driveway access intended to serve individual dwelling units shall not be permitted along Hawkrigde Boulevard. Access points onto Hawkrigde Boulevard for a large site designed with internal circulation roads serving three or more dwelling units are permitted.

## 5.7 Low Density Residential Small Holdings District (R4)

### Purpose

To provide areas for low density residential development intended for detached dwelling and compatible uses, all of which may or may not be connected to the municipal sewer and water systems.

### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Detached Dwellings
- Home Based Businesses – Minor

### Discretionary Uses:

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Adult Care Residences
- Bed and Breakfast Establishments
- Day Care Facilities
- Home Based Businesses – Major
- Parks
- Places of Worship
- Playgrounds
- Public Utility Buildings
- Secondary Suites
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs
- Social Care Residences

### Development Standards

Minimum Parcel Area:	All the land contained in the parcel on which the development is to be located as recorded on the current Certificate of Title unless otherwise approved by the Subdivision Authority.
Minimum Parcel Width:	The frontage of the existing parcel as shown on the registered plan or Certificate of Title, unless otherwise approved by the Subdivision Authority.
Minimum Front Yard:	7.5m (25ft.)
Minimum Side Yard:	1.5m (5ft.) 3.0m (10ft.) where abutting a street
Minimum Rear Yard:	10.0m (33ft.)
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	40%

## Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. The Development Authority may refuse permission for the erection of any building where in their opinion; the design or appearance of the building will adversely affect the amenities of the surrounding areas or buildings.
2. All detached dwellings are required to contribute to a variety of design. The Development Authority may require alternative housing designs should it be deemed necessary in the interest of the overall subdivision. The transition between different housing styles must be made in a seamless fashion whenever possible (i.e.: from two-storey to a bungalow transition can be made with a bi-level or split level).
3. Dwelling units with identical floor plans or similar elevations shall be separated by a minimum of one (1) lot unless building design, character, finishing materials and treatments (windows, entrance, building projections and rooflines) are substantially different.
4. Having regard to the sitting and appearance of adjoining residences and other residences within the block face, the Development Authority may increase the front yard requirement to improve sunlight exposure, views, privacy and add general interest to the streetscape.
5. All driveways and parking pads used for vehicle storage shall be hard surfaced.
6. Exposed foundations should be kept to a minimum and must be fully parged.
7. Architectural design of rooflines and exterior detailing will be required, including the use of stone or brick in the front elevation of the building. The use of cedar shakes or high grade interlocking shingles or tiles is recommended. Siding and trim colours must compliment those of adjacent lots.
8. Side windows shall be arranged to keep the incidences of windows facing each other to a minimum in above grade storeys. No window shall face directly into a bedroom. Obscured glass shall be used in any bathroom where it faces a window in an adjoining residence.
9. Landscaping in the front yard, including sod must be completed as soon as seasonal work allows or within one (1) year of occupancy, whichever occurs first.

## 5.8 Manufactured Home Residential District (R5)

### Purpose

To provide areas for the development and use of land for manufactured homes and compatible uses, connected to municipal sewer and water systems, upon either individually registered subdivided parcels or within comprehensively designed multiple lot parks, where individual lots are leased or owned as part of a single owner site or as part of a bare land condominium.

### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Manufactured homes
- Manufactured home parks

### Discretionary Uses:

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Day Care Facilities
- Home Based Businesses – Minor
- Public Utility Buildings
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs

### Development Standards for Manufactured Home Subdivision with Individual Titled Parcels:

Minimum Parcel Area:	460m <sup>2</sup> (4,952ft <sup>2</sup> .) for interior parcels; 510m <sup>2</sup> (5,490ft <sup>2</sup> .) for corner parcels.
Minimum Parcel Width:	12.2m (40ft.)
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	1.5m (5ft.) 3.0m (10ft.) where abutting a street.
Minimum Rear Yard:	3.0m (10ft.)
Maximum Building Height:	10.0 m (33ft.) for principal buildings. No accessory building shall exceed the height of the principal building
Maximum Site Coverage:	55%
Parking	2 stalls per unit located on same parcel as the unit



### **Development Standards for Comprehensively Designed Manufactured Home Park:**

For the purpose of this District, the term “lot” means an area of land for the placement of one manufactured home and related site improvements and accessory buildings intended for the exclusive use of the occupants of the manufactured home.

For the purpose of this District, the term “park” or “site” means the comprehensively designed manufactured park in its entirety.

#### **Requirements for Individual Lots:**

Minimum Parcel Area:	400m <sup>2</sup> (4,306ft <sup>2</sup> .) The minimum area requirement will not apply to manufactured home parks existing prior to January 1, 2018.
Minimum Yard Setbacks:	4.0m (13ft.) separation of principal buildings 7.0m (23ft.) from all park boundaries 3.0m (10ft.) from all internal roads and parking areas 4.5m (15ft) from any rear lot boundary 1.5m (5ft) from any side lot boundary
Maximum Building Height	10.0m (33ft.) for principal buildings No accessory building shall exceed the height of the principal building
Maximum Site Coverage:	60%
Parking	2 stalls per unit on same lot as the unit

#### **Requirements for Manufactured Home Parks:**

Minimum Parcel Area:	2.0ha (5ac.) for manufactured home parks The minimum area requirement will not apply to manufactured home parks existing prior to January 1, 2018
Minimum Yard Setbacks:	4.0m (13ft.) separation of principal buildings 7.0m (23ft.) from all park boundaries 3.0m (10ft.) from all internal roads and parking areas
Minimum Internal Circulation Widths:	12.2m (40ft.) for road rights-of-way 8.0m (26ft.) for road carriageways 1.5m (5ft.) for pedestrian walkways
Maximum Building Height	10.0m (33ft.) for principal buildings
Maximum Site Area:	9.94ha (24.55ac)
Gross Density:	17 units per hectare for Block A, Plan 782 0474 15 units per hectare for any park in the SE 1-37-28-4

### **Other Requirements for Manufactured Home Park**

- a) The boundary of a manufactured home park must be enclosed by a fence to the satisfaction of the Development Authority.
- b) A manufactured home park must provide a storage area separate from individual home lots sites. This storage area will provide for a minimum total area of 20.0m<sup>2</sup> (215ft<sup>2</sup>.) per manufactured home lot and will be screened to the satisfaction of the Development Authority.
- c) A manufactured home park must allocate a minimum of 5% of the total site area for a recreational area. This recreational area and associated facilities will be approved in a location of the park to the satisfaction of the Development Authority.
- d) All utilities will be located and installed underground.
- e) All interior roads will be hard surfaced to the satisfaction of the Development Authority and will include appropriate drainage.
- f) Two permanent access points into the manufactured home park from a public street will be provided at locations acceptable to the Development Authority.
- g) The internal road network will provide for a looped road network providing two ways of access to the majority of the manufactured home lots.

### **Development Standards for Manufactured Home Subdivision and Manufactured Home Park:**

1. The minimum architectural appearance and building requirements for all manufactured homes will be as follows:
  - a) All manufactured homes will have a minimum roof pitch of 4:12 (Rise:Run);
  - b) All manufactured homes will have a minimum roof overhang or eaves of 0.3m (1ft);
  - c) All manufactured homes will have a maximum length to width ratio of 4.75:1;
  - d) All manufactured homes will have a minimum floor area of 93m<sup>2</sup> (1000ft<sup>2</sup>);
  - e) All manufactured homes will have a roof surface of wood or asphalt shingles, clay or concrete tiles, slate or wood shakes or metal;
  - f) All manufactured homes will have a width of 6m (20ft) measured from external wall surface to external wall surface;
  - g) All manufactured homes will have a foundation consisting of a basement, crawl space, slab on grade or pile;
  - h) No manufactured home that is greater than 5 years in age at the time of its placement on a parcel or lot will be permitted in a manufactured home subdivision or manufactured home park."
2. A manufactured home must be placed on its foundation and skirted within 30 days of the manufactured home being placed on the lot or parcel.
3. All uses must also comply with the regulations in Part III: General Land Use Regulations.

## 5.9 General Commercial District (C1)

### Purpose

To provide areas for commercial uses, offering a variety of goods and services and compatible uses, accessible to pedestrians and vehicular traffic.

### Permitted Uses:

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Animal Services
- Financial Services
- Funeral Homes
- Health Services Facilities
- Office
- Personal Service Facilities
- Retail Establishments
- Restaurants

### Discretionary Uses:

- Accessory Dwellings on the Ground Floor
- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Automotive and Motorized Equipment Repair
- Automotive Sales and Services
- Bus Depots
- Cannabis Retail Sales
- Clubs/Lodges
- Convenience Stores
- Drive-Through Businesses
- Dwelling Units Above the Ground Floor
- Eating and Drinking Establishments
- Gas Bars
- Heavy Equipment Assembly, Sales and Service
- Mixed Use Developments
- Mobile Commercial Sales
- Parking Facilities/Lots
- Public and Quasi-Public Uses
- Service Stations
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs

Any use that is similar in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above as Discretionary Uses.

### Development Standards

Minimum Parcel Area:	All uses at the discretion of the Subdivision Authority
Minimum Parcel Width:	All uses at the discretion of the Subdivision Authority
Minimum Front Yard:	All uses at the discretion of the Subdivision Authority
Minimum Side Yard:	3.0m (10ft.) where abutting a street

Minimum Rear Yard:	All uses at the discretion of the Subdivision Authority
Maximum Building Height	10.0m (33ft.) for the principal building
Maximum Site Coverage:	All uses at the discretion of the Subdivision Authority
Minimum Landscape:	<p>A minimum of fifteen (15) percent of the parcel area shall be landscaped.</p> <p>A minimum of 3.0m (10ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway, except driveways, will be landscaped.</p>

### **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

- a) No outdoor display or storage of materials and/or product will be permitted.
- b) Accessory dwelling units will be provided with an entrance separate from that of the primary use.
- c) A minimum of one (1) commercial garbage bin shall be provided on site and shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.
- d) The enclosures of the commercial garbage bin(s) shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.
- e) All areas of the site not covered by buildings, driveways, parking areas, storage and display areas or forming part of the minimum landscaped area described above will be seeded to grass or sodded.
- f) The design of commercial sites and architectural treatment of all commercial buildings must be consistent with the "Town of Penhold Commercial Design Standards" attached as Schedule D.
- g) The Development Authority may require security as a condition of development approval based on the calculations described in the "Town of Penhold Commercial Design Standards" attached as Schedule D.

## **5.10 Highway Commercial District (C2)**

### **Purpose**

To provide areas for a range of commercial uses and compatible uses, which are primarily accessible to vehicular traffic, the travelling public, and residents of the surrounding areas along major travel routes.

### **Permitted Uses**

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Alcohol Sales
- Animal Services
- Automotive Sales and Services
- Drive-Through Businesses
- Eating and Drinking Establishments
- Financial Services
- Gas Bars
- Health Services Facilities
- Hotels
- Motels
- Retail Establishments
- Restaurants
- Service Stations

### **Discretionary Uses**

- Accessory Dwellings on the Ground Floor
- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Automotive and Motorized Equipment Repair
- Bus Depots
- Cannabis Retail Sales
- Car Washes
- Commercial Indoor Recreation and Entertainment Facilities
- Commercial Outdoor Recreation and Entertainment Facilities
- Convenience Stores
- Day Care Facilities
- District Shopping Centres
- Drive-Through Businesses
- Dwelling Units Above the Ground Floor
- Funeral Homes
- Heavy Equipment Assembly, Sales and Service
- Home Improvement Centres
- Mobile Commercial Sales
- Parking Facilities/Lots
- Places of Worship
- Public and Quasi-Public Uses
- Public Utility Facilities
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs
- Veterinary Clinics

Any use that is similar in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above as Discretionary Uses.

## **Development Standards**

Minimum Parcel Area:	0.2ha (0.5ac)
Minimum Parcel Width:	30m (100ft.)
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	3.0m (10ft.)
Minimum Rear Yard:	6.0m (20ft.)
Maximum Building Height	10.0m (33ft.)
Maximum Site Coverage:	80%
Minimum Landscape:	<p>A minimum of fifteen (15) percent of the parcel area shall be landscaped.</p> <p>A minimum of 3.0m (10ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway, except driveways, will be landscaped.</p>

## **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or product must be screened to the satisfaction of the Development Authority.
2. A minimum of one (1) commercial garbage bin shall be provided on site and shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.
3. The enclosures of the commercial garbage bin(s) shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.
4. A minimum of fifteen (15) percent of the parcel area shall be landscaped.
5. A minimum of 3.0m (10ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway, except driveways, will be landscaped.
6. All areas of the site not covered by buildings, driveways, parking areas, storage and display areas or forming part of the minimum landscaped area described above will be seeded to grass or sodded.
7. The design of commercial sites and architectural treatment of all commercial buildings must be consistent with the "Town of Penhold Commercial Design Standards" attached as Schedule D.
8. The Development Authority may require security as a condition of development approval based on the calculations described in the "Town of Penhold Commercial Design Standards" attached as Schedule D.

## **5.11 Industrial/Business Service District (IB)**

### **Purpose**

To provide areas for a limited range of light industrial support services and compatible uses that has limited outdoor storage and carries out their operations such that no nuisance is created or apparent outside an enclosed building. This district will provide for certain other businesses which are incompatible in commercial districts.

### **Permitted Uses**

Accessory Buildings and Uses Related to an Approved Permitted Use  
Business Support Services  
General Contractor  
Offices  
Warehousing

### **Discretionary Uses**

Accessory Buildings and Uses Related to an Approved Discretionary Use  
Cannabis Production  
Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)  
Signs

### **Development Standards**

Minimum Parcel Area:	0.2ha (0.5ac)
Minimum Parcel Width:	22.0m (72ft.)
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	3.0m (10ft.)
Minimum Rear Yard:	6.0m (20ft.)
Maximum Building Height	10.0m (33ft.)
Maximum Site Coverage:	80%
Minimum Landscape:	<p>A minimum of fifteen (15) percent of the parcel area shall be landscaped.</p> <p>A minimum of 3.0m (10ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway, except driveways, will be landscaped.</p>

### **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or products must be screened to the satisfaction of the Development Authority.

2. A minimum of one (1) commercial garbage bin shall be provided on site and shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.
3. The enclosures of the commercial garbage bin(s) shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.
4. A minimum of 6.0 m (20ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway must be landscaped.
5. All areas of the site not covered by buildings, driveways, parking areas, storage and display areas or forming part of the minimum landscaped area described above will be seeded to grass or sodded.
6. The design of commercial sites and architectural treatment of all commercial buildings must be consistent with the "Town of Penhold Commercial Design Standards" attached as Schedule D.
7. The Development Authority may require security as a condition of development approval based on the calculations described in the "Town of Penhold Commercial Design Standards" attached as Schedule D.
8. A minimum of one (1) commercial garbage bin shall be provided on site and shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.
9. The enclosures of the commercial garbage bin(s) shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.



## **5.12 Light Industrial District (I1)**

### **Purpose**

To provide areas for a range of light industrial uses and compatible uses that may have limited outdoor storage and carry out their operations so that no nuisance is created or apparent outside an enclosed building or beyond the boundaries on which the use is located.

### **Permitted Uses**

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Automotive Sales and Services
- Automotive and Motorized Equipment Repair
- Business Support Services
- Home Improvement Centres
- Light Manufacturing
- Public and Quasi-Public Uses
- Public Utility Facilities
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Storage Facilities
- Recreational Vehicle Storage
- Recycle Depots
- Veterinary Clinics
- Veterinary Hospitals
- Warehousing

### **Discretionary Uses**

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Cannabis Production
- Car Washes
- Crematoriums
- Dangerous Goods Occupancies
- Fertilizer processing, storage and sales and seed storage and sales on Lot 1, Plan 882 2445
- General Contractors
- Heavy Equipment Assembly, Sales and Services
- Manufacturing
- Manufacturing and related outdoor storage facilities on Lot 2, Plan 992 5341
- Micro-Breweries
- Signs

### **Development Standards**

Minimum Parcel Area:	0.2ha (0.5ac)
Minimum Parcel Width:	30.0m (100ft.)
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	3.0m (10ft.)
Minimum Rear Yard:	6.0m (20ft.)
Maximum Building Height	10.0m (33ft.)
Maximum Site Coverage:	80%

Minimum Landscape: A minimum of fifteen (15) percent of the parcel area shall be landscaped.

A minimum of 3.0m (10ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway, except driveways, will be landscaped.

### **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or product will be screened to the satisfaction of the Development Authority.
2. A minimum of 6.0 m (20 ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway must be landscaped.
3. All areas of the site not covered by buildings, driveways, parking areas, storage and display areas or forming part of the minimum landscaped area described above will be seeded to grass or sodded.
4. A minimum of one (1) commercial garbage bin shall be provided on site and shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.
5. The enclosures of the commercial garbage bin(s) shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.

## **5.13 Industrial District (I2)**

### **Purpose**

To provide areas for a range of industrial uses and compatible uses which may carry out a portion of their operation outdoors or require outdoor storage areas, and may have the possibility for the creation of nuisances such as smoke, dust, emissions and/or noise.

### **Permitted Uses**

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Automotive Sales and Services
- Automotive and Motorized Equipment Repair
- Business Support Services
- General Contractors
- Heavy Equipment Assembly, Sales and Services
- Light Manufacturing
- Manufacturing
- Municipal Shop and Storage Yards
- Public Utility Facilities
- Recreational Vehicle Storage
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Veterinary Clinics
- Warehousing

### **Discretionary Uses**

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Auction Facilities
- Auto Body and/or Paint Shop
- Bulk Oil and Chemical Storage
- Cannabis Production
- Cartage and Freight Terminals
- Crematoriums
- Dangerous Goods Occupancies
- Feed Mills and Grain Elevators
- Natural Resource Processing
- Outdoor Storage Facilities
- Signs
- Veterinary Hospitals

### **Development Standards**

Minimum Parcel Area:	0.2ha (0.5ac)
Minimum Parcel Width:	30.0m (100ft.)
Minimum Front Yard:	6.0m (20ft.)
Minimum Side Yard:	3.0m (10ft.)
Minimum Rear Yard:	6.0m (20ft.)
Maximum Building Height	15.24m (50ft.)
Maximum Site Coverage:	80%

Minimum Landscape: A minimum of fifteen (15) percent of the parcel area shall be landscaped.

A minimum of 3.0m (10ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway, except driveways, will be landscaped.

### **Additional Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or product will be screened to the satisfaction of the Development Authority.
2. A minimum of 6.0 m (20ft.) wide area abutting the length of any parcel boundary that is adjacent a residential parcel or adjacent any parcel boundary with a road or highway must be landscaped.
3. All areas of the site not covered by buildings, driveways, parking areas, storage and display areas or forming part of the minimum landscaped area described above will be seeded to grass or sodded.
4. A minimum of one (1) commercial garbage bin shall be provided on site and shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.
5. The enclosures of the commercial garbage bin(s) shall provide a minimum of 0.3m (1ft.) clearance from all sides of the garbage bin.

## **5.14 Public and Institutional District (PI)**

### **Purpose**

To provide areas for the development of land for activities primarily involving educational, institutional, multi-use recreational facilities and compatible uses. Its secondary purpose is to protect environmentally sensitive areas by restricting development to minimal and environmentally compatible uses.

### **Permitted Uses**

- Accessory Buildings and Uses Related to an Approved Permitted Use
- Adult Care Residences
- Campgrounds
- Clubs/Lodges
- Commercial Indoor Recreation and Entertainment Facilities
- Day Care Facilities
- Eating and Drinking Establishments
- Education Facilities
- Places of Worship
- Parks
- Playgrounds
- Public and Quasi-Public Uses
- Public Utility Facilities
- Spectator Sport Facilities

### **Discretionary Uses**

- Accessory Buildings and Uses Related to an Approved Discretionary Use
- Cemeteries
- Golf Courses
- Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)
- Signs

### **Development Standards**

Minimum Parcel Area:	All uses at the discretion of the Subdivision Authority
Minimum Parcel Width:	All uses at the discretion of the Subdivision Authority
Minimum Front Yard:	All uses at the discretion of the Subdivision Authority
Minimum Side Yard:	3.0m (10ft.) where abutting a street
Minimum Rear Yard:	All uses at the discretion of the Subdivision Authority
Maximum Building Height	12.2m (40ft.)
Maximum Site Coverage:	All uses at the discretion of the Subdivision Authority

### **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or product will be screened to the satisfaction of the Development Authority.

## 5.15 Urban Reserve District (UR)

### Purpose

To protect the land from pre-mature subdivision and development until such time as Council determines the specific land use(s) that may occur within the area taking into account such matters as growth, serviceability and the future development land requirements of the Town.

### Permitted Uses

Agricultural Operations Existing at the Date of Adoption of this *Land Use Bylaw*  
Public Utility Buildings

### Discretionary Uses

Accessory Buildings and Uses Related to an Approved Discretionary Use  
Accessory Uses  
Communication Towers  
Detached Dwellings  
Public and Quasi-Public Uses  
Shipping Containers (Sea Can/Storage Pod or Similar Form of Cargo Container)  
Signs

### Development Standards

Minimum Parcel Area:	The frontage of the existing parcel as shown on the registered plan or Certificate of Title unless otherwise approved by the Subdivision Authority.
Minimum Parcel Width:	The frontage of the existing parcel as shown on the registered plan or Certificate of Title, unless otherwise approved by the Subdivision Authority
Minimum Front Yard:	All uses at the discretion of the Subdivision Authority
Minimum Side Yard:	All uses at the discretion of the Subdivision Authority
Minimum Rear Yard:	All uses at the discretion of the Subdivision Authority
Maximum Building Height	All uses at the discretion of the Subdivision Authority
Maximum Site Coverage:	All uses at the discretion of the Subdivision Authority

### Other Requirements

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or product will be screened to the satisfaction of the Development Authority.

## **5.16 Environmental Open Space District (EOS)**

### **Purpose**

To protect environmentally sensitive areas by restricting development to uses that are compatible with the environmental features and characteristics of the area.

### **Permitted Uses**

Natural Environmental Preservation  
Parks  
Playgrounds

### **Discretionary Uses**

Accessory Use  
Golf Courses  
Public Utility Facilities

### **Development Standards**

Minimum Parcel Area:	Nil
Minimum Parcel Width:	Nil
Minimum Front Yard:	All uses at the discretion of the Subdivision Authority
Minimum Side Yard:	All uses at the discretion of the Subdivision Authority
Minimum Rear Yard:	All uses at the discretion of the Subdivision Authority
Maximum Building Height	All uses at the discretion of the Subdivision Authority
Maximum Site Coverage:	All uses at the discretion of the Subdivision Authority

### **Other Requirements**

In addition to the General Regulations contained in Part 3 of this Land Use Bylaw, the following development standards shall apply:

1. All outdoor display or storage of materials or product will be screened to the satisfaction of the Development Authority.

## **5.17 Direct Control District (DC)**

### **Purpose**

To allow Council to exercise particular and specific direction and control over the use and development of land and buildings in specific areas where the application of other available land use districts would not provide an appropriate or adequate approach to the unique character of the area or proposed use.

### **Use of Land and Buildings**

Council may regulate and control the use of land and buildings in areas, designated Direct Control by this bylaw, in any manner it considers necessary. The determination of appropriate uses and applicable development requirements within a Direct Control area must be as established and prescribed by Council upon review and consideration of a development proposal.

### **Development Considerations**

1. Council may establish regulations for the following in consideration of a bylaw to create a Direct Control District for a specific site:
  - a) minimum requirements;
  - b) maximum limits;
  - c) parking;
  - d) landscaping and screening;
  - e) utilities and servicing;
  - f) environmental impacts;
  - g) public consultation;
  - h) other matters deemed relevant by Council.
2. Council may impose terms and conditions, including performance bonding, with or without a caveat registered against the certificate of title.



## **PART 6        OVERLAY DISTRICTS**

### **Purpose**

The purpose of these overlay districts is to facilitate the implementation of specific goals and objectives of statutory land use plans or other related regulations. They are put in place to protect or preserve areas with distinct characteristics and/or planning considerations.

### **Application**

All overlay districts are to be applied in conjunction with and in addition to the underlying land use district. The regulations of the overlay district take precedence over the regulations of the underlying land use district and the general land use regulations that apply to all development.

The lands that are subject to the provisions of any overlay district shall be as indicated on the Land Use District Map being Schedule A of this Land Use Bylaw.

## 6.1 FLOOD HAZARD OVERLAY DISTRICT

### Purpose

The purpose of this overlay district is to provide for the safe use of lands which may be within the 1:100 year flood hazard area of Waskasoo Creek. The overlay district regulates allowable uses, the geodetic elevation of building foundations and building openings, and the design grade of the site.

### Application

This overlay district applies to all those lands shown as being completely or partially within the flood hazard area indicated on the Land Use District Map.

Where a parcel of land is located partially within the flood hazard area but the proposed building(s) or development is located outside of the flood hazard area and setback a minimum of 1.0m from the flood hazard area, only the regulations of the underlying land use district and the general land use regulations shall apply.

### Definitions

For the purposes of this overlay district, the following definitions shall apply:

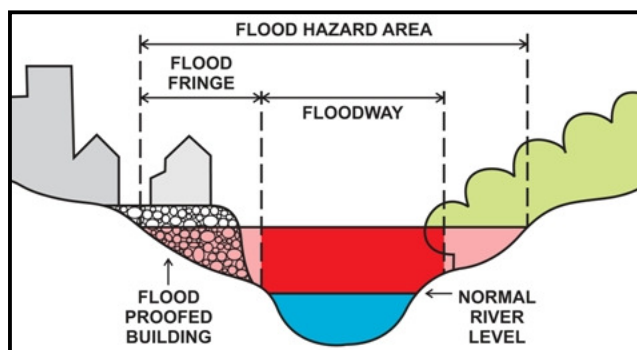
**“Design Flood Level”** means the modelled water elevation within a flood hazard area based on the 1 in 100 year flood (i.e. a flood that has a 1% chance of occurring every year).

**“Flood Hazard Area or Flood Plain”** means the area of land bordering a watercourse or water body that could be inundated by a 1 in 100 year flood (i.e. a flood that has a 1% chance of occurring every year), as determined by Alberta Environment and Parks.

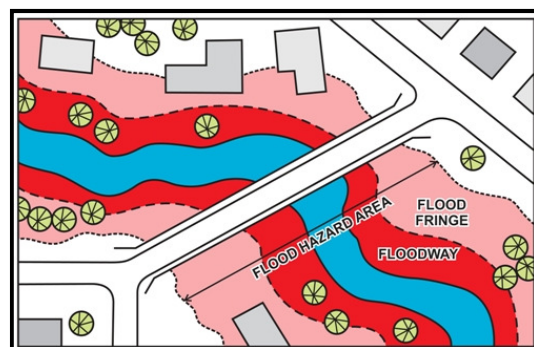
**“Floodway”** means that portion of the flood hazard area where flows are deepest, fastest and most destructive. The floodway typically includes the main channel of a stream and a portion of the adjacent overbank area (see Figure 1 and Figure 2).

**“Flood Fringe”** means that portion of the flood hazard area where the flows are generally shallower and move more slowly than in the floodway. The flood fringe typically includes the area between the floodway and the outer boundary of the flood hazard area (see Figure 1 and Figure 2);

**Figure 1: Cross Section View**



**Figure 2: Plan View**



**“Flood proofing”** means the rendering safe from damage arising from a 1 in 100 year return flood, as determined by Alberta Environment and Parks, through all or any of the following means:

- (a) the raising of the level of land to a minimum of 0.5m (1.6ft.) above that flood level, or

- (b) the construction and use of buildings with the lowest water entry point 0.5m (1.6ft.) above the flood level, or
- (c) any other such means as may be considered appropriate by the Development Authority in consultation with Alberta Environment and Parks.

### **Determining Boundaries of Flood Hazard Area, Floodway and Flood Fringe**

The exact boundaries and delineation of the flood hazard area, floodway and flood fringe shall be confirmed at the time that development is proposed through the preparation of a surveyed drawing showing the contours of the land in relation to the geodetic elevations of the boundaries of the flood hazard area, flood fringe and floodway.

The most current version of the Flood Hazard Mapping Study for Waskasoo Creek at Penhold prepared by Alberta Environment and Parks shall be used to prepare the surveyed drawing.

Where there is a discrepancy between the boundaries shown on the Land Use District Map and the most current version of the Flood Hazard Mapping provided by Alberta Environment and Parks, the information contained in the Flood Hazard Mapping shall prevail.

### **Development Permit Application Information Requirements**

When a development permit application is submitted for a parcel of land partially or wholly contained within the Flood Hazard Overlay District as shown on the Land Use District Map (*Schedule A*), the Development Officer may require that the applicant submit:

- A survey drawing as described in Schedule A above; and
- Information regarding the geodetic elevation of the proposed building location(s) and the geodetic elevation of the lowest point of all openings to the proposed building(s).

Prior to the issuance of a development permit for the construction of any development within the Flood Hazard Overlay District, the Development Officer may require that the applicant submit a certificate containing the seal and signature of a qualified, registered Professional Engineer or Architect indicating that the following factors have been considered in the design of the development:

- Building site and means of access that is above the elevation of the design flood level;
- The flood proofing of habitable rooms, electrical panel and heating units, and operable windows;
- Basement drainage and prevention of back flow through wastewater and storm water connections;
- Site drainage;

and that the building or structure is adequately protected against flood damage to the design flood level.

## **6.2 Allowable Uses and Development in the Floodway**

In the floodway only those uses listed below shall be considered:

### **Permitted Uses**

None

### **Discretionary Uses**

Agricultural Operations with the Exception of Buildings Containing Livestock and Greenhouses  
Existing Uses that are Present on the Site as of September 24, 2018  
Golf Courses with the Exception of Buildings with a Floor Area Greater than 200ft<sup>2</sup>  
Parks  
Parking Facilities/Lots  
Playgrounds  
Public Utility Buildings  
Roads and Bridges  
Structures and Associated Works for flood control  
Unserviced Campgrounds

No new buildings or expansions to existing buildings shall be allowed except for the replacement of existing buildings on the same location provided that the flood hazard can be overcome by mitigating measures acceptable to the Development Authority and Alberta Environment and Parks.

Buildings or structures intended for essential public utilities may be permitted and are subject to flood proofing requirements.

No storage of hazardous materials including but not limited to chemicals, explosives, and flammable liquids, toxic or waste materials is permitted.

## **Allowable Uses and Development in the Flood Fringe**

In the flood fringe the uses listed in the underlying district shall be considered.

Any new development, redevelopment, alteration or addition shall be adequately flood proofed to a minimum of 0.5m above the design flood level.

The bottom of the joists of the first floor or the bottom of the slab on grade of the building or structure shall be a minimum of 0.5m above the design flood level.

All heating, ventilating, air conditioning outlets and the main electrical panel shall be located a minimum of 0.5 m (1.6ft.) above the design flood level.

Properties that have been provided with adequate offsite flood proofing in the form of control berms or dykes or similar measures shall not be required to have site grading, first floor joists or bottom of slab on grade, heating, ventilating, air conditioning outlets and main electrical panel located above the design flood level. Areas that have been protected through offsite flood proofing measures shall be indicated on Schedule A as "*Flood Protection Measures in Place.*"

## **SCHEDULE A – LAND USE DISTRICT MAP**



## SCHEDULE B SIGN REGULATIONS

### 1. Purpose

This part of the Land Use Bylaw provides the planning regulation for all signs including, but not limited to the type, location, number, size, design, character, aesthetic appearance, repair and maintenance of signs in relation to their surroundings.

### 2. Definitions

Notwithstanding Section 1.7 of this Land Use Bylaw, the following definitions relate to signs:

#### A

**Abandoned Sign** means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found.

**Abut or Abutting** means immediately connected to or beside something.

**Accessory Tenants** means businesses, which have leased land or buildings or space within a building from the principal business on a site.

**Alteration** means a structural modification of a sign, but does not include routine maintenance, painting or change in face, copy or lettering.

**Animated Sign** means a sign which uses movement or change in lighting to depict action or create a visual effect.

**Awning** means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather.

**Awning/Canopy Sign** means a lightweight sign that is entirely supported from a building or by a fixed or retractable frame.



Awning/Canopy Sign for illustrative purposes

## B

**Banner Sign** means a sign made out of lightweight material, which may be enclosed in a ridged frame and secured or mounted to allow movement caused by the wind.

**Board Sign** means flat boards which are typically painted or made of a material including, but not limited to wood, metal or vinyl and is attached to the side of the building, most commonly next to the entry.

**Building Façade** means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eave line and the entire width of the building elevation.

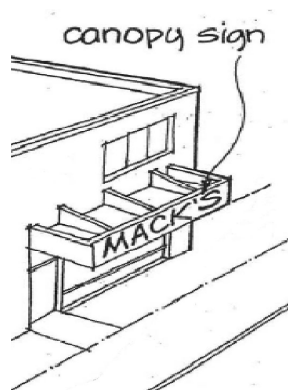
**Building Sign** means a sign that is attached to or connected to, inscribed, marked or painted onto the facade or outside surface, including windows of a building or part of a building. Building Signs do not include dynamic or electronic messages. Building Signs include:

- a) Awning/Canopy Signs;
- b) Fascia Signs;
- c) Identification Signs;
- d) Painted Wall Signs;
- e) Projecting Signs;
- f) Permanent Window Signs;
- g) And all other Signs that, in the opinion of the Development Authority has a similar definition and would be similarly regarded to the Signs above.

## C

**Canopy** means any permanently fixed structure other than an awning, which is roofed solid and projects from the face of the building for the purpose of affording protection or shelter from the weather.

**Canopy Sign** means a non-illuminated local advertising sign which is entirely supported from a building from a fixed or retractable frame.



Canopy Sign for illustrative purposes



**Clearance** means the shortest vertical distance between the underside of a sign and grade.

**Changeable Copy, Automatic** means copy on a sign that changes automatically and may include an electric message center or an electrochromic time and temperature unit.

**Changeable Copy, Manual** mean copy on a sign that can be changed manually through the use of attachable letters, numbers or pictorial panels and includes, but is not limited to chalkboards and dry erase boards.

**Community Bulletin Board** means a sign used to post community information and event notices.

**Construction Sign** means a sign used to identify a construction project, the owner, general contractor, sub-trades, architect, engineers and other associated with the design, planning and Development of a project under construction.

**Copy** means the message of the advertising sign including letters, symbols and pictures.

**Copy Area** means that area of a sign covered by a simple rectangle around the extremities of the copy contained on the Sign, but shall not include any decorations relating to the copy.

## D

**Directional Sign** means a sign which indicates the distance and/or direction to a place of business or other premises indicated on the sign.

**Dynamic Sign** means a sign or portion of a sign with features that move or appear to move or change, whether the apparent movement or change is in the display, the sign structure itself or any other component of the sign. A Dynamic Sign includes any display that incorporates a technology or methods allowing the image on the sign face to change, such as rotating panels, LED lights manipulated through digital input or “digital ink”. A Dynamic Sign does not include a sign whose message is changed by physically removing and replacing the sign or its components.

## E

**Eaveline** means the horizontal line on a building that marks the edge of the overhang of a roof and where there is no overhang. The eave line shall be the horizontal line at the intersection of the roof and wall.

**Election Sign** means any sign used to promote a candidate or party during a municipal, school board, provincial, federal election, referendum, plebiscite or any election held pursuant to the Local Authorities Election Act.

**Electronic Sign** means a sign or component of the Sign on which the copy can be changed by electronic means.

**Event** means an activity where the duration of which is temporary in nature.

**Event Sign** means a sign that advertises a temporary community event such as the farmers market, a festival, a recreational competition or similar event or activity.

## F

**Facade** means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Fascia Sign** means a local advertising attached to, marked or inscribed on and parallel to the face of a building wall, but does not include a Painted Wall Sign or Window Sign.



*Fascia Sign for illustrative purposes*

**First Party Advertising** means copy that promotes goods, services or activities available on the site where the sign is located.

**Flag Sign** means a sign that is made of lightweight, flexible material attached to a freestanding pole or to a structure placed in or on the ground. It may have one (1) of two (2) sides of Copy.

**Flashing Sign** means a Sign which contains an intermittent or flashing light source.

**Freestanding Sign** means a local advertising sign that is supported independently by a foundation extending below the frost line independent of the building, wall or structure, but does not include a Portable Sign.



*Freestanding Sign for illustrative purposes*

**Frontage** means the minimum straight line distance between the intersection of the side lot lines and the front lot lines.

**Future Development Sign** means a sign used to identify a new community identified in an approved Outline Plan and the developer(s) or builder(s) associated with the project. It may include information on the amenities, design, staging and timing of the proposed development.

## G

**Garage Sale Sign** means a Temporary Sign placed on the premise advertising the general sale to the public of personal property from a site in any residential district.

**Grade of Sign** means the elevation established by the Town for the surface of the sidewalk or boulevard and the Sign completely within private property. Grade means the finished ground surface directly underneath the sign.

**Ground Sign** means a general term to describe Permanent Signs that are not affixed, plastered etc. on buildings.

## I

**Identification Sign** means a sign that identifies by name, symbol, the building or site where the sign is placed. Information may include the name, address and number of a building.

**Illumination** means the lighting of any sign face by reflected light.

**Illumination, Direct** means the lighting of any Sign face from a light source located on or near the exterior of the sign.

**Illumination, Internal** means the lighting of any Sign face from a light source located within the sign or behind the copy.

**Inflatable Sign** means a sign or other advertising device which is designed to be inflated with air or lighter than air gas and to be anchored or affixed to a building or to the ground.

## L

**Landscaped Sign Area** means the land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental planting, fences, walls and associated earthworks.

**Local Advertising Sign** means a sign which advertises the business on the property where the Sign is located.

## M

**Maintenance** means the cleaning, painting, repair or replacement of any defective parts of a Sign in a manner that does not alter the basic design or structure of the sign and does not include a change in copy.

**Multi-Tenant** means two (2) or more businesses or two (2) or more residential units within a complex that either shares a common parking area or those occupy a single building or separate buildings that are physically or functionally related.

**Mural** is a piece of art that is painted or otherwise applied to the façade or other integral part of a building. A mural is not a sign because it is for public display only and does not include advertising.

## N

**Neighbourhood Identification Sign** means a sign which states the name of a community area and may contain a logo, symbol or map which is related to the community name.

## O

**Off-Premise Sign** means a sign which directs attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere in the Town of Penhold. The site although not on the same site to which the sign is located, excluding signs for community, cultural, athletic, philanthropic, arts or similar non-commercial events.

**Open House Sign** means a sign advertising an open house for residential property for sale and may include a Sidewalk Sign.

**Owner** means a person, or the authorized agent of such person, in lawful possession or control of a sign.

## P

**Painted Wall Sign** means a sign that is painted or inscribed directly on the building façade.

**Permanent Sign** is a sign that is permanently fastened to a building or ground and intended to exist indefinitely at the site.

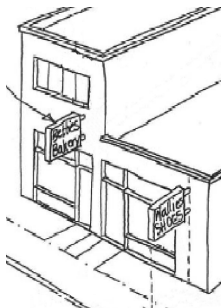
**Permanent Window Sign** means a sign which is permanently posted, painted on, attached to, or placed in or on a window or otherwise exposed so it is visible from the outside of the building.

**Portable Sign** means a flat, easily moveable sign with independent supports that can be carried or transported from one site to another. It may have one (1) or two (2) sides of copy.



Portable Sign identification sign for illustrative purposes

**Projecting Sign** means a sign which projects or hangs from a building and may be perpendicular or parallel to a façade.



*Projecting Sign for illustrative purposes*

**Property Management Sign** means a sign that identifies the party responsible for the management of the site and any necessary sales, leasing or rental information.

**Public Service Announcements** means an announcement for which no charge is made that promotes the programs, activities or services of a federal, provincial or municipal governments, non-profit charitable organizations or another group serving community interests, including the date, time and temperature information.

## R

**Reader Board** means a sign which provides for a changeable message through the uses of an electronically displayed message or other similar means and which forms an integral part of the sign which advertises events related to the principal building and may be used for sponsor recognition.

**Real Estate Sign** means a sign erected on a site by the owner or agent of the owner of the site, advertising the site for sale or lease.

**Recreation Sponsorship Sign** means outdoor signage placed only on sport field fencing and accessory buildings advertising the sport sponsor(s), businesses and may identify the event and/or team being sponsored.

**Rotating Sign** means a local advertising sign or portion of a local advertising Sign which moves in a revolving manner.

## S

**Show Home Sign** means a sign that advertises the building as a Show Home or a prize in a raffle or contest.

**Sidewalk Sign** means a small self-supporting Sign set on or in the ground and includes A-shaped or Sandwich Board Signs.



*Sidewalk Sign for illustrative purposes*

**Sign** includes any device used to advertise, identify or communicate using words, numbers, pictures, graphics or logo to attract attention or convey information, provide direction or promote a product, business, activity or service.

**Sign Area** means the entire surface area of a sign on which advertising copy could be placed and includes any frame or embellishment which forms an integral part of the display, but does not include landscaping and in the case of a double-face or multi-face Sign, the average of the total area of all sign faces.

**Sign Height** is the vertical height of the sign measured from the ground to the top of the sign.

**Sign Permit** means permission in writing given by the Development Officer to erect or place a sign in accordance with the Land Use Bylaw or any variance thereto.

**Sign Structure** means the supporting structure of the sign designed to support a sign and may consist of a single pole or be a wall or an integral part of the building.

**Sign Width** means the width of the sign, measured from one side of the sign to the other at the point of greatest horizontal distance.

**Sponsor** means a corporation or organization that enters into an agreement to pay money to a property owner in exchange for public recognition of the sponsor's contribution, including the right to advertise the name of the sponsor on signage on the property.

**Sponsor Recognition** means the identification, by name and/or logo, of an individual, corporation or organization which has donated money, goods or service to the land.

**Subdivision** means a neighbourhood of approximately 64 hectares (160 acres).

**Subdivision Identification Sign** means a sign containing general information about a new subdivision such as the name of the subdivision or the name of the developer.

**Supergraphics** means a graphic design painted on a building, which does not convey a defined advertising message or logo and includes a mural.

## T

**Temporary Sign** means a sign that is not intended to be permanent and is only permitted for a limited time. Temporary Signs must not display dynamic or electronic messages. The following are applicable Temporary Signs:

- a) Banner Sign;
- b) Construction Sign;
- c) Election Sign;
- d) Flag Sign;
- e) Future Development Sign;
- f) Inflatable Sign;
- g) Portable Sign;
- h) Real Estate Sign;
- i) Show Home Sign;
- j) Sidewalk Sign;
- k) Even Sign;

- l) Temporary Directional Sign;
- m) Temporary Window Sign.

**Temporary Directional Sign** means a temporary sign used to identify the location of a show home, developing community and/or provide a means to reach a destination.

**Temporary Window Sign** means a sign temporarily posted, painted on, attached to, or placed in or on a window or otherwise exposed for the purpose of being viewed from outside the premises.

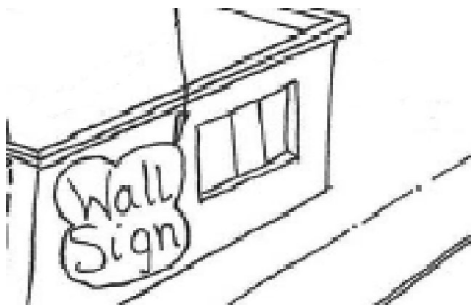
**Third-Party Advertising** means copy that promotes goods, products, activities or services other than those produced, sold or offered on the premises on which the Sign is displayed. This does not include the name of a sponsor on sign on a building.

## U

**Under-Canopy Sign** means a local advertising sign which is suspended beneath a canopy.

## W

**Wall Sign** means a sign which is mounted or fixed to or supported by a wall by any means, but does not include a Fascia Sign and may display general advertising.



Wall Sign for illustrative purposes

**Window Area** means all the contiguous panels of glass, including panes of glass that would be contiguous if not separated by mullions (the bards between panes of glass).

### **3. Sign Applicability**

1. No sign shall conflict with the general character of the surrounding streetscape or architecture on nearby buildings or be enlarged, changed or structurally altered except in conformance with this Bylaw.
2. Where a sign no longer fulfills its function under the terms of this Land Use Bylaw, the Sign(s) shall be removed immediately and the immediate area around the sign shall be restored to the satisfaction of the Town, except where a Freestanding Sign and support structures intend to be re-used;
3. Unless otherwise allowed in this section, no person shall:
  - a) Attach anything to an existing permitted sign unless a new permit is issued for such addition.
  - b) Erect or attach a sign to a light standard or pole without the written permission of the utility company;
  - c) Erect or attach a sign within a corner visibility triangle.
4. Where permission has been granted by the Town for a sign to:
  - a) Project over a sidewalk or street, a minimum clearance of 2.5m (8ft.) above grade level shall be maintained;
  - b) Be located in or project into or over a Town owned driveway, lane or an alley, a clearance of 4.5m (15ft.) shall be maintained.
  - c) Be located a minimum of 0.3m (1ft.) from the inside edge of any sidewalk.
  - d) Project or extend horizontally into or over Town owned property the sign shall be no closer than 1.0m (3ft.) to the existing or future curb line.
5. Any sign placed in or on a required parking area or loading space shall be placed so as not to reduce the number of parking stalls or loading spaces required pursuant to this Bylaw or a sign permit.
6. No trees shall be removed or damaged to prepare a site for a sign unless new trees are planted or landscaping is introduced to improve the appearance of the site, to the satisfaction of the Development Authority.
7. The lighting or orientation of a sign must not adversely affect any residential district.
8. No auxiliary sign shall be attached to, on, hung or above a sign unless otherwise provided for in this Bylaw.



9. A sign must not conflict with or dominate or detract from the general character of the surrounding streetscape or the architecture of any building on the parcel on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape.
10. A sign shall not interfere or obstruct the view of any authorized Traffic Sign, signal or device or otherwise pose a potential hazard to vehicular or pedestrian traffic.
11. A sign shall not emit sound or display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
12. Signs located within a corner visibility triangle, must comply with Section 3.15 (10) (*Sight Triangle at Street and Lane Intersections and Highways*).
13. Signs placed on fences shall be securely fastened to the fence.

#### **4. General Provisions for Permanent Signs**

1. The rules and regulations for all permanent signs are based on the type of sign and the Land Use District that the site is zoned and shall conform to the following:
  - a) Signage for a Bed and Breakfast establishment may be permitted with the approval of the Development Authority. Such signage is to be confined to a single discreet unlit professionally made Sign located within the property boundaries to a maximum dimension of 0.6m x 1.2m (2ft. x4ft.).

#### **5. General Provisions for Non-Permanent Signs**

1. The rules and regulations for all non-permanent Signs are based on the type of Sign and the land use district that the site is zoned and shall conform to the following:
  - a) Temporary Signs shall not display third-party advertising.
  - b) Temporary Signs shall be located wholly within the property lines of private lands, except where the Town grants permission for the placement of an A-board Sign, or Directional Sign which may be subject to provisions below.
  - c) The Development Authority may permit the placement of a Temporary Sign at an off-premise location, which is either for a Community Event Sign or a Directional Sign and is placed within a road allowance.
  - d) Temporary Signs shall not remain on a site for longer than a ninety (90) consecutive day period and no more than 180 days within a calendar year, unless otherwise authorized through an agreement with the Development Authority.
  - e) One (1) Temporary Sign may be permitted on a private land.

## **6. Offensive Signage**

1. No sign shall be erected which promotes intolerance, hatred, nudity or ridicule of any race, religion or other segment of society.

## **7. Sign Development Application Requirements**

1. No person shall erect a sign without an approved sign permit and applicable fees from the Town of Penhold Development Authority;
2. A Development Permit is required:
  - a) To put up a sign, except those listed in Schedule B (9), (*Signs not requiring permit*).
  - b) To relocate, replace or change the size of a sign; and
  - c) To add illumination to an existing sign.
3. A person who fails to comply with any of the provisions of Schedule B (*Signs*) shall be guilty of an offence and subject to the penalties set out in this Land Use Bylaw.
4. An application for a sign permit shall be accompanied by the following:
  - a) A completed sign permit application;
  - b) Applicable fees;
  - c) If the applicant is not the owner of the land on which the sign is to be located, a letter of authorization from the owner of the property or the authorized agent is required;
  - d) A drawing of the proposed sign identifying:
    - i. all sign and sign structure dimensions, including sign height, sign width and total sign area
    - ii. materials and finishes
    - iii. color schemes
    - iv. graphics, logos, letters, fonts and sizes
    - v. type of illumination
    - vi. dynamic or electronic messaging component, if applicable
    - vii. details of how the sign is to be attached or secured to the ground, structure or building
  - e) a site plan identifying:
    - viii. north arrow
    - ix. scale of drawing
    - x. legal description of the property (lot, block, plan)
    - xi. civic address

- xii. property lines, shown and labeled
  - xiii. the proposed sign location
  - xiv. permanent or temporary sign or support pole larger than 3.0m (10ft.) in diameter within the sight triangle area
  - xv. Metric dimensioned distances from the existing or proposed buildings and/or other signs on the subject site to the proposed sign
  - xvi. Existing signs within the subject site
  - xvii. Metric dimensions of an overhang or projection
5. Provided the sign is erected within twelve (12) months of the date of issue of the permit, the permit shall continue in force from year to year.
  6. The sign permit shall bear the date on which is it issued and if active work is not commenced within the period of twelve (12) months from the date of its issuance, the sign permit shall expire and become invalid, unless the Development Authority approves an extension of time which must be requested by the owner.

## **8. Conditions of a Development Approval for Signs**

Conditions of issuing a development permit, the Development Authority may implement the following conditions:

1. If the Development Authority approves a Permanent Sign on or over public property:
  - a) That the owner of the sign shall be responsible to pay costs and be legally responsible for any injuries to a person or damages to property incurred by the presence, collapse or failure of the sign; and
  - b) That the owner provide proof of insurance policy naming the Town as co-insured covering bodily injury and property damage for claims related to the sign for a dollar amount the Town specifies.

## **9. Signs Not Requiring a Sign Permit**

1. The following signs shall not require a sign permit, but must comply with the regulations of the Land Use Bylaw as amended, where applicable:
  - a) Signs, notices, placards or bulletins required or permitted to be displayed;
    - i. Under the provision of federal, provincial or municipal legislation;
    - ii. By or on behalf of the federal, provincial government; or
    - iii. On behalf of a department, a commission, a board, a committee or an official of the federal, provincial or municipal government.
  - b) Signs located inside a building not visible from the exterior of the building;
  - c) Street or Traffic Signs;

- d) Street numbers or letters displayed on a site where the total combined sign area does not exceed 1.2m<sup>2</sup> (13ft<sup>2</sup>).
- e) The temporary placement of campaign signs in connection with a federal, provincial or municipal election or referendum and such that the campaign signs are removed within forty-eight hours (48) hours after the date of the election or referendum;
- f) Election Signs only during the following time frames and provided that they comply with this Bylaw:
  - i. Between nomination day of an election year and the date of the election; in the case of an election under the Local Authorities Election Act;
  - ii. Between the date the election is officially called and the date of the election, in the case of elections for Federal and Provincial public office; and
  - iii. Provided that the signs shall be removed within forty-eight (48) hours after the election.
- g) The temporary placement of signs advertising garage sales, special events and charitable fund raising campaigns (unless such signs will encroach on public property) providing that:
  - i. the sign does not exceed 1.4m<sup>2</sup> (15ft<sup>2</sup>);
  - ii. the sign(s) may be placed on boulevards adjacent to residential districts where the sale or event is taking place within a twenty-four (24) hour period prior to the sale or event and the sign(s) is removed twenty-four (24) hours following the sale or event.
- h) Temporary Signs promoting the sale or lease of real estate, providing that:
  - i. There shall not be more than one sign on any lot in a residential district;
  - ii. The total sign area does not exceed 1.0m<sup>2</sup> (11ft<sup>2</sup>.) in a residential district.
  - iii. In commercial and industrial areas, there shall not be more than one (1) sign for each frontage and the area of such sign shall not exceed 11.5m<sup>2</sup> (123ft<sup>2</sup>);
- i) Open House or Show Home Signs may be placed on boulevards in or adjacent to residential districts where the sale is taking place, for a period of up to two (2) hours before and after the period of time when the Open House or Show Home is open.

- j) The temporary placement of signs of building contractors relating to construction work in progress on the land on which the sign is erected, provided that:
  - i. The sign is wholly situated upon the site of the structure or land use to which it refers;
  - ii. The sign shall not project over the public property;
  - iii. No more than two (2) signs shall be permitted upon each site and limited in size to a maximum of 3.2m<sup>2</sup> (34ft<sup>2</sup>.) in a residential district and 25.0m<sup>2</sup> (269ft<sup>2</sup>.) in a commercial or industrial district; and
  - iv. The sign shall be removed prior to occupancy of the building;
- k) Notices or signs guiding, warning or restricting people about the use of the premises, provided that the total sign area does not exceed 2.0m<sup>2</sup> (21.5ft<sup>2</sup>.)
- l) Window Signs, unless otherwise stated in this section
- m) Sidewalk Signs provided that:
  - i. Such signs may not display third party advertising;
  - ii. In the I1 and I2 Districts such signs may not be placed on any portion of a lot which abuts an arterial road; and
  - iii. Provided these signs meet the requirements in Section 17 (*Sign Regulations by Type*).
- o) Directional signs with an area less than 1.4m<sup>2</sup> (15ft<sup>2</sup>.)
- p) Construction Signs may be erected within a period starting not earlier than six (6) months before the date of intended construction and ending three (3) months following the completion of construction, but in no case shall a construction sign be erected longer than eighteen (18) months.

## **10. Sign Owner's Responsibility**

1. Neither the granting of a sign permit, nor the approval of the plans nor any inspections made by the Development Authority shall in any way relieve the owner from full compliance with the Land Use Bylaw or other applicable legislation.
2. The owner of a sign shall at all times maintain the sign in a proper and safe state of repair and shall not allow or permit the sign to become dilapidated or unsightly.
3. All sign structures shall be securely constructed, attached and erected to conform to the standard set forth in this section.

## **11. Safety Provisions**

1. No person shall:
  - a) Erect or maintain any sign that is in contravention of this or any other Town Bylaw;
  - b) Erect a sign or sign structure on any exterior stairway, fire escape, fire tower or balcony servicing as a horizontal exit, or;
  - c) Erect a sign so that any portion of the surface or supports will interfere in any way with any of the following:
    - i. Any opening necessary for a standpipe, required light, ventilation or exit from the premises;
    - ii. The free use of any window above the first storey; or
    - iii. The free passage from one part of a roof to another part of the same roof;
  - d) Erect, construct or maintain a sign or a display structure so as to create a hazard for pedestrian or vehicular traffic by blocking sight lines between pedestrian and vehicular traffic or distracting a driver or pedestrian, as determined by the Development Authority;
  - e) Erect, construct or maintain any sign which makes use of the words, "STOP", "LOOK", and "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

## **12. Illumination Provisions**

1. No person shall place flashing signs at any location closer than 23.0m (76ft.) to any dwelling in a residential district.
2. No person shall place flashing signs, revolving beacons, scrolling messages, stationary lights at locations which may, in the opinion of the Development Authority, obscure or cause confusion with traffic lights and traffic signs or in any way endanger progress of traffic through the streets or lanes of the Town.
3. Any light source, either from an illuminated sign or used to illuminate a sign, must not be oriented so as to direct glare or excessive illumination onto adjacent properties, streets or sidewalks in a manner that may distract or interfere with the vision of drivers, cyclists, or pedestrians.
4. Illuminated signs shall not create hazards for vehicular or pedestrian traffic.
5. Signs that are illuminated shall not be of an intensity or brightness that would not interfere with the space, comfort, convenience or general welfare of residents or occupants of adjacent sites or with vehicular traffic.

6. No permit shall be issued for and no person shall erect, install or maintain an electric sign, unless it conforms with the Alberta Safety Codes Act and regulations thereto.
7. Illuminated signs where permitted under the associated Land Use District, signs may incorporate illumination features provided that the following standards and requirements are met:
  - a) The Development Authority may specify or restrict the type of illumination (backlit, exterior).
  - b) Any sign providing illumination shall be subject to a Development Permit application and must provide photographs or renderings of the sign and proposed illumination.
  - c) The Development Authority may request a photometric plan showing light intensity created from the illumination of the sign and throughout the site to property/boundary lines.
8. Any sign with external illumination shall be equipped with a shield directing light toward the sign and be positioned in a manner that directs the light directly on the sign to minimize glare.

### **13. Landscaping Provisions for Permanent Signs**

1. Unless otherwise stated in this Land Use Bylaw, the following standard of landscaping area at the base of any Permanent Sign shall require the following:
  - a) The sign base, electrical boxes and/or the base or structural support members shall be covered with topsoil and seeded or concealed by vegetation contained within a planting bed; and
  - b) The area around the sign structures shall be maintained and kept clean and free of overgrown vegetation, weeds and free of refuse material as a condition of any sign permit.

### **14. Permit Fee**

1. The permit fee for a sign is determined by the current Fee Schedule Bylaw and amendments thereto.

### **15. Revocation of Sign Permit**

1. The Development Authority may revoke any sign permit where:
  - a) A sign for which such permit was issued violates the conditions of the permit or any of the provisions of this Bylaw; or
  - b) The owner is in breach of any of the provisions of this Bylaw.

## **16. Removal of Signs**

1. Where a sign no longer fulfills its function under the terms of this Land Use Bylaw, the sign(s) shall be removed immediately and the immediate area around the sign shall be restored to the satisfaction of the Town, except where a Freestanding Sign and support structures intend to be re-used.
2. Where, in the opinion of the Development Authority, a violation of the sign provision exists or is an abandoned sign, the Development Authority may issue a written notice for the removal of such a sign. The registered owner of the property upon which the sign is located shall be presumed to be the owner of all signs therein, unless facts to the contrary are brought to the attention of the Development Authority, as in the case of a leased sign.
3. The written notice shall specify the following:
  - a) Those sections of the sign regulations in which the sign is in violation.
  - b) The removal of such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice.
  - c) The restoration of the immediate area around the sign to the satisfaction of the Development Authority.
  - d) That all costs related to such removal and/or restoration, are to be borne by the owner of the sign.
4. Where a Permanent Sign is found to incorrectly identify a business or is in an overall state of disrepair, the Development Authority may, by written notice, require the building owner or person(s) responsible for the sign to remove the sign, or alter or refurbish the sign within thirty (30) days of the date of receipt of such notice.
5. In the case of Temporary Signs, where in the opinion of the Development Authority, a violation of the sign provisions exist, the Development Authority shall issue a written notice for the removal of such a sign within forty eight (48) hours.
6. In cases of emergency, the Development Authority may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined by the Safety Codes Act or the Town of Penhold's Traffic Bylaw.



## **17. Sign Regulations by Type**

### **Awning/Canopy Signs**

1. Awning/Canopy Signs or any sign under an awning/canopy shall not project more than 2.5m (8ft.) from the building or structure which it is attached to.
2. A sign under an awning/canopy shall not extend beyond the sides or front of the awning/canopy.
3. Copy shall be located on the valance portion of the Awning/Canopy Sign.
4. The maximum sign area of an Awning/Canopy Sign shall not exceed fifty (50) percent of the awning/canopy.
5. Awning/Canopy Signs may be attached to the sides and front of the canopy, and such signs may extend the entire length and width of the canopy.
6. No person shall erect an Awning/Canopy Sign or an under Canopy Sign unless such sign:
  - a) Is securely hung and anchored to the building to which it is attached;
  - b) The structure to which it is attached is capable of resisting all stresses resulting from dead weight, snow and wind loads;
  - c) Has a minimum clearance of at least 2.5m (8ft.) from grade;
  - d) Has a vertical dimension that does not exceed 1.5m (5ft.);
  - e) Is constructed of durable, colour-fast material and relate to the architectural design of the building to which it is attached.

### **Banner Signs**

1. Maximum Banner Sign height is 0.9m (3ft.).
2. Maximum Banner Sign area shall not exceed 6.0m<sup>2</sup>.
3. A Banner shall be maintained in good condition and promptly removed if damaged.

### **Building Signs**

1. Sign height shall not exceed the height of the principal building on the site or the average height of the principal building where the height of the principal building is not uniform.
2. The maximum sign area shall not exceed fifteen (15) percent of the area of the building facade on which it is located.

## **Construction Signs**

1. The copy of the Construction Sign must relate to the work being carried out on the site to which it is located.
2. A Construction Sign may remain on site to a maximum of fourteen (14) days after the work is completed.
3. In a residential district, a Construction Sign having a maximum sign height of 1.83m (6ft.) and a maximum area of area of 3.2m<sup>2</sup> (34ft<sup>2</sup>).
4. In all other districts, a Construction Sign having a maximum sign height of 4.0m (13ft.), a maximum sign width of 4.88m (16ft.) and a maximum area of area of 12m<sup>2</sup> (129ft<sup>2</sup>).

## **Dynamic/Electronic Message Signs**

1. Dynamic/Electronic Message Signs must include an adjustable dimming feature that will automatically reduce the brightness level to adapt to the ambient light level.
2. Maximum Sign illumination shall be 350 LUX between sunset and sunrise.
3. Dynamic/Electronic Message Signs shall be located in a manner as to minimize any impacts into any adjacent residential or public districts and only be located along a boundary adjacent to an arterial road or collector road, except for areas which have been approved by the Development Authority.
4. Dynamic/Electronic Message Signs shall provide separation distances from other signs with digital media to the satisfaction of the Development Authority, subject to consideration of adjacent features and land uses, and potential impact on the surrounding area.
5. The Dynamic and Electronic Message portion of either a Dynamic or Electronic Fascia Sign or Dynamic or Electronic Freestanding Sign shall not exceed 9.0m<sup>2</sup> (97ft<sup>2</sup>). All other size maximums shall be determined by the Building Sign development standards or Freestanding Sign development standards, unless otherwise agreed upon by the Development Authority.
6. In the case of a one-sided digital display, or where the rear of the display is visible to the public, it shall be finished with material deemed acceptable by the Development Authority.
7. Dynamic Signs and Electronic Message Signs shall display messages for a minimum time period of 6.0 to 7.0 seconds.
8. When copy changes on a Dynamic Sign or Electronic Message Sign, the transition must be instantaneous and must not include effects such as motion, dissolving, blinking, flashing or intermittent lights, video or the illusion of such effects.

9. If any component of a digital display fails or malfunctions such that the display is no longer operating in compliance with this Bylaw, or with the conditions of the sign permit, the sign permit holder must ensure that the digital display is turned off until all components are fixed and operating in compliance.
10. Electrical power supply to a sign shall be located underground except when a sign is powered by solar energy. The solar power device may be located above ground, provided it is attached to the sign and no wires, cords, or other components of the power supply device are located on the ground further than 0.3 m from the sign structure. All wiring and conduits shall be concealed from view.

### **Election Signs**

1. Election Signs may be placed on private or public property (with the approval of the owner/public authority).
2. Election Signs are permitted on municipal property, excluding all parks, only as designated by the Town Council.
3. No encroachment of an election sign from private property onto municipal property will be permitted unless it is at a designated location.
4. Election Signs must be located at least 3.0m (10ft.) from the back of sidewalk or if there is no sidewalk, the back of curb.
5. Election Signs on public property may not exceed 3.0m<sup>2</sup> (32ft<sup>2</sup>) in size or 3.6 m (12ft.) in height.
6. Candidates shall remove their Election Signs from public and private property within forty-eight (48) hours after the close of the voting stations on Election Day and ensure that the site is cleaned up and that the holes are filled with a mixture of topsoil and grass seed.
7. If a candidate fails to remove their Election Signs within the forty-eight (48) hours after the voting stations close on Election Day, the Designated Officers may remove them and the candidate shall be liable for the cost of removal.
8. When an Election Sign interferes with work being carried out by Town work crews or contractors doing work on behalf of the Town, the crews may remove and dispose of such signs.
9. Designated Officers employed by the Town may remove any Election Signs which have been erected, affixed, posted or placed on any Town property in contravention of this Bylaw.

### **Fascia Signs**

1. Fascia Signs shall be used to identify the name of the use, business or occupant of a building or commercial unit on which the Sign is located.
2. Fascia Signs may consist of individual letters, symbols or logos that are attached directly to the building.
3. Fascia Signs shall have a minimum clearance from grade of 2.5m (8ft.) and a maximum projection of 0.4m (1ft.) from the building facade they are attached to.
4. A Fascia Sign shall not exceed fifteen (15) percent of the visible area of the facade of each wall of the building on which it is located.
5. A Fascia Sign may be illuminated.
6. Only one (1) Fascia Sign shall be permitted per Building Façade.

### **Flag Signs**

1. A Flag Sign may be decorative, celebratory or used for First Party Advertising.
2. A Flag Sign having a maximum sign height of 6.0m (20ft.) for pole mounted and maximum sign area of 5.0m<sup>2</sup> (54ft<sup>2</sup>).

### **Freestanding Signs**

1. Only one (1) Freestanding Sign shall be permitted on a single parcel for the purpose of identifying a single tenant.
2. In Commercial and Industrial districts where the purpose of the Freestanding Sign is to identify multiple tenants on a single parcel, more than one (1) sign may be permitted.
3. Where more than one (1) Freestanding Sign is permitted on the same parcel, a minimum separation distance of 15m (49ft.) from any other Freestanding Sign shall be maintained.
4. With the exception of signs used by Community Organizations or by the Town, a Freestanding Sign shall only be installed on the site to which their display relates.
5. The bottom of the Freestanding Sign shall be a minimum of 2.5m (8ft.) above grade.
6. The maximum Freestanding Sign height shall be 3.0m (10ft.) and a maximum sign area of 3.0m<sup>2</sup> (32ft.<sup>2</sup>) in Residential districts, subject to the following principal uses:
  - a) Adult Care Facility;
  - b) Apartment Building;

- c) Day Care Facility;
  - d) Multiple Housing Development;
  - e) Municipal Services (limited to police, emergency services, fire services and/or utilities);
  - f) Places of Worship; and
  - g) Public and Quasi-Public Building.
7. In the Commercial Districts, no Freestanding Sign is to exceed 9.0m (30ft.) in height, a maximum width of 4.0m (13ft.) and a maximum sign area of 12.0m<sup>2</sup> (129ft.<sup>2</sup>).
  8. In the Industrial Districts, no Freestanding Sign is to exceed 9.0m (30ft.) in height, a maximum width of 4.0m (13ft.) and a maximum sign area of 12.0m<sup>2</sup> (129ft.<sup>2</sup>).
  9. In the Public Institutional District, no Freestanding Sign is to exceed 4.5m (15ft.) and a maximum sign area of 5.0m<sup>2</sup> (54ft.<sup>2</sup>).

### **Inflatable Signs**

1. Except as enumerated herein, all provisions applicable to Portable Signs generally shall apply to Inflatable Signs.
2. An Inflatable Sign shall be tethered or anchored and shall be touching the surface to which it is anchored.
3. An Inflatable Sign shall not exceed the maximum Free Standing Sign height allowable for the district.
4. There shall be a maximum of one (1) Inflatable Sign per site, but no Inflatable Sign shall be permitted on a site containing any other Portable Sign.
5. An Inflatable Sign may not be located on the roof of a structure.

### **Neighbourhood Identification Signs**

1. A Neighbourhood Identification Sign may be installed by a developer at the entrance(s) to a subdivision, subject to the developer entering into a Development Agreement to the satisfaction of the Development Authority and dealing with the precise location, number, size, design and character of the sign and making provision for the perpetual maintenance and care of the sign.
2. The location, size, design and character of the Neighbourhood Sign(s) shall be to the satisfaction of the Development Authority.
3. Neighbourhood Identification Signs shall:
  - a) Only be permitted in residential areas;
  - b) Be for Neighbourhood Identification purposes only;

- c) Be consistent in its overall design, aesthetic character, dimensions and material;
  - d) Be located on a municipal reserve parcel, urban reserve or on a street right-of-way where it may be located on a boulevard or a median on streets of a major collector standard or less; and
  - e) Be constructed of maintenance free material wherever possible.
4. A Neighbourhood Identification Sign shall not:
- a) Encroach upon a utility right-of-way; or
  - b) Affect traffic safety;
  - c) Be placed within a corner visibility triangle;
  - d) Display advertising.

### **Painted Wall Signs**

1. A Painted Wall Sign may be only located in a Public Institutional, Commercial or Industrial Districts.
2. Painted Wall Signs are limited to one (1) per building.
3. A Painted Wall Sign may cover up to thirty (30) percent of the front of the Building.
4. A Painted Wall Sign may require periodic maintenance which may include, but not limited to refinishing, repainting or removal of the sign should it no longer fulfill its original purpose, to the satisfaction of the Development Authority.
5. Any Painted Wall Sign that has a heritage theme or local significance may be maintained even though the business to which the sign relates no longer exists.

### **Portable Signs**

1. With the exception of promotions of not for profit organizations, Portable Signs are intended for temporary on site advertising relating to the commercial activities of the landowner or tenants. Third party advertising is not permitted on Portable Signs.
2. The Portable Sign owner or licensee, not the Town will determine which tenant(s) shall have the benefit of the Portable Sign.
3. With the exception of a not for profit organization, a Portable Sign used to advertise activities or events may be located on a site where the event or activity is taking place.
4. The landowner or a lessee with the consent of the landowner of a site for which a Portable Sign is proposed may apply for a Portable Sign permit;

5. Notwithstanding subsection 3 herein, a Portable Sign must be wholly located on the property of the landowner who has been granted a permit;
6. No Portable Sign shall be located closer than 100m (328ft.) to any other Portable Sign;
7. A Portable Sign may only be located at the specific location for which a permit is granted;
8. Portable Signs shall be located a minimum of 1.5m (5ft.) from any site boundary and 3.0m (10ft.) from any access/egress to or from a site.
9. Portable Signs having a maximum sign height of 3.0m (10ft.) and a maximum sign area of 4.0m<sup>2</sup> (43ft<sup>2</sup>).
10. A Portable Sign must be stabilized but shall not use unsightly or potentially hazardous methods. The means by which stability is to be provided shall be included as part of the permit application. An inflatable sign may, however, use guy wires.
11. A Portable Sign shall be removed immediately on ceasing to be in use.
12. A Portable Sign in use shall at all times be maintained in good condition, and specifically, shall contain lettering and signage which is secure and complete.

### **Projecting Signs**

1. The maximum height of a Projecting Sign shall be 1.5m (5ft.).
2. The maximum area of a Projecting Sign shall be 4.5 m<sup>2</sup> (48ft<sup>2</sup>).
3. The maximum projection is 3.0m (10ft.) from the face of the building or structure to which it is attached.

### **Show Home Signs**

1. A Show Home Sign may be a Banner Sign, Flag Sign, Sidewalk Sign or similar Sign.
2. No more than two (2) Show Home Signs are permitted per site.

### **Sidewalk Signs**

1. Only one (1) Sidewalk Sign is permitted per site.
2. Sidewalk Signs used to advertise businesses shall only be displayed during the business hours of the business the sign is advertising.
3. Sidewalk Signs shall be located on private property within Residential, Commercial and Industrial District.

4. Sidewalk Signs shall not hinder the movement of vehicles or pedestrians.
5. Sidewalk Signs shall be of a painted finish, be neat and clean, and be maintained in such condition.
6. Sidewalk Signs having a maximum sign height of 1.0m (3ft.) and a maximum sign area of 1.0m<sup>2</sup> (11ft<sup>2</sup>).
7. Sidewalk Signs located within the C1 or C2 District may be placed on the boulevard or sidewalk in front of the business being advertised within 1.0m (3ft.) of the face of the curb.
8. Sidewalk Signs used as Real Estate Signs shall only include directional arrow, the phrase "open house" and the name and/or logo of the real estate company hosting the open house.
9. Sidewalk Signs used for real estate purposes such as the advertisement of an open house or show shall be placed for no more than two (2) hours prior to the open house and no later than two (2) hours after the conclusion of the open house.
10. Sidewalk Signs used for a garage sale shall be placed no more than twenty-four (24) hours prior to a garage sale and be removed within twenty-four (24) hours after the conclusion of the garage sale.
11. Sidewalk Signs used for a garage sale shall be limited to not more than three (3) garage sale events per year from any one (1) dwelling unit.

### **Sponsorship Signage**

1. A sponsorship sign may be allowed in the Public Institution (PI) District in which a public recreation facility is situated. This Bylaw only regulates exterior signage related to such facilities.
2. A Development Permit is required for all sponsorship signage. One permit may be applied for all signage within a single facility. Should additional signage be desired within a facility, a new Development Permit must be obtained.
3. A sponsorship sign may not be permitted in a manner that impedes or blocks views of natural open space.
4. Sign content shall be limited to the name, symbol and/or slogan of the sponsor or product. Sponsorship signage shall not display the name or image of any alcohol or tobacco product.
5. Signs must be affixed to integral parts of the facility, including, but not limited to fences, scoreboards, bleachers and play surfaces.
6. Free Standing Signs are not permitted, with the exception of those signs intended to list the names of donors. Only one (1) Free Standing Sign of this nature is permitted per facility.



7. Sponsorship Signs attached to buildings will be limited to one (1) per eligible building face.
8. All Sponsorship Signs must be maintained to a standard satisfactory to the Town.
9. Any Sponsorship Sign may be removed without notice, if in the opinion of the Development Authority the sign is unsightly, offensive or negatively impacting the facility in any way.
10. Design standards for Sponsorship Signage shall be as follows:
  - a) The maximum sign area shall not exceed 4.25m<sup>2</sup>;
  - b) The number of identical signs on one site shall be limited to two (2).

#### **Subdivision Identification Signs**

1. A Subdivision Identification Sign must be professionally designed and maintained.
2. The appearance and contents of the sign must be approved by the Development Authority.
3. It must be located on private property adjacent to the entry of the subdivision.
4. It may not exceed 12m<sup>2</sup> (129ft<sup>2</sup>.) in area unless the sign is located more than 100m (328ft.) from a roadway and is approved by the Development Authority.
5. Not more than one (1) sign for each entrance to the subdivision.

#### **Wall Signs**

1. Wall signs shall be securely fastened to walls and shall not be entirely supported by an unbraced parapet wall.
2. The maximum horizontal dimension of a wall sign shall be 6.1m (20ft.).

#### **Window Signs**

1. Permanent and Temporary Window Signs may only be placed on the first storey windows of a building.
2. The maximum Window Sign area shall not exceed fifty (50) percent of the window area of the building façade on which it is located.

## SCHEDULE C - SPECIFIED PENALTIES FOR OFFENCES UNDER THE LAND USE BYLAW

Description of Offence	First Offence	Second Offence	Third Offence
Section 2.24 and 2.25 Displaying a sign without a required permit	\$500	\$1,000	\$5,000
Section 2.24 and 2.25 Commence development without a permit	\$500	\$1,000	\$5,000
Section 3.27 & 3.34 Outdoor storage and outdoor display area without approved screening	\$300	\$500	\$1,000
Section 2.15 Failure to comply with development permit or conditions thereof	\$500	\$1,000	\$5,000
Section 3.8 Accessory Building in contravention of this Bylaw	\$300	\$500	\$1,000
Section 3.12 Breach of restrictions of objects prohibited in yards	\$300	\$500	\$1,000
Section 3.15 (11) Breach of restrictions on corner sites	\$300	\$500	\$1,000
Section 4.9 and 4.10 Failure to comply with Secondary Suite or Garage Suite regulations of this Bylaw	\$500	\$750	\$1,000
Schedule B Displaying a sign in contravention of this Bylaw	\$500	\$1,000	\$5,000
Displaying a sign in contravention of the conditions of the development permit	\$500	\$1,000	\$5,000
<b>Item</b>			
Impounding of signs	\$100 per sign		
Storage of signs: less than or equal to 1.5m <sup>2</sup>	\$3.00 per sign per day		
Storage of signs: greater than 1.5m <sup>2</sup>	\$5.00 per sign per day		

## **SCHEDULE D – COMMERCIAL DESIGN STANDARDS**

# Schedule D - Town of Penhold Commercial Design Standards

These design standards are for the commercial developments within the Town of Penhold, Alberta and as such are considered as part of the Land Use Bylaw and will need to be followed in the design and construction of any new or renovated commercial development. These standards are to be followed in the following Land Use Bylaw Designations:

- General Commercial District (C1)
- Highway Commercial District (C2)
- Industrial / Business Service District (IB)

## **1.0 INTRODUCTION**

The Town of Penhold has been in existence for well over 100 years with a wide and varied history. It is the desire of the town to create a unified approach to design of the commercial buildings within the community and to encourage and require elements of the designs based on the history of the community. With this in mind, a number of areas of emphasis is being used in the development of these controls and are listed as follows:

1. **Commerce and Trade** – as in any community, the supply of goods and services was critical in the development of the town even from its infancy. For prairie towns this meant the creation of general stores, livery stables, post office, creamery, lumber yards, blacksmith shops etc. The images of the past show an eclectic arrangement and appearance of the buildings and this will be part of the emphasis of these standards.
2. **Transportation** – With the CPR coming through Central Alberta in the late 1800's and the Calgary and Edmonton Trail (C&E) also coming through the community, and the proximity of the airport gives evidence that Penhold was important to transportation in Alberta. Although this area of the history of Penhold is more difficult to portray in construction, it is certainly possible to incorporate some elements of design into structures.
3. **Agriculture** – As with many smaller communities, agriculture played an important role in the development of the Town of Penhold. Agricultural influence will be limited to the area of commerce and trade design elements only and not entire structures.

Design elements used for each building will be at the discretion of the designer but must be easily understood in the presentation to the Town of Penhold for the approval at the development permit stage.

Any or all images shown in this document are for representation purposes only and shall not be construed as complying with the exact requirement of these Design Standards.

## **2.0 GENERAL REQUIREMENTS**

It is generally recommended for developers, building owners or architects to make submission to the Town of Penhold Planning and Development office for a preliminary review of the proposed plans for construction prior to completion of any final drawings to ensure compliance to these standards. Preliminary approvals do not guarantee final approval if substantial

changes have been made to the final drawings. It is the responsibility of the applicant to ensure compliance to these standards at the start of the project and through to completion.

Notwithstanding any requirements of these standards, all requirements of the Town of Penhold Land Use Bylaw shall be followed. All construction shall comply with the latest issue of the Alberta Building Code in effect at the time of construction.

### **3.0 DESIGN**

A number of key features shall be given serious consideration for the designs intended for commercial development for the Town of Penhold. This will include Massing, Roof Design, Exterior Cladding and Features, Walkability and Landscaping, Colors, Crime Prevention through Environmental Design and Neighbourhood Factors.

Reflections of the history of Penhold in the building designs as noted above is required as part of these design standards. The design for the building can use more than one area of history at the designer's discretion.

#### **3.1 MASSING**

Critical to any development is the overall impression at the outset. Massing is based on function of the structure's business choices but shall also be shown as not all at one level. It is a requirement to have variance in the heights of the front presentation whether that is with roof variations, false fronts or buildups of parapets etc. A variance of 0.6m (24") is required as a minimum with not more than 18m (60') of any front façade with the same height presentation. Buildings that are located on a property that will have street visibility with two faces at once shall incorporate similar design to the massing on each side.







Any design of accessory buildings for use in the commercial development area shall match that of the main structure to which it is dedicated. Prebuilt metal “garden or utility” sheds are not acceptable.

### 3.2 ROOF DESIGN

Roof design shall be varied especially with developments that are in one area over 1.25 hectares in area either on one property or combined with other properties to create a shopping center. Neighbouring developments will need to consider alternate roof designs to show a more eclectic arrangement. Roof designs can be with minor slopes or more pronounced roof slopes. Roof styles can incorporate single slope for low slopes or if slopes greater than 1 to 6, then gable style, hip style or mansard styles is acceptable. Prominent barn style or gambrel styles shall be avoided for the primary roof design but can be used appropriately in features.







Roofing materials can be selected from a wide range of products available on the market as per the following:

- Metal Roofing – must have minimum 38mm profile
- Stone Coated Metal Roofing in shingle or slate profiles
- Asphalt or Fiberglass Shingles
- Rubber Shingles
- Slate or concrete tile (Mediterranean style not acceptable)
- Low slope sheet roofing (torch down products) not visible at street level view

Use of galvanized or similar appearance of roofing products is limited to those roofs with a slope less than 1 to 6 and is not exposed to view from street level. All other roofs shall use colored roofing materials.

### 3.3 EXTERIOR CLADDING & FEATURES

A wide range of cladding materials is available for use on commercial developments. It is a requirement that a variety of cladding materials are used on any front façade of these structures. Single material usage will not be acceptable. A variety of presentations is also required for structures that are required to have more than 18m (60') of frontage in any one building plane. This will promote variety which is essential for large structures whether or not it is for single business or multiple business use.

Exterior cladding materials can be selected from a combination of:

- Brick or stone
- Stucco (acrylic preferred)
- Steel Metal Cladding (limited to nonagricultural metal profiles)
- Fiber Cement siding, horizontal or vertical.
- Masonite siding
- Wood products with low maintenance requirements

Metal cladding shall be limited to minor areas on the front façade starting minimum 2.4m above grade or on exposed side elevations. Metal cladding can be used as the primary cladding on other sides of the building not noted as the front business face.

Use of any vinyl siding either vertical or horizontal will not be acceptable.

Features of the building design will make a marked difference in the overall presentation of the structure. Careful selection of use of features will impart a sense of distinction and excellence in design. Features can include the following used singly or in combination:

- Extended overhangs
- Projection brackets for support of eaves or other design elements
- Brick or stone quoins
- Decorative brick or stone features
- Strategic lighting
- Dentil trim work
- Half timbering
- Special window configurations accentuating an architectural style
- Exposed timbering
- Strategic use of minor materials not primarily used
- Covered verandah or patio type spaces
- Cornices with or without modillions
- Curved entry roofs
- Fabric canopies (limited to single slope style)
- Square, arched or varied false or true parapets
- Solar gain considerations such as cable supported features
- Segmented windows
- Unique signage such as uses of icon images 2D or 3D
- Lamp posts
- Other options that will provide detail and special features







### 3.4 WALKABILITY AND LANDSCAPING

The Town of Penhold encourages enhanced opportunities for walkability in and around town by creating a pedestrian friendly environment. This will involve careful attention to pedestrian movement in the community and therefore will include commercial development areas. Use of generous width of walkways in front of structures is paramount along with linkage to these walkways from street locations. Barrier free access to buildings and site features are required.

Safety of pedestrian travel will also need to be considered in the site development design. Large parking areas that may be dedicated to individual properties, or combined with approach agreements larger than 50 stalls for all the parking areas will require defined walkways through the parking area to ensure safe pedestrian travel as well as landscaped islands. Walkways can be constructed using concrete materials or decorative pavers etc.



Landscaping design should be completed by professionals and will make a dramatic impact on the overall impression of any development. Examples of good site design are with the inclusion of landscape areas as part of the overall site presentation. Use of drought tolerant and / or winter tolerant plantings are important. Avoid the use of lawn areas that are small and hard to maintain. Use of strategic lighting, street furniture, and patios only will encourage clients to stay longer and enjoy the environment. Provision for placement of bicycles in racks is encouraged

Other landscaping requirements are to be based on the Town of Penhold Land Use Bylaw and shall be strictly considered as a minimum standard.

### 3.5 COLORS

Use of color is very important for the appropriate impression of professionalism and excellence.

The Town of Penhold will not dictate colors to be used but will encourage the use of a more intense color palate and the variation of color on any façade. The use of corporate colors will be reviewed on an individual basis. Colors used shall complement each other and not create drastic effects. Presentation of professionally created colored 2D or 3D renderings to the Town of Penhold at the time of permit application is strongly encouraged and will enable a clearer understanding of the intent of the development.



Mechanical units, air grilles, roof top units etc shall be screened from street level view or painted to match the building colors to reduce their visual impact.

Use of white stucco or other primary cladding materials will not be acceptable. Use of white in trims and minor features should be used sparingly.

### 3.6 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Public safety is paramount in the Town of Penhold and it is recommended that the Crime Prevention through Environmental Design standards be used in the design of any commercial development. These standards are in place to enhance the ability to influence offender choices that come before any criminal acts. With proper design and the appropriate use of the final built development or environment, the risk of crime can be reduced. For more information see the following link <http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/safecomm-seccollect-eng.htm>

### **3.7 NEIGHBOURHOOD FACTORS**

Commercial developments may be located in various areas of the community and with this in mind, some neighbourhood factors will need to be considered in the design of the developments.

With any development directly across a street or laneway with existing or proposed residential area, considerations must be given to enhance the appearance of the structures and site. Location of the rear of commercial building in this type of circumstance shall provide visible barriers to the development with the use of more intense landscaping, privacy fencing and / or the use of upgraded finishes on the structure. Plain or extremely simple facades will not be acceptable without the use of visual barriers. Signage on the rear of structures in these locations shall be limited to identification signage which shall be small, unlit and discrete for the use of delivery personnel, employees etc.

All garbage enclosures shall be screened from view to any residential neighbourhoods and preferably located to reduce noise impact to residents.

Developments with rear lanes, municipal, or environmental reserves will not be required to follow the above requirements.

## **4.0 APPROVAL PROCEDURE AND SECURITY**

All submissions shall be made to the Town of Penhold Planning and Development Department at the town office in Penhold, Alberta. Review of the proposals will be completed and indications of approval, denial or revisions required will then be made. Quantity of submission documents is based on the requirements as set forth in the Land Use Bylaw of the Town of Penhold.

All applications for approval MUST show the correct elements, features, details etc that will be used in the construction of the buildings and site. Written notes explaining the changes are not acceptable and the application will then be denied and documents returned.

Changes to the proposed design, elements, features and details while under construction will only be approved with written request, with details, to the Town of Penhold Planning and Development Department prior to the change(s) being made. Failure to do so may be cause for denial of release of all or part of the security deposit(s).

Security for compliance to these Design Standards will be based on the area of the building proposed. Security will be in the form of a certified cheque, bank draft or letter of credit payable to the Town of Penhold to ensure compliance. Security amounts are based on the following:

- Buildings under 1000 SM in area will be \$5.00 per square meter.
- Buildings over 1000 SM in area will be as per above plus \$2.50 per square meter over the 1000 SM building area.
- Landscaping security deposit will be over the above amounts and will be based on 1.25 times the actual cost of landscaping. A quote from a qualified estimator will be required to confirm the cost of the work.

Release of the security deposit(s) will be based on the following requirements:

- Building is 100% complete on the exterior.
- All design elements, features, details etc have been completed as per the approved plans and permit
- Written request for security deposit release submitted to the Town of Penhold, Attn: Planning and Development Department for both or individual security deposits.
- A representative from the Town of Penhold will complete an on-site inspection to confirm compliance with the design standards. Upon compliance the security deposit will be released.

If the security deposit has not be returned within 36 months of the date of the building permit of the project, then the Town of Penhold will contact the original depositor of the security deposit to supply a written request. Without a written request, the security deposit will not be released and will be retained for use by the Town of Penhold if not returned within 60 months of the date of the building permit of the project.

## **5.0 FINAL COMMENTS**

The Town of Penhold reserves the right of discretion to the requirements of these Design Standards. Revisions and / or clarifications can be made at any time but at the issuance of the permits for a development, the latest version will only be used and will be required to be followed.



