

**Town of Penhold
Land Use Bylaw**

661/11



**Office Consolidation to:
March 17, 2016**

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 Office 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). Note which Land Use District the property is located in.

Step 2

Check the Table of Contents and find the District that you are interested in. In each District you will find a list of permitted and discretionary uses, development standards and other regulations. 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 project with the Town's Development Officer. 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*.

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BYLAW NO. 661/11

TOWN OF PENHOLD LAND USE BYLAW

PART I: INTERPRETATION

1.1 Short Title

1. This bylaw may be cited as “*The Town of Penhold Land Use Bylaw.*”

1.2 Purpose

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

1. divide the municipality into districts;
2. prescribe and regulate the use for each district;
3. establish the office of the Development Officer;
4. establish a method of making decisions on applications for development permits including the issuance of development permits;
5. provide the manner in which notice of the issuance of a development permit is to be given; and
6. implement the statutory plans of the Town of Penhold.

1.3 Compliance with Other Legislation

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

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

1.4 Definitions

In this bylaw:

“ACCESSORY BUILDING” means a building located on the same parcel as the principal building, subordinate and separate to the principal building, the use of which is incidental to that of the principal building and may include an attached or detached garage, freestanding carport, greenhouse, shed, workshop or playhouse, but does not include a temporary building.

“ACCESSORY USE” means a use which is naturally incidental to the principal use, subordinate in purpose and/or floor area, and is exclusively devoted to a principal use and located on the same parcel as the principal use.

“ACT” means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and 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, and, in the opinion of the Development Authority, any other land.

“ADULT CARE RESIDENCE” means a use providing long-term accommodation with self-contained sleeping and bathroom facilities and meal and personal care services for adults who, due to age and/or infirmity, are unable to maintain their own household.

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

“AIRPORT” means an area of land or other supporting surface used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft and includes any building, installation or equipment in connection therewith for which an airport license has been issued by Transport Canada.

“APARTMENT BUILDING” means a residential building consisting of at least 3 dwelling units where all dwelling units share a common exterior entrance.

“AREA REDEVELOPMENT PLAN” means a plan adopted by the council as an area redevelopment plan pursuant to the *Municipal Government Act*.

“AREA STRUCTURE PLAN” means a plan adopted by the Council as an area structure plan pursuant to the *Municipal Government Act*.

“AUCTION FACILITY” means development intended for the auctioning of livestock, goods and equipment, including the temporary storage of such livestock, goods and equipment.

“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.

“AUTOMOTIVE AND RECREATIONAL VEHICLE SALES AND RENTAL” means development used for the retail sale or rental of new or used automobiles, recreational vehicles, motorcycles,

snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale of parts. This use includes automobile dealerships, rental agencies, and motorcycle dealerships but does not include dealerships for the sale of trucks with a gross vehicle rating greater than 4,000 kg.

“AUTO SALVAGE YARD” means the development of land and buildings used for the storage and dismantling of derelict or inoperable automobiles and/or trucks for the purpose of recycling their components.

“BALCONY” means a platform, projection 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 a residential building which is situated partly or completely below grade.

“BED AND BREAKFAST” means a secondary use of a single-detached dwelling whereby temporary accommodation, not to exceed 14 consecutive nights, with or without meals, is provided to the public for remuneration. No more than three (3) rooms for the purposes of guests within the home are permitted. A Bed and Breakfast establishment is not allowed in a boarding house, manufactured home, family care unit, or group home.

“BOARDING/LODGING FACILITY” means a dwelling unit in which the owner/occupant rents or leases a room or suite of rooms with or without cooking facilities for a period of time in excess of 14 consecutive nights and which may include the provision of meals as part of or in addition to the remuneration paid for the room or suite of rooms.

“BUILDING” means anything constructed or placed on, in, over or under land, but does not include a highway or public roadway or a bridge that forms part of a highway or public roadway.

“BUILDING DEMOLITION” means the dismantling of a building, and/or the intentional destruction of a building, and/or followed by the removal of debris of a building.

“BUILDING HEIGHT” means the vertical distance between the average finished grade and the highest point of a building. Church spires, belfries, skylight domes, monuments, fire and hose towers, observation towers, transmission towers, chimneys, flag poles, radio towers/mast/aerials, water towers, elevator housings, ventilation housings are not considered as part of the building height.

“BULK OIL AND CHEMICAL STORAGE” means a development where refined or crude oil or liquid or solid chemical is stored outdoors. Such chemicals may include fertilizer, gasoline, or propane.

“BUS DEPOT” means a facility providing for departure and arrival of passengers and freight carried by bus.

“BUSINESS SUPPORT INDUSTRY” means development for support services to business generally such as the use of minor mechanical equipment for batch printing, processing and binding, drafting, word processing services, office maintenance or security services, business related equipment sale, rental, service, and repair.

“BYLAW” means the *Town of Penhold Land Use Bylaw*.

“CAR WASH” means a development containing facilities for the washing and cleaning of motor vehicles, including a conveyor wash and/or coin operated self-service washers, which may include attendant services.

“CARTAGE AND FREIGHT TERMINAL” means a facility accommodating the storage and distribution of freight shipped by air, rail or highway transportation.

“CEMETERY” means public development of a parcel of land primarily as landscaped open space for the entombment of deceased human beings, and may include accessory developments such as crematories and mausoleums.

“CLUB/LODGE” means the use of a building by an association or organization for fraternal, social, or recreational purposes, but excludes entertainment purposes.

“COMMERCIAL INDOOR AMUSEMENT AND RECREATION FACILITY” means a facility in which patrons participate in indoor recreational or athletic activity.

“COMMERCIAL OUTDOOR AMUSEMENT AND RECREATION FACILITY” means development for the purpose of providing outdoor entertainment and amusement to patrons for a user fee.

“COMMUNICATION TOWER” means an accessory structure, either freestanding or attached to a building, the purpose of which is to support a telecommunications antenna for the transmitting or receiving of television, radio, or telephone communications. For the purposes of this bylaw, a communication tower does not include a structure or use which requires approval from Industry Canada.

“CONVENIENCE STORE” means a development used for the sale, primarily of food products which includes the sale of a variety of common household items that specifically excludes the sale of common specialty products as a principal use, but may include an automated banking machine.

“CORNER LOT” means a parcel where the front or rear parcel boundary and a minimum of one (1) side parcel boundary abut a road.

“COUNCIL” means the Council of the Town of Penhold.

“DAY CARE FACILITY” means a development licensed by the Province to provide for the care and supervision of children, without overnight accommodation, for seven (7) or more children at one time for more than three (3) but less than twelve (12) consecutive hours in a day. Typical facilities may include daycare centres, day nurseries, family day home childcare, kindergartens, nursery schools and play schools.

“DETACHED GARAGE” see Accessory Building.

“DEVELOPER” means the person, group, or corporation proposing a development under this bylaw.

“DEVELOPMENT” means development as defined by the Act and furthermore, for the purpose of this bylaw, may include subdivision.

“DEVELOPMENT AUTHORITY” means the person or persons appointed pursuant to The Town of Penhold Development Authority By-Law.

“DEVELOPMENT OFFICER” means a person appointed as a Development Officer pursuant to the *Land Use Bylaw*.

“DEVELOPMENT PERMIT” means a document, with any necessary attachments, that is issued pursuant to this bylaw and authorizes a development.

“DISCRETIONARY USE” means the use of land or a building provided for in this bylaw for which a development permit may be issued upon an application having been made and subject to the enabling conditions for each discretionary use being satisfied.

"**DISTRICT**" means a land use district within 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 centre and surrounding municipalities.

"**DRIVE-THRU/EXPRESS ESTABLISHMENT**" means a business establishment that provides services to customers typically situated within a vehicle, and includes attendant services.

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

"**DUPLEX**" means a structure with two (2) dwelling units sharing a common wall and located side by side or one above the other. A duplex does not include a single-detached dwelling containing a basement or residential rental suite.

"**DWELLING**" means a building or a portion of a building which is designed and used, or intended to be used, for human habitation.

"**DWELLING, SINGLE DETACHED**" means a free standing residential building which contains not more than one dwelling unit.

"**DWELLING UNIT**" means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and sanitary facilities intended as a permanent residence not separated from direct access to the exterior by another separate or self-contained set of suites or rooms. A dwelling unit must not be contained within an accessory building.

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

"**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.

"**EDUCATION FACILITY**" means development for instruction and education purposes, involving assembly for education, training, or instruction purposes and may include administration offices, dormitory, and accessory buildings.

"**FEED MILLS AND GRAIN ELEVATORS**" means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared.

"**FENCE**" means a physical barrier installed for the purposes of privacy, sound abatement, containment of livestock, and/or to prevent unauthorized access, but does not include electrified fences.

"**FINANCIAL INSTITUTION**" means a bank, credit union, trust company, acceptance corporation, finance company, or similar establishment.

"**FINANCIAL SERVICES**" means a business establishment providing banking, savings, loans, investing, or similar services but does not include a pawn shop.

"**FLANKING SIDE PARCEL BOUNDARY**" means the portion of a corner parcel adjacent to a street, but not considered a front yard.

"**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.

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

- i. the raising of the level of land to a minimum of 0.3 m (0.98 ft.) above that flood level, or
- ii. the construction and use of buildings with the lowest water entry point 0.3 m (0.98 ft.) above the flood level, or
- iii. any other such means as may be considered appropriate by the Development Officer/Municipal Planning Commission in consultation with Alberta Environment.

“FLOOR AREA” means

- ❖ for residential buildings, the total area of all floors in a building measured from the exterior side of exterior walls including a basement, but excluding floor areas of cellars, garages, sheds, carports, or open porches in all residential buildings; or
- ❖ for commercial buildings, the total floor area of all floors in a building measured from the exterior side of exterior walls including basements and cellars but excluding hall areas; or
- ❖ 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 dwelling units other than row housing.

“FRONT PARCEL BOUNDARY” means the parcel boundary adjacent to a road, not including a lane, and, in the case of a corner parcel, the shorter front parcel boundary which abuts a road, not including a lane. In the case of a through lot, both parcel boundaries abutting the roads are deemed to be front parcel boundaries.

“FRONT YARD” means that portion of a parcel extending from one side parcel boundary to an opposite side parcel boundary between the front parcel boundary and a plane parallel at a distance required by the district in which the parcel is situated.

“FUNERAL HOME/CREMATORIUM” means development used for the preparation of the deceased for burial, the provision of funeral services, and the purification and incineration of human remains.

“GARAGE SALE” means an accessory development involving the sale of goods from a garage or yard in a residential district.

“GARAGE SUITE” means a dwelling unit which meets the requirements of Section 3.38 and any other applicable requirements or regulations of this bylaw and is located above a detached garage (above grade).

“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 banking machine and does not include automotive or vehicle repair.

“GENERAL CONTRACTOR” means development used for 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.

“GOLF COURSE” means the golf playing area and ancillary buildings and uses related to the playing of the game of golf and may include a pro shop, club house, eating and drinking establishment, and/or driving range.

“GRADE” means

- ❖ for a building: the ground elevation established for the purpose of regulating the number of storeys 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;
- ❖ for drainage: the ground elevation established in a lot drainage plan attached to the application for a development permit for the purpose of controlling the flow of surface water on the parcel.

“HARD LANDSCAPING” means the use of non-vegetative material, such as monolithic concrete, paving stone, asphalt or gravel, as part of a landscaped area. Driveways are not considered to be hard landscaping.

“HARD SURFACE” means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area, but does not include gravel or granular materials.

“HEALTH SERVICES FACILITY” means a Provincially-licensed/approved establishment used for the medical, dental, or professional healing 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.

“HEAVY MANUFACTURING” means the manufacturing of product, the process of which generates fumes, gases, smokes, vapours, vibrations, noise or glare, or similar nuisance factors.

“HOME OCCUPATION, MAJOR” means the secondary use of a principal dwelling unit and/or accessory building(s) by a permanent resident of the dwelling unit to conduct a business activity which does not change the residential character of the dwelling and/or accessory building(s), does not employ more than two (2) non-residential employees or business partners concurrently, and does not exhibit outdoor activity and storage of materials and/or equipment.

“HOME OCCUPATION, MINOR” means the secondary use of a principal dwelling unit by a permanent resident of the dwelling unit to conduct a business activity which does not change the residential character of the dwelling, does not have any exterior evidence of such secondary use, and does not employ any non-residents of the dwelling unit.

“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 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.

“LANDSCAPING” means the placement or planting of trees, shrubbery, grasses, similar non-produce vegetation, or organic decorative features for the purpose of screening and/or aesthetics. Landscaping does not include fences, fire pits, or sculptures/ornaments.

“LAND USE BYLAW” means Bylaw No. 661/11 and amendments thereto.

“LAND USE DISTRICT” means an area regulating land use, as described and shown in this bylaw.

“LAND USE POLICIES” mean policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

“LANE” means a public thoroughfare which may provide a secondary means of access to a parcel at its rear or side parcel boundary.

“LIGHT MANUFACTURING” means the manufacturing of products, the process of which does not create and emit fumes, gases, smokes, vapours, vibrations, noise or glare or other factors which may be considered as nuisances.

“LIVESTOCK AUCTION MARKET” means a facility where agricultural related items including cattle are bought and sold by public auction.

“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.

“MANUFACTURED HOME” means a residential building containing one dwelling unit built in an enclosed factory or on a manufacturing site in one or more sections and intended to be occupied in a place other than where it was manufactured.

“MANUFACTURED HOME PARK” means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis.

“MOTEL” means commercial development for the provision of rooms or suites for temporary lodging where each room or suite has its own exterior access, and may include accessory eating and drinking establishments.

“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 Act.

“MUNICIPAL PLANNING COMMISSION” means the Municipal Planning Commission (MPC) for the Town established by this bylaw.

“MUNICIPAL SHOP AND STORAGE YARD” means the facility used by a municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment.

“NATURAL ENVIRONMENTAL PRESERVATION” means an environmentally sensitive or otherwise locally significant area that is to be preserved because of its natural or amenity value to 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.

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

“OUTDOOR STORAGE FACILITY” means land and/or buildings used for the outdoor storage of goods and materials and may include the collection and distribution of goods and materials, excluding dangerous or hazardous goods and materials.

“PARCEL” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

“PARCEL DEPTH” means the shortest distance between the centre point of the front parcel boundary and the centre point of the rear parcel boundary, intersecting side parcel boundaries, or the centre point of an opposite front parcel boundary.

“PARCEL WIDTH” means the distance between the side boundaries of a lot or parcel, 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 minimum parcel width compliance.

“PARKING LOT/STRUCTURE” means an area of land or a structure for which its sole purpose is to accommodate the parking of motor vehicles for a fee.

“PERMITTED USE” means the use of land or a building provided for in this bylaw for which a development permit must be issued or conditionally issued by the Development Authority upon application having been made to the Town.

“PERSONAL SERVICE FACILITY” means commercial development for the provision of personal services to an individual which are related to the care and appearance of the person or the cleaning and/or repair of personal effects including, but not limited to, cosmetology, aesthetics, clothing repair and/or cleaning, but not including health services.

“PERSONAL STORAGE FACILITY” means commercial development for the provision of individual storage containments for the purpose of storing non-dangerous goods and materials.

“PLACE OF WORSHIP” means a development owned by a religious organization used for worship and related religious, philanthropic or social activities including rectories, manses, churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

“PLAYGROUND/PARK” means a parcel of land known for its natural scenery, potential for flooding, and/or preservation for either active or passive public recreation and may include trail linkages.

“PRINCIPAL” means the primary use of land, building, structures or architectural feature.

“PRINCIPAL BUILDING” means a building which, in the opinion of the Development Authority:

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

“PRINCIPAL USE” means the primary purpose, in the opinion of the Development Authority, for which a building or site is used. No more than one (1) principal use must be located upon a site unless specifically permitted otherwise in this bylaw.

“PRIVATE COMMUNITY FACILITY” means a development used for the meeting, social or recreational activities of residents of a manufactured home park.

“PRIVATE LODGE/CLUB” means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business, or fraternal organizations.

“PUBLIC AND QUASI-PUBLIC USE” means a use of land or a building for purposes of public administration and service and must also include a building for the purpose of assembly, instruction, culture, recreation or other community activity.

“PUBLIC UTILITY FACILITY” means a development which is owned or leased by the federal, provincial or municipal government for public utility related activities.

“REAR PARCEL BOUNDARY” means the parcel boundary opposite and most distant from the front parcel boundary measured at the front parcel boundary’s centre point to the centre point of the rear parcel boundary, or the intersecting point where the rear portion of the parcel is bounded by intersecting side parcel boundaries.

“REAR YARD” means that portion of a parcel extending from one side parcel boundary to an opposite side parcel boundary between the rear parcel boundary and a plane parallel at a distance required by the district in which the parcel is situated.

“RECREATIONAL VEHICLE” means a licensed vehicle or portable structure, designed to be moved by a vehicle, to provide temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include, but are not limited to, motor homes, campers, and holiday trailers. Recreational vehicles do not include manufactured homes or park model homes and must not be skirted or provide for the attachment or use of any projections including, but not limited to, decks and carports.

“RECREATIONAL VEHICLE PARK” means any parcel of land on which three (3) or more recreational vehicles are harboured, without regard to whether a fee or charge is paid or made and may include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such recreational vehicle park, complies with relevant regulations, and is to be utilized solely by the traveling public.

“RECYCLING DEPOT” means development used for the buying and temporary storage of beverage containers, newsprint, and similar domestic materials for reuse where all storage is contained within an enclosed building.

“RETAIL ESTABLISHMENT” means a development used for retail sale of consumer goods on a daily basis in an enclosed building including, but not limited to, food stores, liquor stores, drug stores, video sales and rental stores, and stores selling confectionery, groceries, pharmaceuticals, personal care items, hardware and/ or printed matter.

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

“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.

“SEA CAN” means a shipping container, originally used or intended to be used for the transportation of goods, now used as a moveable storage unit.

“SECONDARY SUITE” means a separate and subordinate dwelling unit contained within a single detached dwelling which meets the requirements of Section 3.38 and any other applicable requirements or regulations of this bylaw.

“SERVICE STATION” means development used for the servicing, repairing, and/or washing of vehicles and/or the sale of gasoline, other petroleum products, and a minimum of vehicle parts and accessories.

“SETBACK” means the measurable distance that a development is to be separated from a property line or any other features specified by this bylaw.

“SIDE PARCEL BOUNDARY” means any parcel boundary not defined as a front parcel boundary, rear parcel boundary, or a flanking side parcel boundary.

“SIDE YARD” means that portion of the parcel extending from the front yard to the rear yard between the side parcel boundary and a plane parallel at a distance required by the district in which the parcel is situated.

“SIGHT TRIANGLE” means an area at the intersection of two roads or a road and a railway in which all buildings, fences, vegetation, all signs except free-standing signs, and finished ground elevations will be less than 1.0 m (3 ft.) in height above the average elevation of the carriageway/rails, in order that vehicle operators may see approaching vehicles in time to avoid collision. Unless otherwise required by this Bylaw, the area is established by marking the point at which the boundaries of the two right-of-ways intersect, measuring back 6.0 m (19.7 ft.) on each street front with a line connecting the two points to form a triangular area.

“SINGLE-DETACHED DWELLING” means a residential building containing one (1) dwelling unit, excluding a basement suite, which is supported on a permanent foundation and physically separated from any other dwelling unit, but does not include a manufactured home.

“SITE” means one or more lots or parcels for which an application is submitted and may include roads, lanes, walkways, and any other land surface upon which subdivision and/or development is proposed.

“SITE AREA” means the total area of a site.

“SITE COVERAGE” means the total percentage of the site area covered by building(s) or structures, including the principle building and any additions to it, hard-surfaced parking facilities, driveways and any accessory buildings or structures on the site but does not include steps, eaves, cornices or similar projections permitted in this bylaw.

“SOCIAL CARE FACILITY” means development of a detached dwelling as a facility which is authorized, licensed or certified by a Provincial authority to provide room and board for foster children or physically, mentally, socially, developmentally or behaviourally challenged persons and which may be for the personal rehabilitation of its residents either through independent or professional care, guidance and supervision. The residential character of the development must be maintained with the occupants living together as a single housekeeping group using common kitchen facilities. A social care facility may incorporate accommodations for resident staff as an accessory use.

“SOFT LANDSCAPING” means the use of vegetative materials as part of a landscaped area.

“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.

“STREET” means any category of road except a lane.

“STRUCTURE” means anything constructed or installed, the use of which requires location on the ground, attachment to something located on the ground but not including pavement, curbs, walks, open air surfaced areas, or movable vehicles.

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

“SUBDIVISION AUTHORITY” means the person or persons appointed pursuant to The Town of Penhold Subdivision Authority By-Law.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means the Subdivision and Development Appeal Board (SDAB) established by bylaw.

“SUBDIVISION AND DEVELOPMENT REGULATIONS” means the *Subdivision and Development Regulations* AR 43/2002 and amendments thereto.

“TANDUM PARKING” means a parking spacing within a group of two or more parking spaces arranged one behind the other such that the space nearest the street serves as the only means of access to the other space(s).

“TEMPORARY” means such period of time as determined by the Development Authority.

“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 time period has ceased or activity or use has been completed.

“THROUGH LOT” means a parcel abutting two parallel or near parallel roads, not including a lane, or on a corner lot abutting three roads, not including a lane, which forms two corners.

“TOWN” means the Town of Penhold.

“VETERINARY CLINIC” means a facility for the medical care and treatment of animals, which 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 which may include containment within outdoor pens, runs and enclosures.

“WAREHOUSING” means a facility for the indoor storage of goods and merchandise.

“YARD” means a required open space to be unoccupied and unobstructed by any building or portion of a building above the general ground level of the graded lot, unless otherwise permitted in this bylaw.

1.5 Establishment of Districts

1. For the purpose of this 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
Direct Control District	DC
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 hereto. All roads, water courses and lakes are excluded from the Land Use Districts.
3. Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules will apply:
 - a) a boundary shown as approximately following a parcel boundary will be deemed to follow the parcel boundary;
 - b) a boundary which does not follow a parcel boundary will be located by measurement of the Land Use District Map; and
 - c) a boundary location which cannot be satisfactorily resolved, will be referred to Council for an official interpretation.

1.6 Rules of Interpretation

1. Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender will also mean the feminine gender and the neuter. Words have the same meaning whether they are capitalized or not.
2. Words, phrases and terms not defined in this bylaw may be given their definition in the *Municipal Government Act*, *Subdivision and Development Regulation* or the Alberta Building Code. Other words will be given their usual and customary meaning.
3. The words “will” and “must” require mandatory compliance except where a variance has been granted pursuant to this 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 will 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 bylaw where there is a discrepancy between the metric and imperial equivalents shown, the metric measurement will preside.
6. 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.

PART II: ADMINISTRATION**2.1 Establishment of Development Officer**

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

2.2 Authority and Responsibility of the Development Officer

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

2.3 Authority and Responsibility of the Municipal Planning Commission

1. The Municipal Planning Commission will:
 - 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.

2.4 Development Permit Not Required

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

1. the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
2. the completion of any development which has lawfully started before the passage of this *Land Use Bylaw* or any amendment, provided that the development is completed in accordance with the conditions of any permit granted and provided it is completed within 12 months of the date of it started;
3. the use of any such development as is referred to in subsection (2) for the purpose of which development was commenced;
4. the erection or construction of gates, fences, walls or other means of enclosure less than 1.2 m (4 ft.) in height in front yards and less than 1.8 m (6 ft.) in height in other yards, and the maintenance, improvement and other alterations of any gates, fences, walls or other means of built enclosure;
5. a temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this *Land Use Bylaw*;
6. the installation, maintenance and repair of utilities;
7. any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
8. an accessory building with a maximum floor area of 9.5 m² (102.26 sq. ft.) and a maximum height of 2.5 m (8 ft.) on a parcel in a residential District;
9. development specified in Section 3 of the *Municipal Government Act*, which includes:
 - a) a highway or road,
 - b) a well or battery within the meaning of the Oil and Gas Conservation Act,
 - c) a pipeline or an installation or structure incidental to the operation of a pipeline, or
 - d) any other thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings, or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in Right of Alberta, or a municipal corporation;

10. a temporary use of a parcel not exceeding seven (7) days for the sole purpose of mobile commercial sales providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer;
11. the use of a building as a temporary polling station, an election candidate's campaign office or any other official temporary use in connection with a federal, provincial or municipal election or referendum;
12. the temporary placement of campaign signs in connection with a federal, provincial or municipal election or referendum;
13. the erection of a satellite dish antenna with a dish diameter of less than 1.0 m (3 ft.);
14. the development of a driveway in accordance with Section 3.16 of this bylaw;
15. the construction of retaining walls less than 1.0 m (3 ft.) in height; and
16. in a residential district, holding a garage sale up to 3 times per calendar year, each for a duration of not more than 3 consecutive days.

2.5 Development Permit Application

1. An application for a development permit must be made to the Development Officer in writing on the form prescribed by Council and will be accompanied by:
 - a) a scaled site plan in duplicate showing:
 - i. the legal description and surveyed dimensions of the parcel,
 - ii. the front, rear and side yards of an existing and proposed buildings,
 - iii. the removal of existing trees and shrubs, if any,
 - iv. the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings, if any,
 - v. provision for off-street loading and vehicle parking, if any,
 - vi. access and egress points to the parcel,
 - vii. the location and dimensions of any easements or rights of way,
 - viii. existing and proposed parcel elevations and grades, and the methods of draining surface and sub-surface water,
 - ix. the municipal address and adjoining roads,
 - x. the location of existing and proposed public utility lines,
 - xi. the location, design and screening of garbage storage and recycling facilities;
 - b) scaled floor plans, elevations clearly indicating the front, rear and sides and facing materials of any proposed buildings, and sections in duplicate;
 - c) a statement of existing and proposed uses;
 - d) a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application;
 - e) the estimated commencement and completion dates;
 - f) the estimated cost of the project or contract price; and
 - g) such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.

2. In addition to the requirements listed in 2.5.1 above, applications for development permits for developments proposed in the General Commercial (C1) or Highway Commercial (C2) Districts will also be accompanied by:
 - a) landscaping plan(s) completed by a landscape architect or another person qualified to perform such work and will include:
 - i. boundaries and dimensions of the subject site;
 - ii. location of all the buildings, vehicle and bicycle parking areas, driveways and entrances;
 - iii. location of all exterior lights on the site and their projected light patterns in relation to adjacent public roadways and developments;
 - iv. location of existing plant materials to be retained;
 - v. location of new plant materials;
 - vi. list of plant materials identifying the name, quantity and size of plant material;
 - vii. all other physical features, existing or proposed, including berms, walls, fences, outdoor furniture, lighting and decorative planting; and
 - viii. where applicable, a location plan showing the proposed development and landscaping relative to the landscaping and improvements on adjacent properties.
 - b) coloured elevation drawings showing the architectural treatment of all buildings;
 - c) where applicable, relationships between buildings;
 - d) vehicle and pedestrian site circulation; and
 - e) locations of signs.
3. The Development Officer may refuse to accept an application for a development permit where the information required by subsection (1) and (2) has not been supplied or where, in his/her opinion, the quality of the material supplied is inadequate to properly evaluate the application.
4. The Development Officer may consider an application and make a decision without all of the information required by subsection (1) and (2), if he/she is of the opinion that a decision on the application can be properly made without such information.
5. Each application for a development permit must be accompanied by a non-refundable processing fee, the amount of which will be determined from time to time by Council.

2.6 Establishment of Forms

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

2.7 Establishment of Fees

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

2.8 Decisions on Permitted Uses

1. The Development Authority will approve an application for a development permit for a permitted use if the application conforms to the requirements of the *Land Use Bylaw*, the Act and

- Regulation and statutory plans, and may attach conditions to the permit necessary to ensure any of the following:
- a) arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such facility by the applicant;
 - b) arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
 - c) that the applicant enters into a development agreement or an interim agreement, which will form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
 - i. to construct or pay for the construction of a road required to give access to the development,
 - ii. to construct, or pay for the construction of:
 - (a) a pedestrian walkway system to serve the development, or
 - (b) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - iii. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - iv. to construct or pay for the construction of:
 - (a) off-street or other parking facilities, and
 - (b) loading and unloading facilities;
 - d) that the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the *Municipal Government Act*;
 - e) that the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;
 - f) that the applicant carry out 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 of credit or charge against the title to the site;
 - h) that the applicant submits a Real Property Report to the satisfaction of the Development Officer.
2. If an application for a development permit for a permitted use does not conform to the requirements of the *Land Use Bylaw*, the Act and Regulation and statutory plans, the Development Authority may:
- a) refuse the application giving reasons for 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 2.10 and subject to conditions listed in subsection (1).

2.9 Decisions on Discretionary Uses

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

2.10 Variances

1. The Development Authority may approve, with or without conditions, an application for development that does not comply with this Bylaw if, in the opinion of the Development Authority:
 - a) the proposed development would not
 - i. unduly interfere with the amenities of the neighbourhood, or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and;
 - b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
2. In approving an application for development pursuant to subsection (1), the Development Authority will adhere to the following:
 - a) except as otherwise provided in this bylaw, there will be no variance from density regulations;
 - b) 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.
 - c) where the decision on an application is being made by the Development Officer, a variance will not be granted for less than eighty-five percent (85%) of any minimum regulation or more than one hundred and fifteen percent (115%) of any maximum regulation except as otherwise provided in this Bylaw; and

- d) the Purpose of the appropriate District.
3. In the event that a variance is granted, the Development Authority must specify the nature of the approved variance in the notice of decision.

2.11 Notification of Decision

1. The Development Authority will issue a decision on an application for a development permit in writing and a copy of the decision will be sent to the applicant.
2. When the Development Authority refuses an application for a development permit, the decision must include reasons for the refusal.
3. On the same date a development permit is issued with respect to a decision of the Development Authority, the Development Officer must publicize a notice of the issuance of the permit in any or all of the forms described as follows:
 - a) mail a notice of the decision to all persons who in his/her opinion may be affected; and/or
 - b) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - c) publish in a newspaper circulating in the municipality a notice of the decision.
4. On the same date a development permit is issued with respect to a decision by the Development Authority, the Development Officer will display a notice of the issuance of the permit in a publicly accessible area of the Town Office.

2.12 Effective Date of a Development Permit

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

2.13 Expiry of a Development Permit

1. A development permit expires in twelve (12) months from its date of issuance, except where a development permit is specified as being valid for a specified time period.
2. If the development authorized by a development permit is not commenced within 12 months from the date of its issue and completed within 24 months of the date of its issue, the permit will be considered void unless an extension to the start or end date has been granted by the Development Authority.
3. The Development Authority may grant an extension of the time so the permit remains in effect for

up to an additional twelve (12) months. Only one extension will be granted.

2.14 Resubmission Interval

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

2.15 Development Permit Appeals

1. An application for a development permit will, at the option of the applicant, be considered refused when a decision is not made by the Development Authority within forty (40) days after receipt of the application by the Development Officer. The applicant may appeal this decision in writing, as provided for in this *Land Use Bylaw*, unless the applicant enters into an agreement with the Development Officer to extend the 40-day period.
2. Where the Development Authority:
 - a) refuses or fails to issue a development permit to a person; or
 - b) issues a development permit subject to conditions; or
 - c) issues an order under the *Municipal Government Act*;

the applicant or a person affected by the order, as the case may be, may appeal to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.

3. The applicant or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) consecutive days after receipt of the order, decision, or date of issuance of the development permit. The written notice of appeal must contain reasons for the appeal.
4. Despite subsection (2), no appeal lies in respect to a development permit for a Permitted Use unless the provisions of this bylaw were relaxed, varied, or misinterpreted.

2.16 Contravention and Enforcement

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

- within the time set out in the notice.
2. Any person who receives an order under subsection (1) may appeal to the Subdivision and Development Appeal Board pursuant to Section 2.15 of this *Land Use Bylaw*.
 3. The Development Authority may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order. A caveat registered under this subsection must be discharged once the order has been complied with.
 4. Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within the time specified, the Council may seek a court order from the Court of Queen's Bench for any or all of the following:
 - a) a declaration that the person who received an order is in breach of the *Land Use Bylaw*, an order issued under the *Land Use Bylaw* and/or the Subdivision and Development Appeal Board's decision relating to an appeal of an order;
 - b) an injunction ordering the person who received an order referred to in subsection (1) to comply with the *Land Use Bylaw* within a certain period of time;
 - c) an order providing that, if compliance has not been achieved within the period stated in the court order, that the Council or persons appointed by it has the right to enter upon the land and building and take steps necessary to achieve compliance with the *Land Use Bylaw*;
 - d) an order that legal costs and the costs to achieve compliance incurred by the municipality can be added to the tax roll for the land that is the subject of the court order;
 - e) a provision that the court order may be registered against the certificate of title for the land that is the subject of the court order and discharged only on full compliance with the court order.
 5. Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within the time specified, the Council or persons appointed by it may, in accordance with the *Municipal Government Act*, enter upon the land or building and take such action as is necessary to carry out the order.
 6. Where the Council or persons appointed by it carries out an order, the Council will cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is subject of the order.
 7. For the purpose of entering and inspecting land or buildings as described in the *Municipal Government Act*, the Development Officer is hereby declared to be an "authorized person".

2.17 Offences and Penalties

1. A person who contravenes or does not comply with a provision of the *Municipal Government Act*, the Subdivision and Development Regulation, this *Land Use Bylaw*, a stop work order issued under this *Land Use Bylaw*, a development permit or subdivision approval, or a decision of the Subdivision and Development Appeal Board or who obstructs or hinders any person in the exercise or performance of their powers or duties under Part 17 of the *Municipal Government Act*, the Subdivision and Development Regulation or this *Land Use Bylaw* is guilty of an offence.

2. A person who is found guilty of an offence under subsection (1) is liable to a fine of not less than \$300.00 and not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.
3. If a person is found guilty of an offence under the *Municipal Government Act* or this *Land Use Bylaw*, the court may, in addition to any other penalty imposed, order the person to comply with the Act or this *Land Use Bylaw* or a permit issued under this Bylaw.
4. Development Permit applications submitted after site preparation or construction has commenced may be subject to double the applicable fee described in the fee schedule adopted by Council resolution in accordance with Section 2.7.

2.18 Amendment of the Land Use Bylaw

1. The Council on its own initiative may amend this *Land Use Bylaw*.
2. A person may make application to the Development Officer to amend this *Land Use Bylaw*. The application must include:
 - a) a statement of the specific amendment requested;
 - b) the purpose and reasons for the application;
 - c) if the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
 - d) a statement of the applicant's interest in the lands; and
 - e) an application fee, the amount of which will be determined from time to time by resolution of Council.
3. If the amendment is for re-designation of land, the Development Officer may require:
 - a) an outline plan for the area to be re-designated to the level of detail specified by the Development Officer; and
 - b) payment of a fee to the Town equal to the costs incurred by the Town to review the proposed re-designation and related outline plan or, if necessary, to prepare an outline plan.
4. Upon receipt of an application for amendment to this *Land Use Bylaw*, the Development Officer will initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed as a result of the proposed amendment. The analysis will be based on the full development potential of the proposed amendment and not on the merits of any particular development proposal. The analysis will, among other things, consider the following impact criteria:
 - a) relationship to and compliance with approved statutory plans and Council policies;
 - b) relationship to and compliance with statutory plans or outline plans in preparation;
 - c) compatibility with surrounding development in terms of land use function and scale of development;
 - d) traffic impacts;
 - e) relationship to, or impacts on, services such as water and sewage systems, and other public

utilities and facilities such as recreation facilities and schools;

- f) relationship to municipal land, right-of-way or easement requirements;
 - g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - h) necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
 - i) relationship to the documented concerns and opinions of area residents regarding development implications.
5. Prior to a public hearing for a land use bylaw amendment, the Town will refer any application to Red Deer County where the subject lands are situated adjacent to the municipal boundary.
6. The Development Officer must not accept an application to amend this *Land Use Bylaw* which is identical or similar to an application which was refused by the Council, for a period of six (6) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

PART III: GENERAL LAND USE REGULATIONS**3.1 Applicability**

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

3.2 Accessory Buildings and Uses

1. All Districts

- a) No accessory building or any portion thereof will be installed or placed within the front yard of a parcel.
- b) Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.
- c) No part of an accessory building will be located on or over an easement or utility right-of-way unless authorised by the Development Authority.
- d) An accessory building must not be used for human habitation except where a secondary suite has been approved.
- e) The total floor area for an accessory building must not exceed the total floor area of the principal building.
- f) An accessory building will not be more than 4.57 m (15 ft.) in height, and will not exceed the height of the principal building, unless it is a detached garage with a secondary suite on a the second floor where the accessory building will not be more than 7.5 m (25 ft) in height and will not exceed the height of the principal building.
- g) An accessory building must be constructed of typical solid construction materials.
- h) Notwithstanding g) above, the Development Authority may approve an accessory building commonly referred to as a “portable garage”, usually constructed of metal frame, soft-sided polymer and/or fabric if
 - i. the accessory building is located in a commercial or industrial district, or
 - ii. the accessory building is located in the R1, R1-A, R1-B, R2, R3 or R5 District, placed in the rear yard, and is no larger than 4 m (13 ft.) wide by 7.5 m (25 ft.) long, or
 - iii. the accessory building is located in the R4 District, placed in the rear yard, and is no larger than 8 m (26 ft.) wide by 7.5 m (25 ft.) long.

Approved “portable garages” must be kept in an acceptable condition as determined by the Development Authority.

2. Residential Districts

- a) An accessory building on an interior parcel will be situated so that the exterior wall is at least 1 m (3 ft.) from the side and rear boundaries of the parcel.

- b) An accessory building on a corner parcel must not be situated closer to the street than the main building. It must not be closer than 1 m (3 ft.) to the other side parcel boundary or the rear parcel boundary.
- c) Notwithstanding subsections (a) and (b), an accessory building or any portion of an accessory building may be installed or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels.
- d) 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.

3.3 Number of Buildings on a Parcel

- 1. Not more than one main building will be installed, placed or moved onto a parcel except where it is proposed to develop more than one main building to form a single, unified group of buildings.
- 2. The number of dwelling units permitted on a parcel will be limited to one (1), except where:
 - a) in the opinion of the Development Authority, either
 - i. the building is clearly designed to be divided into more than one dwelling, or
 - ii. the development of the parcel is clearly designed to include more than one dwelling; and
 - b) the use conforms to the uses prescribed for the District in which the parcel is located; and
 - c) subject to Section 2.10 - Variances of Part 2, the development complies with the provisions of this *Land Use Bylaw*; and
 - d) a development permit is issued for the use.

3.4 Building Orientation and Design

- 1. The design, character and appearance of any building, or sign must be acceptable to the Development Authority having due regard to:
 - a) amenities such as daylight, sunlight and privacy;
 - b) compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing;
 - c) its effect on adjacent parcels; and
 - d) Crime Prevention through Environmental Design principles to discourage crime by reducing concealment opportunities, providing lighting to minimize dark spaces, placing windows to maximize surveillance, and easily identifiable addresses.
- 2. In addition to the above, the design, character and appearance of any building and site improvements in a commercial district must be acceptable to the Development Authority having regard to:
 - a) outdoor lighting arranged so that no direct rays of light are directed at any adjoining site or interfere with the effectiveness of adjacent traffic with no light structure or light attached to a structure exceeding a height of 9 m (29.5 ft.);

- b) the arrangement and location of buildings, parking, driveways, and outdoor functions to emphasize the aesthetically pleasant components of the site, such as trees, views, and architectural features, and disguise its less attractive elements, such as service facilities, outside storage and equipment areas, and garbage enclosures, through placement and design of structures and landscaping/screening;
- c) treatment of all sides of a building exposed to the view from a highway, street or other public space as a principal façade and finishing them in a pleasing architectural manner;
- d) ensuring office/primary public entrances are not the only part of a building to receive design consideration and facing defining primary public entrances and primary building elevations to the highway or streets;
- e) rooflines and façades of large single walls exceeding 30 m (98 ft.) in length designed to reduce the perceived mass through the use of design elements such as arches, columns or gables with exterior finish materials composed on mainly muted colours;
- f) adjacent buildings on the same or separate lots to ensure they are compatible in height and scale. If different scale is required for functional reasons, adequate transition will be provided between the buildings;
- g) in multiple building complexes, developing and maintaining comprehensive architectural concepts ensuring various site components are unified through the use of similar design, material and colours;
- h) screening of mechanical equipment with screening materials that are compatible with the theme and character of the main building(s); and
- i) designing buildings with consideration for pedestrian scale.

3.5 Sea Cans

- 1. in Industrial and Commercial Districts:
 - a) sea cans will only be allowed as an accessory building to the principal building for storage only.
 - b) sea cans may not be stacked one upon the other.
 - c) exterior finish must match or compliment the exterior finish of the principal building.
 - d) sea cans will be allowed in the side or rear of principal buildings on the same parcel, provided that:
 - i. they are located within the required accessory building setbacks; and
 - ii. they are visually screened from public roads and neighbouring properties to the satisfaction of the Development Authority.
- 2. in all other districts:
 - a) sea cans will only be allowed as a temporary structure only.
 - b) sea cans may not be stacked one upon the other.
 - c) sea cans may be allowed within the side or rear of principal buildings on the same parcel,

provided that they are not located within the required setbacks.

3.6 Relocation of Buildings

1. No person will:
 - a) place on a parcel a building which has previously been installed or placed on a different parcel; or
 - b) alter the location on a parcel of a building which has already been constructed on that parcel;unless a development permit has been issued by the Development Authority.
2. In addition to the requirements of Section 2.5 – Development Permit Application of Part II, the Development Authority may require an application for a development permit to be accompanied with:
 - a) recent colour photographs showing all elevations of the building;
 - b) a statement on the age, size and general condition of the building;
 - c) a statement prepared and signed by a qualified person on structural condition of the building; and
 - d) a statement of proposed improvements to the building.
3. An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.
4. Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
5. All structural and exterior renovations will be completed within one (1) year of the issuance of a development permit.

3.7 Building Demolition

1. An application to demolish a building will not be approved without a statement or plan which indicates:
 - a) how the operation will be carried out so as to create a minimum of dust or other nuisance; and
 - b) the final reclamation of the parcel;

which is satisfactory to the Development Authority.

3.8 Non-conforming Buildings and Uses

In accordance with the *Municipal Government Act*,

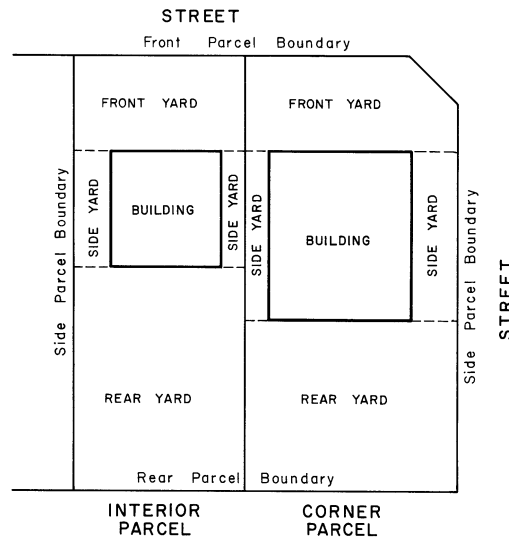
1. A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must comply

with provisions of the *Land Use Bylaw* then in effect.

2. A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
3. A non-conforming use of part of a parcel will not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
4. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - a) to make it a conforming building;
 - b) for routine maintenance of the building, if the Development Authority considers it necessary; or
 - c) in accordance with the provisions of Section 2.10 – Variances.
5. If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the *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.

3.9 Yard Definitions

1. The following illustrates the yard locations for parcels within the Town.



3.10 Projections Over Yards

1. Except as allowed in the subsections (2) and (3), no portion of the principal building on a site will project over or onto a required front, side or rear yard.
2. In residential Districts, the portion of and attachments to a principal or accessory building which may project over or on a minimum yard are as follows.
 - a) Side yards:
 - i. Any projection, including unenclosed steps, eaves, balconies, sills, cornice or canopies, not exceeding 50% of the minimum side yard required for the building;
 - ii. A cantilevered wall section, bay or bow window, or chimney which projects over a side yard if the projection is not wider than 2.5 m (8 ft.) and does not project more than 0.6 m (2 ft) over the required side yard, unless the side yard provides or is required to provide access to a detached garage or carport in a rear yard in which case no projection is allowed within 3 m (10 ft.) of the property line.
 - b) Front yards and rear yards:
 - i. Any eave, chimney, enclosed deck and steps, porch, or balcony, which projects not more than 1.5 m (5 ft.) over or on the minimum front yard; or 3 m (10 ft.) over or on the minimum rear yard;
 - ii. A cantilevered wall section, eave or chimney or combination of the above that does not project more than 1.2 m (4 ft.) over the required rear yard.
3. In all other Districts, the portion of and attachments to a principal or accessory building which may project over or on a minimum yard are:
 - a) any projection not exceeding 1.5 m (5 ft.) into a front or rear yard;
 - b) any projection not exceeding 0.6 m (2 ft.) into a side yard;
 - c) any projection that is an exterior fire escape not exceeding 1.2 m (4 ft.) in width.

3.11 Objects Prohibited or Restricted in Yards

1. No person will keep or permit in any residential District:
 - a) any dismantled, derelict or wrecked vehicle for more than fourteen (14) successive days; or
 - b) any vehicle weighing in excess of 4500 kg gross vehicle weight, except recreational vehicles as defined by this bylaw, for longer than is reasonably necessary to load or unload such a vehicle; or
 - c) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district; or
 - d) any excavation, storage or piling up of materials required during the construction of a development unless all necessary safety measures are undertaken and the situation does not continue longer than reasonably necessary to complete construction,unless located and screened from view to the satisfaction of the Development Authority.

2. No person will allow a recreational vehicle to be stored in any yard abutting a street in a residential District, except as allowed in subsection (3) and (4) and in a rear yard on a corner parcel where it will be stored no closer to the street than the principal building.

This regulation does not apply between April 1st and October 15th of each year if:

- a) the recreational vehicle will not overhang the sidewalk, street, or lane or otherwise create a traffic hazard; and
 - b) the 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.
3. Between October 16th and March 31st of each year, a recreational vehicle may be parked in a yard abutting a street in a residential District and in a rear yard on a corner parcel where it may be parked closer to the street than the principal building for a period of not more than 72 hours for the purpose of loading/unloading the recreational vehicle if:
 - a) the recreational vehicle will not overhang the sidewalk, street, or lane or otherwise create a traffic hazard; and
 - b) the 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.
 4. A holiday trailer, motor home or camper parked in a residential District may be used for living and sleeping accommodation only by bona fide tourists for a maximum period of thirty (30) days per annum and may be parked on an approved parking pad in the front yard of a parcel for the duration of the stay
 5. No person will keep or permit in any part of the parcel in any commercial or industrial District:
 - a) any dismantled, derelict or wrecked vehicle for more than fourteen (14) successive days, or
 - b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district; or
 - c) any excavation, storage or piling up of materials required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than reasonably necessary to complete construction;

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

3.12 Parking

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

Uses

Parking Spaces Required

Residential

Apartments, row housing, fourplexes

2 per dwelling unit + 1 visitor per 5 dwelling units

Adult care residences

1 per 3 beds and 1 per employee per shift

All other

2 per dwelling unit

Commercial

Offices	2.5 per 100.0 m ² (1,076 sq. ft.)
Retail establishments	4 per 100.0 m ² (1,076 sq. ft.)
Personal services	2.5 per 100.0 m ² (1,076 sq. ft.)
Repair services	2 per 100.0 m ² (1,076 sq. ft.)
Vehicle and equipment sales	2 per 100.0 m ² (1,076 sq. ft.)
Restaurants, lounges, taverns	1 per 4 seats
Hotels, motels	1 per guest room and 1 per employee per shift

Industrial

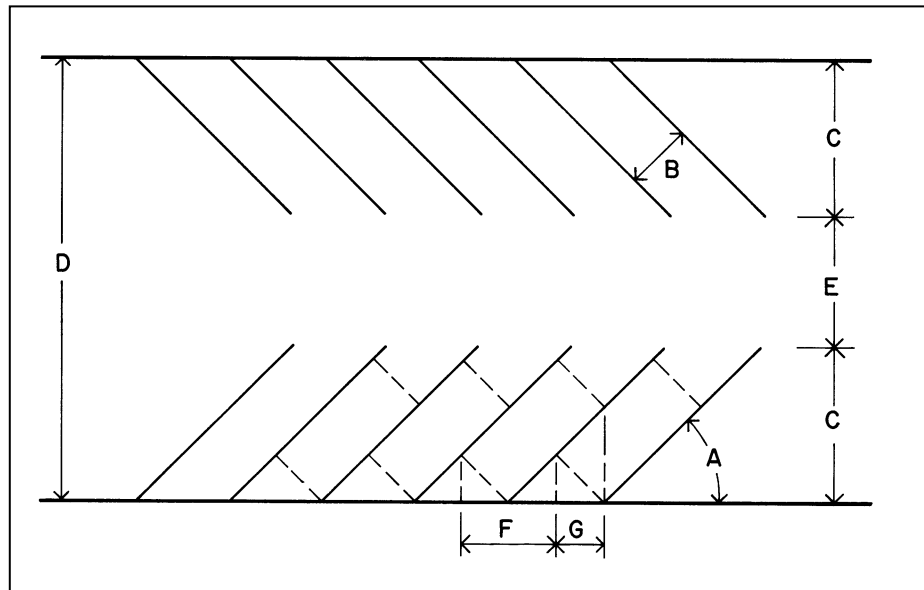
Manufacturing industry	
Minimum provision	6
Office areas	2 per 100.0 m ² (1,076 sq. ft.)
Other areas	1 per 100.0 m ² (1,076 sq. ft.)
Warehousing and storage	
Minimum provision	4
Office areas	2 per 100.0 m ² (1,076 sq. ft.)
Storage areas	1 per 400.0 m ² (4,306 sq. ft.)

Public

Places of worship	1 per 8 seats
Schools	
Elementary and junior high	1 per employee and 5 guests
Senior high	1 per 20 students and 1 per employee
Public assembly buildings	1 per 4 seats
Hospitals, nursing homes, health care institutions	1 per 4 beds and 1 per 2 employees

2. The parking requirement for any uses not specified above will be as required by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.
3. When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided will be limited to the difference between the requirement of the original building or use and that of the enlarged building or changed or intensified use.
4. The parking space requirement on a parcel which has or is proposed to have more than one (1) use will be the sum of the requirements for each of those uses.
5. The parking spaces for two or more uses may, at the discretion of the Development Authority, be shared and the total number of spaces required by subsection (1) reduced, if the periods of occupation of the spaces required by each use are not concurrent.
6. Each parking space will have dimensions of not less than 2.8 m (9 ft.) by 5.5 m (18 ft.).
7. on-site parking requirements for non-residential uses may be relaxed where in the opinion of the Development Authority:
 - a) sufficient on-street parking is available without causing congestion, or
 - b) sufficient parking is available in public parking lots, or
 - c) private parking can be shared because peak use times are different.

8. The dimensions of parking areas will be as set out in the following diagram and table:



A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall Depth	Overall Depth	Manoeuvring Space	Curb Length	Row End Length
0°	2.75 m (9.02 ft.)	2.75 m. (9.02 ft.)	9.00 m (29.53 ft.)	3.50 m (11.48 ft.)	6.70 m (21.98 ft.)	0.00 m
30°	2.75 m (9.02 ft.)	5.00 m. (16.4 ft.)	13.50 m (44.29 ft.)	3.50 m (11.48 ft.)	5.45 m (17.89 ft.)	0.85 m (2.79 ft.)
45°	2.75 m (9.02 ft.)	5.70 m. (18.07 ft.)	15.40 m (50.52 ft.)	4.00 m (13.12 ft.)	3.85 m (12.63 ft.)	2.05 m (6.72 ft.)
60°	2.75 m (9.02 ft.)	6.00 m (19.69 ft.)	17.50 m (57.41 ft.)	5.50 m (18.04 ft.)	3.20 m (10.49 ft.)	2.00 m (6.56 ft.)
90°	2.75 m (9.02 ft.)	5.50 m (18.04 ft.)	18.00 m (59.06 ft.)	7.00 m (22.97 ft.)	2.75 m (9.02 ft.)	0.00 m

9. General calculations for parking lot area will use a minimum standard of 30 m² (323 sq. ft.) per parking space.

10. Parking areas will be screened from residential development on adjacent parcels. Any screen will be a minimum of 1 m (3 ft.) in height and any berm used as a screen will be landscaped in accordance with Section 3.22.

11. Parking spaces will be located on the same parcel as the building for which they are being provided; however, at the discretion of the Development Authority, parking may be located on another parcel within 125 m (410 ft.) walking distance, provided that a restrictive covenant, ensuring the use of the parcel for the required number of parking spaces, is registered against the title with the Town being a third party to the agreement.
12. For residential districts, every on-site parking space provided and access will 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. Gravelled parking spaces are permitted where located in the rear yard and accessed by a gravel lane.
13. Parking areas for apartment, adult care residence and public uses must be hard surfaced.
14. Parking areas for commercial and industrial uses located within front yards and side yards abutting a street must be hard surfaced and parking areas located in rear yards and side yards not abutting a street may be gravelled at the discretion of the Development Authority.
15. Lawns and landscaped areas will not be used as parking spaces in any land use district.
16. Vehicle access to commercial and industrial sites must consist of a hard surfaced apron measuring the width of the access to a minimum depth of 7.5 m (25 ft.) if access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future.
17. Parking areas for apartments and public, commercial and industrial uses will 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.
18. Designated parking stalls will be provided for those with disabilities as required by provincial regulations and will be considered as part of the number of stalls required for the development.
19. As a condition of a development permit, a performance bond 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, then the amount fixed will be available to the Town for its use in installing the required paving/parking.

3.13 Communal Parking Facilities

1. Notwithstanding Section 3.12 (11), parking may be provided on a site other than the site of the principal building provided that it is in accordance with the following regulations:
 - a) For non-residential development and subject to approval of the Development Authority, an owner of land or a group of such owners may pool the required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfill the requirements of Section 3.12.
 - b) Where a group of uses or buildings is served by a communal parking facility, the requirement for such facility will be the sum of the off-street parking requirements for each of the uses served by the parking facility.
 - c) Where two or more parties agree to combine parking as required under Section 3.12, a joint parking agreement, to be registered against title, is required with the Town being a third party to the agreement.

- d) Where two or more parties agree to combine parking as required under Section 3.12 with joint access, a joint access agreement, to be registered against title, is required with the Town being a third party to the agreement.

3.14 Bicycle Rack Requirements

1. Bicycle racks must be provided in the C1, C2, and PI Districts and located to the satisfaction of the Development Authority.
2. Bicycle racks must be provided on the same parcel as the development.
3. Adequate access to and exit from individual bicycle racks must be provided to the satisfaction of the Development Authority, with an aisle of not less than 1.52 m (5 ft.) in width to be provided and maintained beside or between each row of bicycle parking.
4. Bicycle racks must be separated from vehicle parking by a physical barrier or a minimum of 1.52 m (5 ft.) of open space.

3.15 Loading Spaces

1. A vehicle loading space, with minimum dimensions of 3.5 m x 9.0 m (12 ft. x 30 ft.) with an overhead clearance of at least 4.6 m (15 ft.), must be provided in the side or rear yard of a building which provides for industrial or warehousing uses.
2. A vehicle loading space, with minimum dimensions of 3.5 m x 9.0 m (12 ft. x 30 ft.) with an overhead clearance of at least 4.6 m (15 ft.), may be required by the Development Authority in the side or rear yard of a building which provides for commercial uses.
3. A loading space must be provided for each apartment building.
4. Access to every loading space will 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.

3.16 Driveways

1. Except for the R1-B District, front yard driveways are permitted and must not cover more than 50 percent of the front yard.
2. 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.
3. The length of a 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 m (3 ft.) or less, or 6 m (20 ft.) or greater.
4. Notwithstanding subsections (1) and (2), a greater length may be required in order to accommodate any utility right-of-way or easement.
5. The minimum width of a driveway accessing a residential parcel will be 3 m (10 ft.).
6. The maximum width of a driveway accessing a parcel will be 10 m (33 ft.). [Bylaw 672/12]
7. At road intersections, driveways must be setback from the parcel boundaries which form the intersection a minimum distance of:

- a) 6 m (20 ft.) where the driveway serves not more than four (4) dwelling units; or
 - b) 15 m (50 ft.) for all other uses;
except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.
8. The minimum distance between driveways will be:
- a) nil, where the driveways provide access to single-detached dwellings;
 - b) 6 m (20 ft.), where the driveways provide access to 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.
9. The angle for which a driveway accesses a road will be between seventy degrees (70°) and ninety degrees (90°).
10. All driveways within the front yard of a residential parcel, excluding those in the R4 District, will have a hard surface.

3.17 Vehicle Site Circulation

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

3.18 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 manoeuvring 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.

3.19 Access

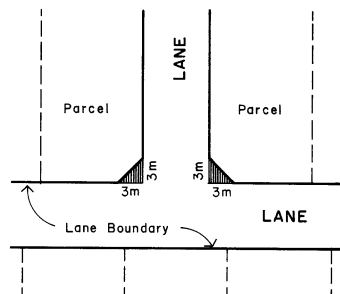
- 1. Vehicular entrances and exits, as well as on-site pedestrian and vehicular routes, will be designed in a manner that provides a safe and clearly defined circulation pattern.
- 2. Loading spaces will be located in such a manner as to not impede the efficient flow of traffic and pedestrian movement and to minimize impacts on adjacent land uses.
- 3. 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.

3.20 Drive-Thru Businesses

- 1. Drive-thru businesses will 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.
- 2. Queuing space will be provided on the same site as the development as follows:
 - a) A minimum of five (5) inbound queuing spaces must be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space must be provided on the exit side of the service window or automated machine.
 - b) Each queuing space must be a minimum of 5.5 m (18 ft) long and 3 m (10 ft) wide.
 - c) Queuing lanes must provide sufficient space for turning and manoeuvring.

3.21 Sight Lines at Intersections

- 1. At the intersection of lanes, a 3 m (10 ft.) sight triangle must be provided as follows:



- 2. At the intersection of a lane and a street, a 3 m (10 ft.) sight triangle must be provided.
- 3. At the intersection of streets, a 6 m (20 ft.) sight triangle must be provided. The Development Authority may require larger or smaller sight triangles for specific locations where:

- a) one or more rights-of-way is/are less than 15 m (50 ft.) wide, or
- b) regulated vehicle speed exceeds 50 km/h, or
- c) one or more carriageways is/are not centred in its/their right(s)-of-way, or
- d) an intersection leg is curved or skewed, or
- e) an intersection leg is sloped at 2% or greater.

Sight triangles for such roadway intersections must be determined in accordance with the recommended methods of Transport Canada regarding crossing sight distances for roadways.

- 4. At the intersection of roadways and railways, which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:
 - a) one or more of the rights-of-way is less than 15 m (50 ft.); or
 - b) regulated vehicle speed exceeds 50 km/h; or
 - c) either the carriage way or the railway is not centred in its right-of-way; or
 - d) an intersection leg is curved or skewed; or
 - e) an intersection leg is sloped at 2% or greater.

sight triangle calculations for such intersections must be in accordance with the recommended methods of Transport Canada regarding crossing sight distances for roadways.

- 5. At the intersection of roadways and railways, which are unprotected by automatic warning signals, sight triangles may be required and must be in accordance with the recommended methods of Transport Canada regarding crossing sight distances for roadways.

3.22 Landscaping

- 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 15% 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.
 7. The planting of additional trees and shrubs will be provided on the basis of the following:
 - a) one (1) tree per 40 m² (430 sq. ft.) of the required landscaped area;
 - b) one (1) shrub per 20 m² (215 sq. ft) of the required landscaped area;
 - c) one (1) tree per 25 m² (268 sq. ft.) and one (1) shrub per 10 m² (107 sq. ft) of required landscaped islands in parking areas with no less than one tree per required island;
 - d) fifty percent (50%) coniferous trees and shrubs and fifty per cent (50%) deciduous trees and shrubs;
 - e) seventy-five percent (75%) of the coniferous trees must be a minimum of 2.0 m (6.6 ft.) in height above the root ball and twenty-five (25%) must be a minimum of 3.5 m (11.5 ft.) in height above the root ball;
 - f) fifty percent (50%) of the deciduous trees must be a minimum of 50 mm (2.4 in.) calliper above the root ball and fifty percent (50%) must be a minimum of 75 mm (3.0 in.) calliper above the root ball;
 - g) a minimum height of 0.5 m (1.5 ft) for coniferous shrubs; and
 - h) a minimum height of 0.6 m (2 ft) for deciduous shrubs.
 8. 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 50 percent coniferous and 50 percent deciduous. At a minimum, a planting bed will be composed of three (3) coniferous trees and two (2) deciduous trees or shrubs.
 9. A maximum of fifteen percent (15%) of the required landscaped area may be hard-landscaped in residential and commercial Districts and a maximum of thirty percent (30%) of the required landscaped area may be hard-landscaped in industrial Districts.
 10. 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.
 11. 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.
 12. 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.
13. 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.
14. 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.
15. As a condition of a development permit, an irrevocable letter of credit may be required up to the value of the estimated cost of the proposed landscaping/planting 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.

3.23 Surface and Sub-surface Drainage

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

3.24 Mechanized Excavation, Stripping and Grading of Parcels

1. Mechanized excavation, stripping and/or grading will only occur as site preparation for a development that has received development permit approval or where a development agreement has been entered into in relation to a subdivision approval.
2. A temporary fence will be installed around all excavations which in the opinion of the Development Authority may be hazardous to the public.
3. All parcels will be graded to ensure that storm water is directed to a road without crossing adjacent parcels.
4. All topsoil will be retained on the parcel, except where it must be removed for construction purposes.

3.25 Retaining Walls

1. The Development Authority may require the construction of an engineered retaining wall where

the change in grade or elevation between two sites or around a building exceeds a slope of 1:3 (rise: run) and a height of 1 m (3 ft.).

2. Where a retaining wall is required or proposed, the Development Authority may require the applicant to demonstrate, by means of an engineering report bearing the seal and signature of a professional engineer registered in the Province of Alberta, that the retaining wall is designed to be sufficiently stable to meet its intended purpose.

3.26 Fences and Screening

1. In any District, the maximum height of a fence as measured from grade will be:
 - a) 1.8 m (6 ft) of typical fencing for that portion of the fence which does not extend into the front yard of the parcel; and
 - b) an additional 0.61 m (2 ft) of lattice type fencing may be added to the top of the fencing for that portion that does not extend into the front yard of the parcel; and
 - c) 1.2 m (4 ft) for that portion of the fence which is within the front yard of a parcel.
2. Notwithstanding subsection (1) above, the Development Authority may approve a higher fence having regard to the location of fences in the surrounding area and the requirement for screening.
3. Barbed wire fences are not permitted in any residential District. Barbed wire fences are permitted on any parcel used primarily for agricultural purposes. The Development Authority may approve barbed wire fences around areas of storage located in commercial and industrial Districts that meet the following requirements:
 - a) In the opinion of the Development Authority, the barbed wire fence is required for security purposes;
 - b) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or a board fence with a minimum height of 2.5 meters (8 ft.) measured below the lowest strand of barbed wire; and
 - c) The entire fence and barbed wire are completely contained within the property lines of the parcel being fenced.
4. Electrified fences are not permitted in any District.
5. The Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are common with a residential property line or are adjacent to lanes or roads that abut a neighbouring residential parcel. Such screening must be at least 1.8 m (6 ft.) in height.
6. For open storage yards that are located adjacent to a non-industrial District, including but not limited to auto salvage yards, lumber yards, pipe storage and similar uses, and where because of the height of materials stored, a planted screen would not be sufficient, a fence, earth berm or combination of the two, with sufficient height to substantially block the view of the stored materials at a distance of 61.0 m (200 ft.) or to the satisfaction of the Development Authority will be required.

3.27 Refuse Storage

1. A commercial waste bin must be provided as part of the development of commercial and industrial uses and any residential buildings containing three (3) or more dwellings on a parcel.

The bin must be placed in a screened enclosure, by way of a solid metal fence, screening wall composed of the same material as the building and/or a planting buffer in the side or rear yard at a location accessible by garbage collection.

3.28 Bed and Breakfast Establishments

1. A maximum of three (3) guest rooms will be permitted in any bed and breakfast establishment.
2. One (1) off-street parking space for each guest room and one (1) off-street parking space for each off-site employee must be provided in addition to the parking spaces required for a single-detached dwelling. Parking spaces cannot be provided in tandem.
3. One (1) sign with a maximum sign area of 0.6 m² (6 sq. ft.) and a maximum height of 1.2 m (4 ft.) will be permitted on the site of a bed and breakfast.
4. A bed and breakfast must not be permitted on a parcel where a major home occupation or secondary suite exists.

3.29 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 will refer the development proposal to the appropriate regulatory authority for comment.

3.30 Development in Proximity to Sour Gas Facilities and Oil and Gas Wells

1. In accordance with the Subdivision and Development Regulation:
 - a) development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the Energy Resources Conservation Board with respect to sour gas facilities, unless the Board has given written approval to a lesser setback; and
 - b) no building must be constructed within 100 m (328 ft.) of the well head of a gas or oil well, unless, in the opinion of the Development Authority, it may be considered an infill development or is otherwise approved in writing by the Energy Resources Conservation Board.
2. No building must be constructed within 100 m (328 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

3.31 Development Setbacks from Landfills and Waste Sites

1. In accordance with the Subdivision and Development Regulation:
 - a) a school, hospital, food establishment or residence must not be approved or constructed if the building site is within the distance from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer stations specified in the Subdivision and Development Regulation; and
 - b) a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, food establishment or residence specified in the Subdivision and Development

Regulation, unless the development is approved in writing by the Deputy Minister of the Environment.

3.32 Home Occupations - Minor

1. A minor home occupation will require a development permit. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this bylaw or the conditions of a permit.
2. A minor home occupation must not interfere with the property rights of other residents to quiet enjoyment of a residential neighbourhood.
3. A minor home occupation will be an incidental and subordinate use to the principal residential use and will be contained within the principal building.
4. A minor home occupation will not:
 - a) have outside storage of materials, goods or equipment on the site;
 - b) increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation;
 - c) display any form of advertising related to the home occupation on the site;
 - d) have any employees or business partners working on site who are not residents of the dwelling unit;
 - e) include the direct sale of goods;
 - f) receive deliveries of related supplies or goods;
 - g) have a licensed commercial vehicle or vehicles with commercial advertising associated with the business parked on-site or in the vicinity of the site at any time;
 - h) have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq. ft.), whichever is less, devoted to business usage;
 - i) advertise the address of the home occupation to the general public

3.33 Home Occupations - Major

1. A major home occupation will not be permitted if, in the opinion of the Development Authority, the occupation, considering its intensity, would be more suitable to be located in a commercial or industrial district.
2. A major home occupation will require a development permit and will be operated only by a resident. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this bylaw or the conditions of a permit.
3. A major home occupation must not interfere with the property rights of other residents to quiet enjoyment of a residential neighbourhood.
4. A major home occupation will be an incidental and subordinate use to the principal residential use and will be primarily contained within the principal building.

5. A major home occupation may be considered by the Development Authority within a private garage provided that at least fifty percent (50%) of the floor area of the garage is available at all times for the parking of motor vehicles and the proposed use does not interfere with the provision of the *Land Use Bylaw* parking requirements.
6. Only residents of the residence and up to two (2) non-resident employees or business partners may be employed on site by the home occupation. In addition to the parking spaces required for the residence, one (1) additional on-site parking space must be provided for each non-resident employee or business partner.
7. A major home occupation will not be permitted on the same site as a bed and breakfast establishment.
8. Major home occupations are limited to one (1) occupation per dwelling unit and to those which do not:
 - a) create a nuisance by way of dust, noise, odour, smoke, parking, traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation or beyond the parcel boundaries;
 - b) display any form of advertising related to the home occupation on the site except in accordance with this bylaw;
 - c) include the direct sale of goods which are not produced on the premises;
 - d) have more than one (1) commercial motor vehicle associated with the business parked on-site or in the vicinity of the site at any time;
 - e) have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq. ft) whichever is less, devoted to business usage;
 - f) have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 x 12 inches (25 x 30 cm) being located within the window of or, at the discretion of the Development Authority, on the building;
 - g) advertise the address of the home occupation to the general public except in accordance with (f) above.

3.34 Postal Delivery Facilities

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

3.35 Laneless Subdivisions

1. Where a parcel in a residential District is not served by a lane, one side yard will not be less than:
 - a) 1.5 m (5 ft.) for a single-detached dwelling with an attached garage, except for in the R1-B District; or
 - b) 3 m (10 ft.) for a single-detached dwelling without an attached garage;and both side yards will not be less than

- c) 1.5 m (5 ft.) for a duplex with attached garages, or
 - d) 3 m (10 ft.) for a duplex without attached garages.
2. Where a parcel in a commercial or industrial District is not served with a lane, one side yard will be not less than 6 m (20 ft.). This does not apply to an accessory building located to the rear of the main building and separated there from by a minimum distance of 12.2 m (40 ft.).

3.36 Manufactured Homes

1. Manufactured Homes will have an external appearance that is compatible with the surrounding neighbourhood and will have:
- a) a minimum roof pitch of 4:12 (rise: run);
 - b) a roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes or metal;
 - c) a minimum roof overhang or eaves of 0.3 m (1 ft.) from each external wall;
 - d) a maximum length to width ratio of 4.75:1;
 - e) a minimum width of 6 m (20 ft.) measured from external wall surface to external wall surface;
 - f) a minimum floor area of 93 m² (1000 sq. ft.);
 - g) a permanent foundation consisting of a basement, crawl space, slab on grade or pile; and
 - h) a total age of no more than five (5) years.

3.37 Satellite Dish Antennae

1. Satellite dish antennae with a dish diameter greater than 1 m (3 ft.) will not be permitted in any residential District.
2. Satellite dish antennae with a dish diameter greater than 1 m (3 ft.) in a any non-residential District will:
- a) only be located in a rear yard, or a side yard which does not abut a street;
 - b) on an interior parcel, be situated so that no part of it is closer than 1 m (3 ft.) from the side or rear boundaries of the parcel;
 - c) on a corner parcel, be situated so that no part of it is closer to the street than the main building, or closer than 1 m (3 ft.) from the other side parcel boundary or the rear parcel boundary;
 - d) display no other advertising than the manufacturer's name/logo;
3. A satellite dish antenna with a dish diameter of less than 1 m (3 ft.) will be located to the satisfaction of the Development Authority.

3.38 Secondary Suite and Garage Suite Regulations

Secondary Suites

1. A secondary suite shall be restricted to a site occupied by a single-detached dwelling.
2. One (1) secondary suite shall be permitted on a lot with a residential single-detached dwelling.
3. A secondary suite is not permitted on the same lot as a garage suite.
4. 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.
5. A secondary suite shall not be allowed on the same parcel as a bed and breakfast establishment, day care or home occupation – major.
6. The maximum floor area of a secondary suite shall be 40% of the gross floor area of the principal dwelling, not exceeding 75m² (807ft²).
7. One (1) non-tandem designated off-street parking space is required for a lot with a secondary suite in addition to the required number of parking stalls required for the principal building.
8. The site on which the secondary suite is located must have direct access onto a rear lane.
9. 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.
10. 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.
11. 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.
12. 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.
13. No secondary suite shall be stratified, subdivided, or otherwise legally separated from the single family dwelling wherein it is contained.
14. A secondary suite must comply with the Province of Alberta Building Code and Fire Code.

Garage Suites

1. One (1) garage suite shall be permitted on a lot with a residential single-detached dwelling with a detached garage.
2. A garage suite is not permitted on the same lot as a secondary suite.
3. 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.
4. A garage suite shall not be allowed on the same parcel as a bed and breakfast establishment, day care or home occupation – major.
5. The maximum floor area of a garage suite is 58m² (624ft²).

6. One (1) non-tandem designated off-street parking space is required for a lot with a garage suite in addition to the required number of parking stalls required for the principal building.
7. The site on which the garage suite is located must have direct access onto a rear lane.
8. The minimum lot size for a single-detached dwelling with a garage suite is 460m² (4,951ft²).
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.
10. The maximum height of detached garage which contains the garage suite shall not be more than 7.5m (25ft.) in height and will not exceed the height of the principal building.
11. A garage suite must have a separate entrance from the entrance to the detached garage.
12. 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, to the satisfaction of the Development Officer.
13. 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.
14. Garage suites must take into consideration for the exterior design and placement of windows as to not affect the privacy of adjacent properties.
15. No rooftop decks or balconies are permitted on top or attached to a garage suite.
16. 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.
17. 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.
18. No garage suite shall be stratified, subdivided, or otherwise legally separated from the single-detached dwelling wherein it is contained.
19. A garage suite must comply with the Province of Alberta Building Code and Fire Code.

3.39 Outdoor Hot Tubs and Whirl Pools

1. Every outdoor hot tub or whirl pool must be secured against entry by the public other than owners, tenants or their guests.
2. Outdoor hot tubs and whirl pools must not be located in any front or side yard.

3.40 Outdoor Swimming Pools

1. Every outdoor swimming pool must be secured against entry by the public other than owners, tenants or their guests.
2. 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 when substituted for any portion of the fence.
3. Every fence enclosing an outdoor swimming pool must be at least 1.7 m (5.6 ft) in height above the level of grade outside the enclosure and must be of a designed 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. Outdoor swimming pools will not be located in any front or side yard.

3.41 Other Land Uses

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

PART IV: SIGN REGULATIONS**4.1 Applicability**

1. No sign will be installed, enlarged, changed or structurally altered except in accordance with this bylaw and the sign regulations stated in Part IV: Sign Regulations.

4.2 Applications

1. A development permit application for a sign will include the following information:
 - a) name and address of the applicant;
 - b) name and address of the lawful owner of the sign (if different from the applicant)
 - c) location of the sign by elevation drawing or site plan of the property showing distance to front and side property lines, approaches or driveway locations and distances from existing building;
 - d) overall dimensions of the sign;
 - e) amount of projection from the face of the building or above the building roof or parapet wall;
 - f) height of a freestanding sign;
 - g) amount of projection over public property;
 - h) height of sign above ground level; and
 - i) detailed illustration of the sign including:
 - i. design of the sign copy, including height of letters and colours;
 - ii. manner of illuminating the sign in any form of animated or intermittent lights;
 - iii. Type of consideration and finish to be utilized; and
 - iv. Sign content
 - j) Such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed sign.

4.3 Definitions

The following definitions will be used to define signs in this *Land Use Bylaw*:

“A-BOARD” means a self supporting A-shaped local advertising sign which is set upon the ground and has no external supporting structure.

“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 SIGN” means a sign inscribed on or affixed flush upon the covering material of an awning.

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

property on which the structure is located. The advertising copy is fastened in such a way to permit its periodic replacement.

“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 is stationary. 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 or image is changed by physically removing and replacing the sign or its components.

“FASCIA SIGN” means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a billboard.

“FREESTANDING SIGN” means a sign that is supported independently of a building wall or structure but does not include a billboard.

“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.

“PORTABLE SIGN” means a sign with a total area on one face of no greater than 4.0 m² (43.0 sq. ft.) mounted on a frame, stand or similar support which together with the support can be transported and may include copy that may be altered through the use of detachable characters.

“PROJECTING SIGN” means a sign which projects from a structure or a building face.

“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.

“ROOFTOP SIGN” means a sign affixed to or placed on a building and extending in whole or in part above the vertical walls or parapet of the building; or the top of a canopy, awning or other similar appurtenance of the building.

“SIGN” means an object or device, whether illuminated or non-illuminated, used for the purpose of identification, advertisement, direction or attracting attention to any person, object, event, or place, and which does not resemble or conflict with a traffic sign under the *Traffic Safety Act*. A sign under this bylaw does not include a sign requiring approval from Alberta Transportation, or, a sign permitted in accordance with an approved home occupation under this bylaw.

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

“TEMPORARY SIGN” means a sign intended to be featured for a limited period of time but not to exceed six (6) months. The sign may be moveable, and is not required to be all weather.

“WALL SIGN” means any panel, lettering or display painted directly on the exterior wall of a building.

4.4 Signs Not Requiring a Development Permit

The following signs will not require a sign permit, but must comply with the regulations of this bylaw:

1. One unilluminated sign of the following nature and size for each use within a building or on a parcel provided such signs do not resemble or conflict with traffic signs:

- a) a fascia sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2 sq. ft.) except in a residential district;
- b) a fascia sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3 sq. ft.);
- c) a fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding 1 m² (11 sq. ft.);
- d) a portable or temporary sign, not exceeding 4.5m² (48 sq. ft.) in area, relating to:
 - i. sale or lease of land or buildings,
 - ii. sale of goods or livestock by auction,
 - iii. carrying out of construction,
 - iv. announcement of any local event of a religious, educational, cultural, political or government nature
 - v. Special event signage for initiatives or a special promotion by an individual business or organization:
 - (a) the maximum duration for such sign placement will be 7 days.
 - (b) special event signs may be permitted for a maximum of 3 times per year for a business or organization
 - vi. a flag attached to a single upright flagpole.
2. Signs, notices placards or bulletins required or permitted to be displayed:
 - a) under the provisions of federal, provincial or municipal legislation;
 - b) by or on behalf of the federal, provincial or municipal government; or
 - c) on behalf of a department, a commission, a board, a committee or an official of the federal, provincial or municipal government.

4.5 General Requirements for Signs

1. 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.
2. Where a sign projects over public property, a minimum clearance of 2.5 m (8 ft.) above grade level will be maintained. An encroachment agreement with the municipality must be completed prior to the erection of such signs.
3. Notwithstanding subsection (2), where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.5 m (15 ft.) above grade level will be maintained.
4. A sign must not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.

5. A sign must not display lights which may be misinterpreted for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
6. The owner of a sign is responsible for maintaining the sign in a proper state of repair and will:
 - a) keep it properly painted at all times;
 - b) where applicable, ensure that all structural members and guy wires are properly attached to the sign and building and meet proper safety standards; and
 - c) clean all sign surfaces as it becomes necessary.
7. The subject matter or all signs will relate to the use or ownership of the parcel on which the sign is located with the exception of:
 - a. billboard signs,
 - b. freestanding signs related to a comprehensively planned commercial area,
 - c. freestanding signs used solely by community organizations and
 - d. reader boards.
8. A sign will not be attached, affixed or displayed on any parked vehicle or trailer on private or public property that is not normally used in the daily activity of the business and is visible from a road so as to act as a sign for the advertisement of products or direct people to a business or activity.
9. Business identification signs will utilize the same architectural vocabulary and be constructed of similar, or complementary materials, as the buildings on the parcel for a sense of continuity and cohesiveness.

4.6 A-Board Signs

1. A-board signs must:
 - a) be of a painted finish, be neat and clean, and be maintained in such condition;
 - b) not exceed 0.61 m (2 ft) wide by 0.92 m (3 ft) high, and not less than 0.30 m (1 ft) wide by 0.61 m (2 ft) high;
 - c) be placed on the sidewalk in a location that allows at least 1.2 m (3.9 ft) minimum width for pedestrian traffic;
 - d) not impede the views or circulation of pedestrian or street traffic;
 - e) only be allowed on sidewalks during hours when the business to which the sign relates is open to the public;
 - f) be limited to one sign per business to be placed directly in front of the building in which the business is located;
 - g) not be placed on centre medians;
 - h) be constructed of a material such that a rigid frame is provided; and

- i) be secured to prevent public hazard.

4.7 Awning Signs

1. Awning signs will only be allowed if the awning is a minimum of 2.5 m (8 ft.) in height above grade level.
2. Any awning sign that encroaches over any road or land owned by the municipality will require an encroachment agreement.
3. A member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing will design or approve the design of the sign.
4. Awnings must be constructed of durable, colour-fast material and relate to the architectural design of the building to which they are attached.
5. Awnings must be tightly stretched over a rigid metal frame to minimize the accumulation of dirt through sagging, and also to improve their neat appearance.
6. Awning signs can only display local advertising.

4.8 Dynamic Signs

1. The Development Authority may, in its discretion, approve a dynamic sign as a portion of a permitted freestanding or fascia sign.
2. The message will be displayed for a minimum time period of 3 seconds.
3. A dynamic sign must have an adjustable brightness level and the level of brightness of a dynamic sign will be to the satisfaction of the Development Authority.
4. No dynamic signs will be located within a 30 m (98 ft.) radius of a residential district. When a site for a dynamic sign is adjacent to a residential district, notification will be sent to landowners located within a 100 m (328 ft.) radius of the proposed site.
5. Dynamic signs will be limited to one (1) sign per building or parcel;
6. Dynamic signs will not be located on a lot within a 50 m (164 ft.) radius of the boundary of a parcel containing an existing dynamic sign;
7. A dynamic sign will not comprise more than 25% of the total freestanding or fascia sign area.

4.9 Fascia and Projecting Signs

1. No fascia or projecting sign will be lower than 2.5 m (8 ft.) above grade, except in the case of signs intended solely for the information of pedestrians in which case the height will be determined by the Development Authority having regard, amongst other things, to clarity and safety.
2. No fascia sign will project more than 0.4 m (1.3 ft.) over a street or public property.
3. No fascia or projecting sign on a building two or more storeys in height will be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall, unless approved by the Development Authority.

4. The maximum size for projecting signs will be 1.9 m² (20 sq. ft.)
5. Only one (1) projecting sign may be installed on each road frontage of a building, unless otherwise approved by the Development Authority.

4.10 Freestanding Signs and Billboards

1. No freestanding sign or billboard can extend beyond 6 m (20 ft.) above grade or be larger than 4.5 m² (48 sq. ft.), except in:
 - a) a Highway Commercial District, where the maximum will be 11 m (36 ft.) in height, 3.5 m (11 ft.) in width and 23 m² (248 sq. ft.) in area; and
 - b) a Light Industrial District, where the maximum will be 9.0 m (30 ft.) in height, 3.5 m (11 ft.) in width and 9.0 m² (97 sq. ft.) in area.
2. If a freestanding sign is to be located in a shopping centre or intended to serve a commercial area planned as a unit, more than one freestanding sign may be permitted and the total area may be increased to a maximum of 27.3 m² (294 sq. ft.) and the maximum height will be 11 m (36 ft.) except subject to subsection (1) above and subsections (4) and (7) below,
3. A freestanding sign or billboard, excluding its supporting structure, will be a minimum of 2.5 m (8 ft.) above grade level.
4. Only one (1) freestanding sign or billboard may be installed on each of a parcel's boundaries which fronts a street or highway.
5. No freestanding sign or billboard will be placed near a Public and Institutional District so that it would detract from the natural aesthetics of that District.
6. Freestanding signs and billboards must be separated by a minimum distance of 15 m (50 ft.) from each other.
7. Freestanding signs will only be installed on sites to which their display relates except in the case of:
 - a) advance directional and informational signs which may be approved by the Development Authority in locations where it considers the free and safe flow of traffic may be enhanced; or
 - b) signs used solely by community organizations.
8. Billboard signs are permitted on parcels used for agricultural purposes, parcels in use as parking lots/structures, or parcels that are in a natural or undeveloped state.
9. A member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing will design or approve the design of the sign.

4.11 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 Town of Penhold that addresses 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 overall design, aesthetic character, dimensions, materials and finishing of the neighbourhood

- identification signs will be approved by the Town of Penhold.
3. Each neighbourhood identification sign must be consistent in overall design, aesthetic character, dimensions, materials and finishing with other neighbourhood signs in an area, or as approved by the Town of Penhold.
 4. The location of neighbourhood identification signs will take into account other neighbourhood identification signs, freestanding signs and billboard signs.
 5. The number of neighbourhood identification signs for a neighbourhood will be approved by the Development Authority.
 6. The Development Authority may require a professional engineer's seal for signs projecting over public property.
 7. In residential areas:
 - a) neighbourhood identification signs must only display the name of the subdivision and the developer; and
 - b) neighbourhood identification signs must not exceed 2.44m (8 ft) in height to the top of the sign.
 8. All other areas:
 - a) neighbourhood identification signs must only display the name of the subdivision, developer, logo and location of businesses within that neighbourhood; and
 - b) neighbourhood identification signs will not exceed 2.44 m (8 ft) in height to the top of the sign.

4.12 Portable Signs

1. Only one (1) portable sign may be sited on a parcel.
2. A portable sign will be a minimum of 2 m (6 ft.) from any parcel boundary and must not be placed on any road or land owned by the municipality.
3. No portable sign will exceed a height of 2 m (6 ft.) above grade or have a sign area greater than 3 m² (32 sq. ft.).
4. Portable signs will only be installed on sites to which their display relates except in the case of advance directional and informational signs which may be approved by the Development Authority in locations where it considers the free and safe flow of traffic may be enhanced.

4.13 Reader Board Signs

1. A reader board may form part of a freestanding sign or fascia sign where all provisions relating to the respective type of sign are satisfied.
2. A reader board sign may not exceed a height of 7 m (23 ft.) with a maximum sign area of 9.3 m² (100 sq. ft.)
3. A reader board sign may only display digital text (no images) and will be one sided with no scrolling or flashing text.

4. The refresh rate of text will be no less than 6 seconds.

4.14 Roof Top Signs

1. Roof top signs will only be allowed if:
 - a) located in a commercial or industrial district;
 - b) the message of the sign is directed at the buildings or on the use of the parcel on which the sign is situated;
 - c) the maximum sign area is 9 m² (97 sq. ft.) (sign area does not include pylons, supports and structural members if such pylons, supports and structural members are free of any message and are constructed so that they do not form part of the message);
 - d) the sign does not project more than 2.5 m (8 ft.) vertically above the roof line, and no portion of the sign projects horizontally beyond the roof line (these measurements of projection will include pylons, supports, and structural members whether or not such pylons, supports and structural members have any message or are constructed such that they form part of the message);
 - e) structural support elements are designed or concealed such that they are not visible; and
 - f) a member of the Association of Professional Engineers, Geologists and Geophysicists of Alberta in good standing has designed or approved the design of the sign.

4.15 Wall Signs

1. Wall signs must be securely fastened to walls and must not be entirely supported by an unbraced parapet wall.
2. The maximum dimension of a wall sign will not exceed 25% of the gross surface area of the wall to which the sign is being placed.
3. Only one (1) wall sign per wall will be permitted.

4.16 Other Signs

1. The Development Authority may approve other signs subject to Section 4.5 General Regulations for Signs.

4.17 Sign Removal

1. Where a sign no longer fulfils its function under the terms of this bylaw, the Development Authority may recommend that the Council resolve or order the removal of such a sign, and the lawful owner of the sign or where applicable, the registered property owner, must, upon such a resolution:
 - a) remove such a sign and all related structural components within thirty (30) days from the date of receipt of a removal notice;
 - b) restore the immediate area around the sign to the satisfaction of the Town of Penhold;
 - c) bear all the costs related to the removal and restoration.

PART V: LAND USE DISTRICT REGULATIONS**5.1 Low Density Residential District (R1)**

1. 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.

2. Permitted Uses

Accessory buildings
Single-detached dwellings
Home occupations, minor

3. Discretionary Uses

Accessory uses	Public utility facilities
Adult care residences	Sea cans (in accordance with Section 3.5)
Bed and breakfasts	Secondary suites
Day care facilities	Signs (in accordance with Part IV: Sign Regulations):
Home occupations, major	Neighbourhood identification signs
Manufactured homes meeting Section 3.36	Temporary signs
Playgrounds/parks	Social care facilities
Public and quasi-public uses	

4. Minimum Requirements

- a) Site Area: 555 m² (5,972 sq. ft.) for interior parcels;
610 m² (6,564 sq. ft.) for corner parcels.
- b) Lot Width: 15.2 m (50 ft.) for residential uses;
Other uses at the discretion of the Subdivision Authority.
- c) Front Yard: 6.0 m (20 ft.).
- d) Side Yard: 1.5 m (5 ft.);
3.0 m (10 ft.) where abutting a street.
- e) Rear Yard: 10.0 m (33 ft.).

5. Maximum Limits

- a) Site Coverage: 55%
- b) Building Height: 10.0 m (33 ft.) for principal buildings.

6. Additional Requirements

- a) All uses must also comply with the regulations in Part III: General Land Use Regulations.

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

1. Purpose

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

2. Permitted Uses

Accessory buildings
Single-detached dwellings
Home occupations, minor

3. Discretionary Uses

Accessory uses	Public utility facilities
Adult care residences	Sea cans (in accordance with Section 3.5)
Bed and breakfasts	Secondary suites
Day care facilities	Signs (in accordance with Part IV: Sign Regulations):
Home occupations, major	Neighbourhood identification signs
Manufactured homes meeting Section 3.36	Temporary signs
Playgrounds/parks	Social care facilities
Public and quasi-public uses	

4. Minimum Requirements

- a) Site Area: 460 m² (4,952 sq. ft.) for interior parcels;
510 m² (5,490 sq. ft.) for corner parcels.
- b) Lot Width: 12.2 m (40 ft.) for residential uses;
Other uses at the discretion of the Subdivision Authority
- c) Front Yard: 6.0 m (20 ft.).
- d) Side Yard: 1.5 m (5 ft.);
3.0 m (10 ft.) where abutting a street.
- e) Rear Yard: 10.0 m (33 ft.).

5. Maximum Limits

- a) Site Coverage: 55%
- b) Building Height: 10.0 m (33 ft.) for principal buildings.

6. Additional Requirements

- a) All uses must also comply with the regulations in Part III: General Land Use Regulations.

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

1. Purpose

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

2. Permitted Uses

Accessory buildings
Single-detached dwellings
Home occupations, minor

3. Discretionary Uses

Accessory uses	Public utility facilities
Adult care residences	Sea cans (in accordance with Section 3.5)
Bed and breakfasts	Secondary suites
Day care facilities	Signs (in accordance with Part IV: Sign Regulations):
Home occupations, major	Neighbourhood identification signs
Manufactured homes meeting Section 3.36	Temporary signs
Playgrounds/parks	Social care facilities
Public and quasi-public uses	

4. Minimum Requirements

- a) Site Area: 350 m² (3,767 sq. ft.) for interior parcels;
385 m² (4,144 sq. ft.) for corner parcels.
- b) Lot Width: 9.2 m (30 ft.) for residential uses;
Other uses at the discretion of the Subdivision Authority.
- c) Front Yard: 6.0 m (20 ft.).
- d) Side Yard: 1.2 m (4 ft.);
3.0 m (10 ft.) where abutting a street.
- e) Rear Yard: 10.0 m (33 ft.).

5. Maximum Limits

- a) Site Coverage: 55%
- b) Building Height: 10.0 m (33 ft.) for principal buildings.

6. Additional Requirements

- a) Front access to individual parcels will not be permitted. A minimum of 2 parking stalls must be provided on a parking pad located in the rear yard of the parcel.
- b) All uses must also comply with the regulations in Part III: General Land Use Regulations.

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

[Bylaw 671/12]

1. Purpose

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

2. Permitted Uses

Accessory buildings
Single-detached dwellings
Home occupations, minor

3. Discretionary Uses

Accessory uses	Public and quasi-public uses
Adult care residences	Public utility facilities
Bed and breakfasts	Secondary suites
Day care facilities	Signs (in accordance with Part IV: Sign Regulations):
Home occupations, major	Neighbourhood identification signs
Manufactured homes meeting Section 3.36	Temporary signs
Playgrounds/parks	Social care facilities

4. Minimum Requirements

- | | |
|----------------|--|
| a) Site Area: | 350 m ² (3,767 sq. ft.) for interior parcels;
385 m ² (4,144 sq. ft.) for corner parcels; |
| b) Lot Width: | 10.4 m (34 ft.) for residential uses;
other uses at the discretion of the Subdivision Authority |
| c) Front Yard: | 6.0 m (20 ft.) |
| d) Side Yard: | 1.2 m (4 ft.);
3.0 m (10 ft.) where abutting a street |
| e) Rear Yard: | 10.0 m (33 ft.) |

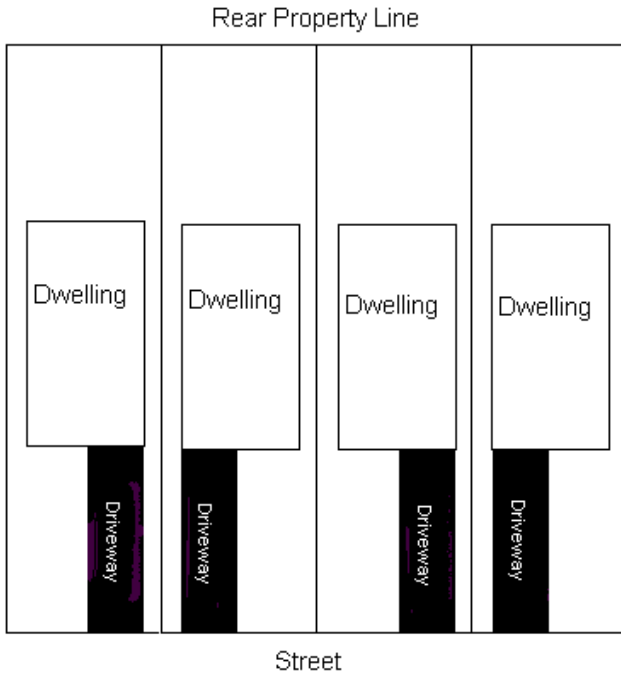
5. Maximum Limits

- | | |
|---------------------|---|
| a) Site Coverage: | 55% |
| b) Building Height: | 10.0 m (33 ft.) for principal buildings |

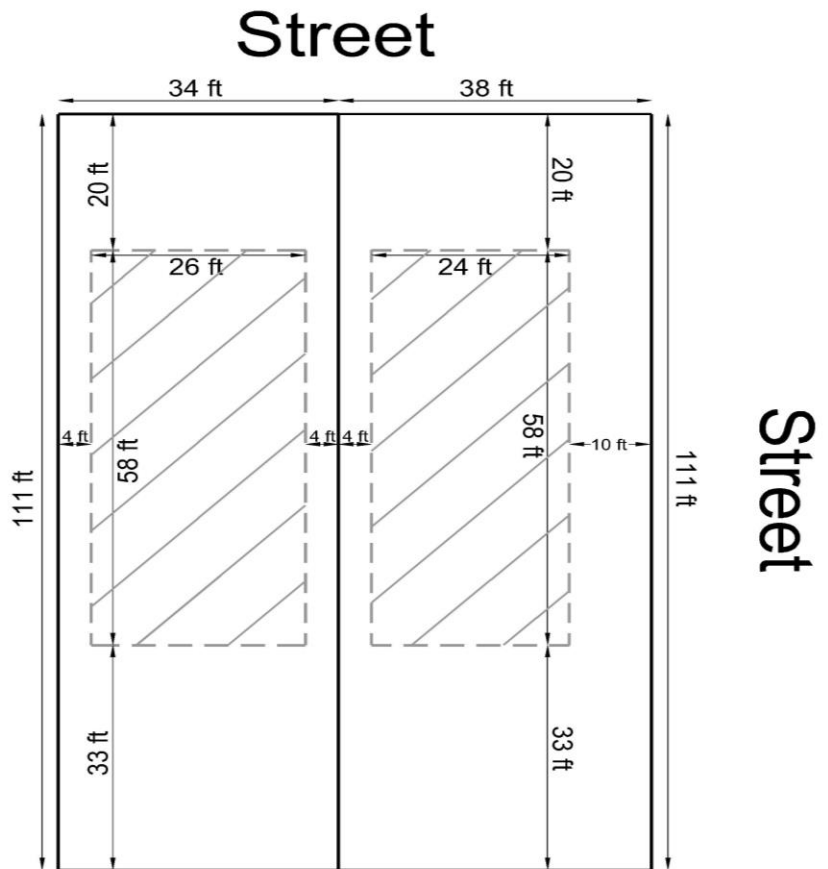
6. Additional Requirements

- a) all dwellings will include a front garage
- b) all dwellings will be two storeys or bi-levels (*Bylaw 708/14*)
- c) dwelling units with identical floor plans or similar front elevations will be separated by a minimum of one lot unless d) below
- d) building design, character, finishing materials and treatments (windows, entrance, building projections, roof lines) are substantially different

- e) driveway locations will be grouped together in pairs to maximize on-street parking spaces (please refer to sketch below)
- f) ~~deleted – Bylaw 708/14~~
- g) All uses must also comply with the regulations in Part III: General Land Use Regulations



Grouping of Driveways



5.5 General Residential District (R2)

1. Purpose

To provide areas for a range of low density residential dwelling types consisting of single detached dwelling, duplexes and compatible uses which are connected to the municipal sewer and water systems.

2. Permitted Uses

Accessory buildings
Duplexes
Home occupations, minor

3. Discretionary Uses

Accessory uses	Public and quasi-public uses
Adult care residences	Public utility facilities
Bed and breakfasts	Sea cans (in accordance with Section 3.5)
Boarding/lodging facilities	Secondary suites
Day care facilities	Single-detached dwellings
Four-plexes approved prior to the adoption of this <i>Land Use Bylaw 661/11</i>	Signs (in accordance with Part IV: Sign Regulations):
Home occupations, major	Neighbourhood identification signs
Manufactured homes meeting Section 3.36	Temporary signs
Places of worship	Social care facilities
Playgrounds/parks	

4. Minimum Requirements

a) Site Area:

Single-detached dwellings	460 m ² (4,952 sq. ft.) for interior parcels; 510 m ² (5,490 sq. ft.) for corner parcels.
Duplexes	325 m ² (3,497 sq. ft.) per unit for interior parcels; 370 m ² (3,981 sq. ft.) per unit for corner parcels.

Other uses at the discretion of the Subdivision Authority.

b) Lot Width: 15.2 m (50 ft.) for single-detached dwellings;
Other uses at the discretion of the Subdivision Authority.

c) Front Yard: 6.0 m (20 ft.).

d) Side Yard: 1.5 m (5 ft.);
3.0 m (10 ft.) where abutting a street.

e) Rear Yard: 10.0 m (33 ft.).

5. Maximum Limits

a) Site Coverage: 55%

b) Building Height: 10.0 m (33 ft.) for principal buildings.

6. Additional Requirements
 - a) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.6 Multiple Unit Residential District (R3)

1. Purpose

To provide areas for a variety of higher density residential dwelling types and compatible uses which are connected to the municipal sewer and water systems.

2. Permitted Uses

Accessory buildings
 Four-plexes
 Home occupations, minor
 Row housing

3. Discretionary Uses

Accessory uses	Playgrounds/parks
Adult care residences	Public and quasi-public uses
Apartment buildings	Public utility facilities
Bed and breakfasts	Sea cans (in accordance with Section 3.5)
Boarding/lodging facilities	Signs (in accordance with Part IV: Sign Regulations):
Day care facilities	Neighbourhood identification signs
Home occupations, major	Temporary signs
Multiple housing developments	Social care facilities
Places of worship	

4. Minimum Requirements

a) Site Area:

Four-plexes	200 m ² (2,153 sq. ft.) per unit for interior parcels; 220 m ² (2,368 sq. ft.) per unit for corner parcels.	
Row housing	185 m ² (1,991 sq. ft.) per interior unit parcels; 240 m ² (2,583 sq. ft.) per corner unit parcels.	[682/12] [682/12]
Apartment buildings	1.3 times the buildings total floor area;	
Other uses at the discretion of the Subdivision Authority.		

b) Lot Width: All uses at the discretion of the Subdivision Authority.

c) Front Yard: 6.0 m (20 ft.)

d) Side Yard: 1.5 m (5 ft.);
3.0 m (10 ft.) where abutting a street.

e) Rear Yard: 3.0 m (10 ft.) for apartment buildings;
6.0 m (20 ft.) for apartment buildings abutting a street.
8.0 m (26 ft.).

5. Maximum Limits

a) Site Coverage: 55%
75% for apartment building sites.

- b) Building Height: 10.0 m (33 ft.) for principal buildings;
13.5 m (44 ft.) for principal apartment buildings.
6. Additional Requirements
- a) Front access intended to serve individual dwelling units shall not be permitted along Hawkrige Boulevard. Access points onto Hawkrige Boulevard for a large site designed with internal circulation roads serving three or more dwelling units are permitted. [662/11]
 - b) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.7 Low Density Residential Small Holdings District (R4)

1. Purpose

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

2. Permitted Uses

Accessory buildings
Single-detached dwellings
Home occupations, minor

3. Discretionary Uses

Accessory uses	Public utility facilities
Adult care residences	Sea cans (in accordance with Section 3.5)
Bed and breakfasts	Secondary suites
Day care facilities	Signs (in accordance with Part IV: Sign Regulations):
Home occupations, major	Neighbourhood identification signs
Manufactured homes meeting Section 3.36	Temporary signs
Playgrounds/parks	Social care facilities
Public and quasi-public uses	

4. Minimum Requirements

- a) Site Area: All the land contained in the parcel on which the development is to be located as recorded on the Certificate of Title registered in the North Alberta Land Registration District, unless otherwise approved by the Subdivision Authority.
- b) Lot Width: The frontage of the present parcel as shown on the registered plan or Certificate of Title registered in the North Alberta Land Registration District, unless otherwise approved by the Subdivision Authority.
- c) Front Yard: 7.5 m (25 ft.).
- d) Side Yard: 1.5 m (5 ft.);
3.0 m (10 ft.) where abutting a street.
- e) Rear Yard: 10.0 m (33 ft.).

5. Maximum Limits

- a) Site Coverage: 40%
- b) Building Height: 10.0 m (33 ft.) for principal buildings.

6. Additional Requirements

- a) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.8 Manufactured Home Residential District (R5)

1. 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 site parks, where sites are leased or owned as part of a condominium.

2. Permitted Uses

Accessory buildings
 Manufactured homes
 Manufactured home parks

3. Discretionary Uses

Accessory uses
 Home occupations, minor
 Playgrounds/parks
 Private community facilities as part of a
 Manufactured Home Park
 Public and quasi-public uses

Public utility facilities
 Sea cans (in accordance with Section 3.5)
 Signs (in accordance with Part IV: Sign Regulations):
 Neighbourhood identification signs
 Temporary signs

Single Site Subdivision:

4. Minimum Requirements

- | | |
|----------------|--|
| a) Site Area: | 460 m ² (4,952 sq. ft.) for interior parcels;
510 m ² (5,490 sq. ft.) for corner parcels. |
| b) Lot Width: | 12.2 m (40 ft.). |
| c) Front Yard: | 6.0 m (20 ft.). |
| d) Side Yard: | 1.5 m (5 ft.);
3.0 m (10 ft.) where abutting a street. |
| e) Rear Yard: | 3.0 m (10 ft.). |

5. Maximum Limits

- | | |
|---------------------|--|
| a) Site Coverage: | 50% |
| b) Building Height: | 10.0 m (33 ft.) for principal buildings. |

Multiple Site Park:

6. Minimum Requirements

- | | |
|---------------|---|
| a) Site Area: | 2.0 ha (5 ac.) for manufactured home parks. |
| b) Yards: | 3.9 m (13 ft.) separation of principal buildings; [Bylaw 730/16]
7.0 m (23 ft.) from all park boundaries;
3.0 m (10 ft.) from all internal roads and parking areas. |

- c) Internal Circulation Widths: 12.0 m (39.4 ft.) for road rights-of-way; [Bylaw 730/16]
8.0 m (26 ft.) for road carriageways;
1.5 m (5 ft.) for pedestrian walkways.

7. Maximum Limits

- a) Site Coverage: 60% [Bylaw 730/16]
b) Building Height: 10.0 m (33 ft.) for principal buildings.
c) Gross Density: 18 homes per hectare (7.58 per acre). [Bylaw 730/16]

8. Additional Requirements

- 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 sites. This storage area will provide for a minimum total area of 20.0 m² (215 sq. ft.) per home 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 net 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 sub-grade.
e) All interior roads will be hard surfaced to the satisfaction of the Development Authority and will include appropriate drainage.
f) All uses must also comply with the regulations in Part III: General Land Use Regulations.

9. Additional Requirements

- a) All manufactured homes will have a minimum roof pitch of 4:12 (Rise:Run);
b) All manufactured homes will have a minimum overhang or eaves of 0.3m (1ft);
c) All manufactured homes will have a maximum length to width ration of 4.75:1
d) All manufactured homes will have a minimum floor area of 93m² (1000ft²);
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 permanent foundation consisting of a basement, crawl space, slab on grade or permanent pile;
h) A minimum of 2 parking stalls per manufactured home will be provided;

- i) The fencing of the manufactured home park must be consistent with the development plans forming part of this district;
- j) No manufactured home that is greater than 5 years in age will be permitted in a manufactured home subdivision or manufactured home park.”

[Bylaw 730/16]

5.9 General Commercial District (C1)

1. Purpose

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

2. Permitted Uses

Accessory buildings
Financial institutions
Financial services
Funeral homes/crematoriums

Health services facilities
Personal service facilities
Retail establishments

3. Discretionary Uses

Accessory dwellings on the ground floor
Accessory uses
Automotive and motorized equipment repair
Automotive and recreational vehicle sales and rental
Bus depots
Convenience stores
Drive-thru/express establishments
Dwelling units above the ground floor
Eating and drinking establishments
Gas bars
Parking lots/structures
Private lodges/clubs
Public and quasi-public uses
Public utility facilities

Sea cans (in accordance with Section 3.5)
Service stations
Signs (in accordance with Part IV: Sign Regulations):
A-board signs
Awning signs
Billboards
Fascia signs
Freestanding signs
Neighbourhood identification signs
Portable signs
Projecting signs
Roof top signs
Temporary signs
Veterinary clinics

4. Minimum Requirements

- | | |
|----------------|--|
| a) Site Area: | All uses at the discretion of the Subdivision Authority. |
| b) Lot Width: | All uses at the discretion of the Subdivision Authority. |
| c) Front Yard: | All uses at the discretion of the Development Authority. |
| d) Side Yard: | 3.0 m (10 ft.) where abutting a street. |
| e) Rear Yard: | All uses at the discretion of the Development Authority. |

5. Maximum Limits

- | | |
|---------------------|--|
| a) Site Coverage: | All uses at the discretion of the Development Authority. |
| b) Building Height: | 10.0 m (33 ft.). |

6. Additional Requirements

- 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) All uses must also comply with the regulations in Part III: General Land Use Regulations.
- d) That all Commercial Development be consistent with the Town of Penhold Commercial Design Standards [Bylaw 695/13]

5.10 Highway Commercial District (C2)

1. 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.

2. Permitted Uses

Accessory buildings		Health Services Facilities	[Bylaw 685/12]
Automotive and recreational vehicle sales and rental		Hotels	
Drive-thru/express establishments		Motels	
Eating and drinking establishments		Personal Services Facilities	[Bylaw 685/12]
Financial Institutions	[Bylaw 685/12]	Retail establishments	
Financial Services	[Bylaw 685/12]	Service stations	
Gas bars			

3. Discretionary Uses

Accessory dwellings on the ground floor [Bylaw 685/12]		Public and quasi-public uses	
Accessory uses		Public utility facilities	
Automotive and motorized equipment repair		Sea cans (in accordance with Section 3.5)	
Bus depots		Signs (in accordance with Part IV: Sign Regulations):	
Car washes		Awning signs	
Commercial indoor/outdoor amusement and recreation facilities		Billboards	
Convenience stores		Fascia signs	
District shopping centres		Freestanding signs	
Drive-thru/Express Establishments [Bylaw 685/12]		Neighbourhood identification signs	
Dwelling Units above the ground floor [Bylaw 685/12]		Portable signs	
Funeral Homes [Bylaw 685/12]		Roof top signs	
Home improvement centres		Temporary signs	
Parking lots/structures		Wall 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		Veterinary Clinics	[Bylaw 685/12]
			[Bylaw 685/12]

4. Minimum Requirements

- a) Site Area: All uses at the discretion of the Subdivision Authority.
- b) Lot Width: 30 m (100 ft.).
- c) Front Yard: 6.0 m (20 ft.).
- d) Side Yard: 3.0 m (10 ft.).
- e) Rear Yard: 6.0 m (20 ft.).

5. Maximum Limits

- a) Site Coverage: 80%
- b) Building Height: 10.0 m (33 ft.).

6. Additional Requirements

- a) All outdoor display or storage of materials or product must be screened to the satisfaction of the Development Authority.
- b) A minimum of 3.0 m (10 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 will be landscaped. 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.
- c) All uses must also comply with the regulations in Part III: General Land Use Regulations.
- d) That all Commercial Development be consistent with the Town of Penhold
Commercial Design Standards [Bylaw 695/13]

5.11 Industrial/Business Service District (IB)

1. Purpose

To provide areas for a limited range of light industrial support services and compatible uses that has limited outdoor storage and carry 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.

2. Permitted Uses

Accessory buildings	Sea cans (in accordance with Section 3.5)
Business support industries	Warehousing
General contractor	

3. Discretionary Uses

Accessory uses
Signs (in accordance with Part IV: Sign Regulations):

Awning signs	Projecting signs
Billboards	Roof top signs
Fascia signs	Temporary signs
Freestanding signs	Wall signs
Portable signs	

4. Minimum Requirements

- a) Site Area: All uses at the discretion of the Subdivision Authority.
- b) Lot Width: 22.0 m (72 ft)
- c) Front Yard: 6.0 m (20 ft)
- e) Side Yard: 3.0 m (10 ft)
- f) Rear Yard: 6.0 m (20 ft)

5. Maximum Limits

- a) Site Coverage 80%
- b) Building Height 10.0 m (33 ft)

6. Additional Requirements

- a) All outdoor display or storage of materials or products must be screened to the satisfaction of the Development Authority.
- b) 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. 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.
- c) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.12 Light Industrial District (I1)

1. 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.

2. Permitted Uses

Accessory buildings	Personal storage facilities
Automotive and recreational vehicle sales and rental	Public and quasi-public uses
Automotive and motorized equipment repair	Public utility facilities
Business support industries	Recycling depots
Home improvement centres	Sea cans (in accordance with Section 3.5)
Light manufacturing	Veterinary clinics
	Warehousing

3. Discretionary Uses

Accessory uses
Car washes
General contractors
Signs (in accordance with Part IV: Sign Regulations):

Awning signs	Freestanding signs	Roof top signs
Billboards	Portable signs	Temporary signs
Fascia signs	Projecting signs	Wall signs

4. Minimum Requirements

- | | |
|----------------|--|
| a) Site Area: | All uses at the discretion of the Subdivision Authority. |
| b) Lot Width: | 30 m (100 ft.). |
| c) Front Yard: | 6.0 m (20 ft.). |
| d) Side Yard: | 3.0 m (10 ft.). |
| e) Rear Yard: | 6.0 m (20 ft.). |

5. Maximum Limits

- | | |
|---------------------|------------------|
| a) Site Coverage: | 80% |
| b) Building Height: | 10.0 m (33 ft.). |

6. Additional Requirements

- a) All outdoor display or storage of materials or product will be screened to the satisfaction of the Development Authority.
- c) 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. 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.

- d) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.13 Industrial District (I2)

1. 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.

2. Permitted Uses

Accessory buildings	Public and quasi-public uses
Automotive and recreational vehicle sales and rental	Public utility facilities
Automotive and motorized equipment repair	Sea cans (in accordance with Section 3.5)
Business support industries	Veterinary clinics
General contractors	Warehousing
Light manufacturing	

3. Discretionary Uses

Accessory uses	Signs (in accordance with Part IV: Sign Regulations):
Auction facilities	Awning signs
Auto salvage yards	Billboards
Bulk oil and chemical storage	Fascia signs
Heavy manufacturing	Freestanding signs
Natural resource processing	Portable signs
Outdoor storage facilities	Projecting signs
Veterinary hospitals	Roof top signs
	Temporary signs
	Wall signs

4. Minimum Requirements

- a) Site Area: All uses at the discretion of the Subdivision Authority.
- b) Lot Width: 30 m (100 ft.).
- c) Front Yard: 6.0 m (20 ft.) where adjacent to a service or local road.
- d) Side Yard: 3.0 m (10 ft.).
- e) Rear Yard: 6.0 m (20 ft.).

5. Maximum Limits

- a) Site Coverage: 80%
- b) Building Height: 10.0 m (33 ft.).

6. Additional Requirements

- a) All outdoor display or storage of materials or product must be screened to the satisfaction of the Development Authority.
- b) 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. 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.

- c) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.14 Public and Institutional District (PI)

1. Purpose

To provide areas for the development of land for primary multi-use recreational facilities and compatible uses.

2. Permitted Uses

Accessory buildings	Places of worship
Adult care residences	Playgrounds/parks
Clubs/lodges	Public and quasi-public uses
Commercial indoor amusement and recreation facilities	Public utility facilities
Eating and drinking establishments	Spectator sports facilities
Education facilities	Day care facilities

3. Discretionary Uses

Accessory uses	
Cemeteries	
Golf courses	
Sea cans (in accordance with Section 3.5)	
Signs (in accordance with Part IV: Sign Regulations):	
A-board signs	Portable signs
Awning signs	Projecting signs
Billboards	Temporary signs
Fascia signs	Wall signs
Freestanding signs	

4. Minimum Requirements

- | | |
|----------------|--|
| a) Site Area: | All uses at the discretion of the Subdivision Authority. |
| b) Lot Width: | All uses at the discretion of the Subdivision Authority. |
| c) Front Yard: | All uses at the discretion of the Development Authority. |
| d) Side Yard: | All uses at the discretion of the Development Authority. |
| e) Rear Yard: | All uses at the discretion of the Development Authority. |

5. Maximum Limits

- | | |
|---------------------|--|
| a) Site Coverage: | All uses at the discretion of the Development Authority. |
| b) Building Height: | 12.2 m (40 ft.). |

6. Additional Requirements

- All outdoor display or storage of materials or product must be screened to the satisfaction of the Development Authority.
- All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.15 Urban Reserve District (UR)

1. Purpose

To reserve land for future subdivision and development until an overall plan is prepared for and approved by Council.

2. Permitted Uses

Agricultural operations existing at the date of adoption of this *Land Use Bylaw*
Public utility facilities

3. Discretionary Uses

Accessory buildings
Accessory uses
Public and quasi-public uses
Sea cans (in accordance with Section 3.5)
Signs (in accordance with Part IV: Sign Regulations):
 Billboards
Single-detached dwellings

4. Minimum Requirements

- a) Site Area: All the land contained in the Certificate of Title registered in the North Alberta Land Registration District, unless otherwise approved by the Subdivision Authority.
- b) Lot Width: The frontage of the present parcel as shown on the registered plan or Certificate of Title registered in the North Alberta Land Registration District, unless otherwise approved by the Subdivision Authority.
- c) Front Yard: All uses at the discretion of the Development Authority.
- d) Side Yard: All uses at the discretion of the Development Authority.
- e) Rear Yard: All uses at the discretion of the Development Authority.

5. Maximum Limits

- a) Site Coverage: All uses at the discretion of the Development Authority.
- b) Building Height: All uses at the discretion of the Development Authority.

6. Additional Requirements

- a) All outdoor display or storage of materials or product must be screened to the satisfaction of the Development Authority.
- b) All uses must also comply with the regulations in Part III: General Land Use Regulations.

5.16 Direct Control District (DC)

1. Purpose

To authorize and allow Council to exercise particular and specific direction and control over the use and development of land and buildings in particular areas of the Municipality.

2. 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.

3. Development Considerations

- a) Council may regulate the following in consideration of a development within the Direct Control District:
 - i. minimum requirements;
 - ii. maximum limits;
 - iii. parking;
 - iv. landscaping and screening;
 - v. utilities and servicing;
 - vi. environmental impacts;
 - vii. public consultation;
 - viii. other matters deemed relevant by Council.
- b) Council may impose terms and conditions, including performance bonding, with or without a caveat registered against the certificate of title.
- c) All existing development contained within a prior direct control district, at the time of passing of this bylaw, must adhere to the development standards implied to it within that prior district until such time that a further development permit is required.

5.17 Environmental Open Space District (EOS)

1. Purpose
To provide for the preservation of environmentally sensitive and significant areas for conservation and active or passive public recreation.
2. Permitted Uses
Natural environmental preservation
Playground/parks
3. Discretionary Uses
Accessory uses
Golf Courses
Public utility facilities
4. Minimum Requirements
 - a) Site Area: All the land contained in the parcel considered to be environmentally sensitive and/or significant for conservation, unless otherwise approved by the Subdivision Authority.
 - b) Lot Width: The frontage of the land contained in the parcel considered to be environmentally sensitive and/or significant, unless otherwise approved by the Subdivision Authority.
 - c) Front Yard: All uses at the discretion of the Development Authority.
 - d) Side Yard: All uses at the discretion of the Development Authority.
 - e) Rear Yard: All uses at the discretion of the Development Authority.
5. Maximum Limits
 - a) Site Coverage: All uses at the discretion of the Development Authority.
 - b) Building Height: All uses at the discretion of the Development Authority.
6. Additional Requirements:
 - a) All outdoor display or storage of materials or product must be screened to the satisfaction of the Development Authority.
 - b) All uses must also comply with the regulations in Part III: General Land Use Regulations.